

Chapter 124

ZONING

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Schedule of Uses

[HISTORY: Adopted by the Borough Council of Borough of Matamoras 2-1-1994 by Ord. No 238. Amendments noted where applicable]

GENERAL REFERENCES

Planning Commission — See Ch. 22.
 Building permits — See Ch. 48.
 Unsafe buildings — See Ch. 49.

Floodplain development — See Ch. 63.
 Streets and sidewalks — See Ch. 105.
 Subdivision of land — See Ch. 108.

**ARTICLE I
 General Provisions**

§ 124-1. Repealer; conflict of provisions.

This chapter, as adopted herein and as may be duly amended by the Borough Council, shall repeal and replace in total the Matamoras Borough Zoning Ordinance of December 7, 1982, as amended. This chapter is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the Borough of Matamoras. If any other ordinance, code or regulation of the Borough of Matamoras is in conflict or inconsistent with the requirements of this chapter, the most restrictive standards and provisions shall apply.

§ 124-2. Title.

This chapter is an ordinance permitting, prohibiting, regulating, restricting and determining the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as courts, yards and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; creating zoning districts and establishing the boundaries thereof; authorizing the appointment of a zoning officer; creating a zoning hearing board; and providing for the administration, amendment and enforcement of this chapter, including the imposition of penalties. This chapter shall be known and may be cited as the "Matamoras Borough Zoning Ordinance."

§ 124-3. Purpose.

This chapter is adopted in accordance with an overall land use control program and with consideration for the character of the municipality, its various parts and the suitability of the

various parts for particular uses and structures. This chapter is enacted for the following purposes:

- A. To promote, protect and facilitate one (1) or more of the following: the public health, safety, morals and general welfare; coordinated and practical community development; density of population; civil defense and disaster evacuation, airports and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources; agricultural land and uses; reliable, safe and adequate water supplies; safe and adequate sewerage disposal; schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.¹
- B. To prevent one (1) or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

§ 124-4. Interpretation.

In interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and the general welfare of the borough and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the borough except that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinances, the provisions of this chapter shall control.

§ 124-5. Community development objectives.

This chapter has been adopted in part to assist in implementing the Matamoras Borough Comprehensive Plan. The community development objectives supplement the goals and objectives in the Comprehensive Plan and include, but are not limited to, the following:

- A. To provide the opportunity for safe, decent, sanitary housing and living environments, with the maximum range of choice in type and location for all families and individuals.
- B. To ensure that the land uses of the community are logically situated in relation to one another.
- C. To provide adequate space for each type of development in the community so as to avoid overcrowding of land.
- D. To provide for the control of development density in each neighborhood so that the populace can be serviced adequately by such facilities as streets, schools, recreation and utilities systems.
- E. To protect existing property by requiring that development afford adequate light, air and privacy for persons living and working within the municipality.

1. Editor's Note: See 53 P.S. § 10101 et seq.

- F. To facilitate the efficient movement of traffic.
- G. To secure the preservation and prudent use of natural resources.
- H. To strive for a variety in housing types.
- I. To provide for equal opportunities in all facets of community living.
- J. To strive for coordination between policies, plans and programs in the community through cooperation among governing officials, community interest groups and the general populace.

ARTICLE II Terminology

§ 124-6. Rules of construction; word usage.

The following rules of construction shall apply to this chapter:

- A. For the purpose of this chapter, certain terms and words are herein defined. Whenever used in this chapter, they shall have the meanings indicated in this Article, except where there is indicated, in context, a different meaning.
- B. The particular shall control the general.
- C. The words "shall" and "must" are mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present sense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase "used for" includes "arranged for," "designed for," "intended for" and/or "occupied for."
- F. The word "person" includes "individual," "profit or nonprofit organization," "partnership," "company," "unincorporated association," "corporation" or other similar entities.

§ 124-7. Terms, phrases and words not defined.

When terms, phrases or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

§ 124-8. Definitions.

- A. For the purposes of this chapter, the following words, terms and phrases shall have the meanings indicated herein:

ACCESSORY BUILDING, STRUCTURE OR USE — A use of land or of a building or portion thereof or a building or structure customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. Playhouses, doghouses and animal pens shall be considered "accessory structures" for the purposes of this chapter.

ADULT BUSINESS — Use of a building or land for a business which has obscene materials as a significant portion of its stock-in-trade or involves the sale, lease, trade, gift or display of drug paraphernalia. Obscene materials include any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes any specified anatomical areas and/or specified sexual activities. Drug paraphernalia includes any objects, devices, instruments, apparatus or contrivances whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under Pennsylvania law. For the purposes of this chapter, "adult businesses" shall also include any nightclub, bar, restaurant, arcade, theater or any other establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, videocassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas or where any specified sexual activities are conducted for economic gain or any other form of consideration.

- (1) **SPECIFIED ANATOMICAL AREAS** —As used herein, "specified anatomical areas" means and includes any of the following:
 - (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
 - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (2) **SPECIFIED SEXUAL ACTIVITIES** — Includes any of the following:
 - (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - (c) Masturbation, actual or simulated; or
 - (d) Excretory functions as part of or in connection with any of the activities set forth in Subsections A(2)(a) through (c) of this definition.

ADULT DAY CARE— Care given for part of the twenty-four-hour day to adults requiring assistance to meet personal needs and who, because of physical or mental infirmity, cannot themselves meet these needs, but who do not require nursing care.

ADULT DAY-CARE CENTER — Any premises or portion thereof operated for profit, in which adult day care is simultaneously provided for four (4) or more adults who are not relatives of the operator.

ALTERATION — Any change or rearrangement in the structural parts or in the existing facilities of a building or structure which increases or decreases the area of the building or structure whether by extension on any side or by an increase in height; or the moving of such building from one (1) location to another.

AMUSEMENT ARCADE — A building or part of a building in which five (5) or more pinball machines, video games or other similar player-operated amusement devices are maintained.

AMUSEMENT PARK — A commercially operated park or facility with various devices for entertainment, including but not limited to rides, games, electronic games and similar devices, food stands and other associated facilities.

ANIMAL HOSPITAL — A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

APPLICANT— See "person."

AUCTION HOUSE — A building where goods, chattel and other property are offered to the public for sale and which are sold to the highest bidder.

BASEMENT— A story partly below the finished grade but having at least one-half (1/2) of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A "basement" shall be considered as one (1) story in determining the permissible number of stories.

BED-AND-BREAKFAST — Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire, usually for short tourist-related stays, with meals normally included as a part of the services rendered.

BLOCK OR LOT FRONTAGE — That portion of a block or lot which fronts on a single street.

BOARDING HOME— Any dwelling in which four (4) or more persons, either individually or as families, are housed or lodged for hire for extended periods with meals normally but not necessarily included as a part of the services rendered, and rental rooms contain no cooking facilities and bathrooms are normally shared with other boarders.

BODY PIERCING— The performance of physically perforating (for purposes of insertion of decorative jewelry) the skin of a person(s) by another person for a certain monetary compensation. **[Added 10-8-2002 by Ord. No. 267]**

BOROUGH — The Borough of Matamoras, Pike County.

BOROUGH COUNCIL — The Borough Council of the Borough of Matamoras, Pike County, Pennsylvania.

BUFFER — A part of a required setback area (yard) which is used to provide separation between incompatible uses to effect a visual barrier, reduce noise, block physical passage between uses and reduce noise, dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof; and, in general, widths of buffers are increased as the density or opaqueness of the barrier decreases.

BUILDING — A structure formed of any combination of materials which is erected on the ground and permanently affixed thereto and designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals or property of any kind. A multifamily building divided by unpierced masonry walls extending from the ground to the underside of the roof shall not be deemed to be more than one (1) "building" for the purpose of this chapter.

BUILDING, ATTACHED — A building which has two (2) or more walls or portions thereof in common with an adjacent building.

BUILDING COVERAGE — The percentage of lot area which shall be allowed to be covered with roofed structures.

BUILDING, DETACHED — A building surrounded by open space on all four (4) sides within the same lot.

BUILDING HEIGHT— The vertical distance from the grade at the front of the building, or the average of the grades of the street fronts if the building faces more than one (1) street, to the highest point of the roof beams of a flat roof and to the mean height between eaves and ridge for gabled, hipped and pitched roofs.

BUILDING LINE OR BUILDING SETBACK LINE— A fixed line within property, defining the minimum distance between any building or structure or portion thereof to be erected or altered and an adjacent right-of-way or street line.

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, SEMIDETACHED — A building which has one (1) wall or portion thereof in common with an adjacent building.

BUS TERMINAL — An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities.

CARPORT— A roofed-over structure open on two (2) or more sides and used in conjunction with a dwelling, for the storage of private motor vehicles.

CAR WASH— Any building or premises or portions thereof used for washing automobiles, trucks, buses or other vehicles for commercial purposes.

CELLAR— A story partly below the finished grade, having one-half (1/2) or more of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A "cellar" shall not be considered a story in determining the permissible number of stories.

CERTIFICATE OF USE AND OCCUPANCY — A statement, based on an inspection, signed by the Zoning Administrative Officer, setting forth that a building, structure, sign and/or land complies with this chapter and/or that a building, structure, sign and/or land may be lawfully employed for specific uses as set forth therein.

CHILD-CARE CENTER — Any establishment enrolling four (4) or more children and where tuition, fees or other forms of compensation for the care of the children are charged.

CHILD DAY CARE— Care in lieu of parental care given for part of the twenty-four-hour day to children under sixteen (16) years of age, away from their own homes, but does not include child day care furnished in places of worship during religious services nor child day care provided by an employer to its employees so long as such a center is housed within the employer's facility.

CHILD DAY-CARE CENTER — Any premises or portion thereof operated for profit in which child day care is provided simultaneously for seven (7) or more children who are not relatives of the operator.

CHURCH — A building used for public worship, and including associated facilities but not including other uses specifically listed on the Schedule of Uses,² unless said use is permitted in the district.

CLEAR SIGHT TRIANGLE— An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

CLUB/LODGE, PRIVATE — An establishment operated for social, athletic, recreational or educational purposes but open only to members and not generally open to the general public.

COMMERCIAL COMMUNICATIONS DEVICE— Any device with is intended for transmitting or receiving commercial television, radio or telephone communications, excluding the following: **[Added 5-5-2002 by Ord. No. 264]**

- (1) Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
- (2) Military and government radar antennas and associated communications towers used for navigational purposes as regulated by 47 CFR 87.
- (3) Amateur (ham) and citizen band transmitting and receiving antennas and associated communications towers as regulated by 47 CFR 97 and 47 CFR 95, respectively, and which are less than 45 feet in height.
- (4) Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer, or watercraft.

2. Editor's Note: The Schedule of Uses, is included at the end of this chapter.

- (5) A radio frequency machine which is designated and marketed as a consumer product, such as microwave ovens, radio control toys, and television satellite dishes.

COMMERCIAL COMMUNICATIONS DEVICE SUPPORT STRUCTURE— Any pole, telescoping mast, tower, tripod, or any other structure which supports a commercial communications device. [Added 5-5-2002 by **Ord.** No. 264]

COMMERCIAL COMMUNICATIONS DEVICE SUPPORT STRUCTURE HEIGHT— The vertical distance measured from the base of the support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height. [Added 5-5-2002 by **Ord.** No. 264]

COMMERCIAL VEHICLE — Any motor vehicle which is required by law to bear any license plate other than that issued for private passenger car use; and any motor vehicle, including passenger cars identified or commonly associated with any business, industry or public agency, shall be considered a "commercial vehicle" under the terms of this chapter.

COMMISSION — The Planning Commission of Matamoras Borough.

COMPREHENSIVE PLAN — The Matamoras Borough Comprehensive Plan, including all maps, charts and textual matter.

CONDITIONAL USE — A use which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this chapter are satisfied. "Conditional uses" are allowed or denied by the Borough Council after recommendations by the Planning Commission, and the Council may establish such conditions deemed reasonable to protect adjoining uses and the general public health, safety and welfare.

CONTRACTOR'S YARD— Any premises used as the base of operation by any tradesman, contractor or subcontractor for the storage of equipment and supplies, fabrication of subassemblies and parking of vehicles and equipment used in any contracting business or trade.

CONVENIENCE STORE — A one-story, retail store containing less than two thousand (2,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It may also include the sale of gasoline but shall not include the repair or service of vehicles.

COUNCIL — The Borough Council of the Borough of Matamoras, Pike County.

DECK— An elevated [more than six (6) inches] attached or unattached accessory structure constructed of wood with no walls or roof. As an accessory structure, it must meet the required setbacks.

DETENTION FACILITY — A publicly operated or regulated facility used to house and/or rehabilitate individuals detained or sentenced by the criminal justice system,

including but not limited to jails, prisons, penitentiaries, reformatories and similar facilities.

DEVELOPER — Any landowner, agent of such owner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development.

DWELLING— A structure or portion thereof which is used exclusively for human habitation.

DWELLING, SINGLE-FAMILY — A dwelling unit detached from any other dwelling unit accommodating a single family and having two (2) side yards.

DWELLING STRUCTURE, MULTIFAMILY — A building or buildings, not exceeding the height requirements of this chapter, designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term "multifamily dwelling" shall include condominium as well as non-condominium housing units, including the following construction types:

- (1) **RESIDENTIAL CONVERSION TO APARTMENTS** — Conversion of an existing single-family detached dwelling into three (3) to five (5) dwelling units.
- (2) **APARTMENT BUILDING** — Multifamily dwellings originally designed as such, containing three (3) or more dwelling units.
- (3) **TOWNHOUSE** — Multifamily dwelling of three (3) or more dwelling units in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one (1) or more common fire-resistant walls.

DWELLING, TWO-FAMILY— A dwelling accommodating two (2) families living independently with no common cooking or sanitary facilities, the units attached either side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit, or upstairs/downstairs units.

DWELLING UNIT— One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

ESSENTIAL SERVICES — Municipal or public utility facilities which do not require enclosure in a building, which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including the construction or maintenance of gas, electrical, steam, telephone, sewage treatment plants and collection systems or water distribution systems, including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment. Buildings, solid waste disposal facilities, commercial communications towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the PA Public Utility Commission shall not be considered essential services. (For essential services

requiring enclosure in a building, see "public or semipublic use.") [**Amended 5-5-2002 by Ord. No. 264**]

FACADE — The exterior wall of a building exposed to public view or that wall viewed by persons not inside the building.

FAST-FOOD RESTAURANT — An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises, and which may include facilities that enable customers to obtain food while remaining in their vehicles.

FENCE— A structure erected as a barrier to prevent entry or escape, to mark a boundary or for ornamental or landscaping purposes, and typically constructed of posts and/or other supports in combination with wire, boards or other materials.

GARAGE, PRIVATE— An enclosed space for the storage of one (1) or more private motor vehicles, provided that no business, occupation or service is conducted therein.

GARDEN CENTER, RETAIL— A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping.

GASOLINE SERVICE STATION— A structure, building or area of land or any portion thereof that is used for the sale of gasoline and oil or any other motor vehicle fuel and/or other lubricating substance, which may or may not include facilities for lubricating, washing, sale of accessories and otherwise servicing motor vehicles, but not including the painting and/or body work thereof. Any business or industry dispensing gasoline and servicing vehicles only for its own use will not be deemed to be a "gasoline service station."

GREENHOUSE, COMMERCIAL— A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale distribution and including associated structures for office space and storage, but not including retail sales of any products or services.

GREENHOUSE, PRIVATE — An accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, used for growing of plants for private use by the inhabitants of the principal structure.

GROSS FLOOR AREA — The sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls or from the center line of a wall separating two (2) buildings, but not including interior parking spaces, loading space for vehicles or any space where the floor-to-ceiling height is less than six (6) feet.

GROUP HOME — A facility or dwelling unit where a group of not more than seven (7) individuals, including staff, not related by blood, marriage, adoption or guardianship are living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability and which is typically administered by a public or nonprofit agency. Any facility housing more than seven (7) individuals, including staff, shall be considered a health facility.

HEALTH FACILITIES — Establishments primarily engaged in providing services for human health maintenance, including hospital facilities, nursing facilities and medical and dental clinics and offices, whether publicly or privately operated, but not including rehabilitation centers.

HEIGHT OF SIGN OR OTHER STRUCTURE (WHICH IS NOT A BUILDING) — The vertical distance measured from the grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

HOME OCCUPATION — Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling and no goods are publicly displayed on the premises other than an approved sign; professional practice by a single practitioner of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers and veterinarians and similar types of professional practice uses; but excluding stables, kennels, animal breeding and similar uses; excluding motor vehicle, small engine repair shops and similar uses; and excluding other uses not meeting the standards in § 124-14 of this chapter.

HOTEL — A facility offering temporary [generally for periods of two (2) weeks or less] lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and limited recreational facilities.

IMMEDIATE SURROUNDING AREA— Any area of the borough which can be described as a distinct neighborhood and which is limited geographically to a size less than one-half (1/2) of the borough land area. Neighborhood commercial uses designed to service such an area shall be limited to those which can be construed as having such a neighborhood as their primary marketing area.

INDUSTRY, HEAVY — A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use engaged in storage of or manufacturing processes using flammable or explosive materials or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT— A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

INTERMEDIATE CARE FACILITY— An institution or portion thereof which provides on a regular basis health-related care and services to resident individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide but who, because of their mental or physical condition, require health-related care and services above the level of room and board.

JUNK— Any scrap, waste, reclaimable material or debris, vehicles or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

JUNKYARD — An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machines, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The outside storage or deposit on a lot of two (2) or more inoperable vehicles which do not have current licenses shall be considered a "junkyard." Agricultural vehicles such as tractors, mowers, etc., which are utilized as part of an active on-going farming operation and contractors' construction equipment shall be exempt from this provision. Automobile sales lots managed by licensed automobile dealers and storage areas for antique autos shall be also exempt from this provision.

KENNEL — The keeping of four (4) or more dogs that are more than six (6) months of age.

LAND DEVELOPMENT — Any of the following activities:

- (1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) Development in accord with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.³

LOT — Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area and width required by this chapter and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land. The term "lot" shall also mean "parcel," "plot," "site" or any similar term.

LOT AREA — The total number of square feet in the lot less any area included in any rights-of-way affecting the lot.

3. Editor's Note: See 53 P.S. § 10503(1.1).

LOT, CORNER— A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five degrees (135°).

LOT DEPTH — The average horizontal distance between the front lot line and the rear lot line.

LOT, INTERIOR — A lot other than a corner lot, on which the front lot line abuts a street but the side lot lines of which do not abut a street.

LOT LINE, FRONT — The line separating the lot from a street.

LOT LINE, REAR — The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE— Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."

LOT WIDTH — The average of the width of a lot at the building setback line and the rear lot line.

MANUFACTURED HOME— A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) or more sections, which arrives at a site complete and ready for installation except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation, including but not limited to mobile homes and modular homes.

MANUFACTURING— Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including but not limited to the assembling of component parts, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, agricultural products processing, wood products industries and the like; and research, engineering or testing laboratories.

MASSAGE— The performance of manipulative exercises using the hands and/or a mechanical device on a person(s)'s skin other than the face or neck by another person(s) for a certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship. **[Added 8-6-2002 by Ord, No. 266]**

MASSAGE PARLOR **[Added 8-6-2002 by Ord. No. 266]** —

- (1) An establishment that meets all of the following criteria:
 - (a) Massages are conducted (see definition);
 - (b) The person conducting the massage is not licensed by the state as a health-care professional or a therapeutic massage therapist, or is not certified by a recognized therapeutic massage organization that requires substantial professional training;

- (c) The massages are not conducted within a licensed hospital, nursing home, personal-care center or office of a medical doctor, physical therapist, chiropractor, or other licensed practitioner;
 - (d) The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.
- (2) A massage parlor shall be considered an "adult business" for the purposes of this Zoning Ordinance.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. This shall include double-wide trailers but exclude homes of modular construction not designed to be moved after erection.

MOBILE HOME LOT — Land occupied or to be occupied by a mobile home in a mobile home park, improved with the necessary utility connections and other appurtenances, and said lot being specifically designated by diversion from other lots in the mobile home park.

MOBILE HOME PARK — A parcel or contiguous parcels of land under single ownership which have been planned and improved for the placement of two (2) or more mobile homes.

MODEL HOME — A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller.

MOTEL — A facility offering temporary [generally for periods of two (2) weeks or less] lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least twenty-five percent (25%) of the rooms having direct access to the outside.

MULTIFAMILY PROJECT — Any development of single parcel of property that includes one (1) or more buildings containing two (2) or more dwelling units and that includes common open space and facilities.

MULTIPLE OCCUPANT COMMERCIAL BUILDING — A building containing two (2) or more independent, nonresidential uses, such uses also being permitted in the district where the multiple occupant building is proposed.

NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity administered or conducted as an accessory use, which is clearly secondary to the use as a residential dwelling and which involves neither customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or

commercial activity must satisfy the following requirements: **[Added 11-1-2005 by Ord. No. 282]**

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the swelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

NONCONFORMING LOT OF RECORD — Any lot in any district which fronts upon a street and is insufficient in size to meet the minimum width, depth and area requirements specified for the district where such a lot is situated, such lot having been created prior to the enactment of this chapter or any amendments hereto and which by documentary evidence is shown to be, prior to and continuously since the effective date of this chapter and amendments hereto, in separate and distinct ownership from all abutting land.

NONCONFORMING SIGN — Any sign legally existing prior to the effective date of this chapter, as amended (December 12, 1982).

NONCONFORMING STRUCTURE — A structure or part of a structure which does not comply with the applicable use or extent of the use provisions in this chapter, as amended, where such structure lawfully existed prior to the enactment of this chapter or amendments hereto, and including but not limited to nonconforming signs.

NONCONFORMING USE — A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or amendments hereto, where such use was lawfully in existence prior to the enactment of this chapter. Such nonconforming uses include but are not limited to nonconforming signs and other structures.

NURSERY, COMMERCIAL — A parcel of property including buildings on which trees, shrubs and other plants are raised for wholesale to retail distributors; but not including a garden center.

NURSING FACILITY — Includes nursing home/skilled nursing facility, intermediate care facility, personal care home and adult day-care center.

NURSING HOME/SKILLED NURSING FACILITY — Any facility or part of a facility in which professionally supervised nursing care and related medical and other health services are provided for a period exceeding twenty-four (24) hours for two (2) or more individuals who are not in need of hospitalization and are not relatives of the nursing home administrator, but who because of age, illness, disease, injury convalescence or physical or mental infirmity need such care.

OFFICE BUILDING — A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity.

OPEN SPACE — All areas of a multifamily development or cluster development not conveyed to individual owners and not occupied by buildings and required or proposed improvements shall be dedicated as permanent "open space" for the benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the project parcel and contiguous.

PARKING LOT, PRIVATE — An open area for the same uses as a private garage.

PARKING LOT, PUBLIC — An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

PARKING SPACE — An off-street space available for the parking of one (1) motor vehicle and measuring a minimum of ten (10) feet by twenty (20) feet, exclusive of driveways, passageways and maneuvering space appurtenant thereto.

PARTY WALL — A wall or an interior lot line used or adopted for joint services between two (2) buildings.

PATIO — An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone or other material suitable for that purpose.

PERSONAL CARE HOME — Any premises or portion thereof in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility but who do require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self administration. **[Amended 11-1-2005 by Ord. No. 282]**

PLANNING COMMISSION — The Planning Commission of the Borough of Matamoras, Pike County, Pennsylvania.

PORCH — An attached roofed patio or deck. With the exception of any wall adjoining the principal structure, all walls must be open or screened with a wall no higher than four

(4) feet above the floor level. A "porch" is considered an attached accessory structure and must meet those setback requirements for principal structures.

PRIVATE RECREATIONAL FACILITIES — Outdoor or indoor areas or structures, operated by private nonprofit or private commercial entities, open to the public, which contain entertainment and amusement devices or attractions including animal farms, zoological parks, tennis and racquetball courts, bowling alleys, ski areas, golf courses and the like, but excluding theaters, public parks and playgrounds.

PROFESSIONAL OFFICE — The office of a member of a recognized profession who is licensed by the commonwealth for the practice of such profession, maintained for the conduct of that profession, including but not limited to doctors, dentists, lawyers, real estate sales, insurance sales and similar uses approved by the borough; and which does not include the retail sale of any goods or merchandise.

PUBLIC NOTICE — Notice published once each week for two (2) consecutive weeks in a newspaper of general circulation in the borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC OR SEMIPUBLIC USE — Any structure or use which is owned and operated by a municipality or body/group appointed by a municipal body; or which is owned and operated by a nonprofit organization; or any public utility facility requiring enclosure in a structure; and such structure or use fulfills a community need or provides a public service, including but not limited to municipal buildings and facilities, public schools, public libraries, churches, synagogues and volunteer fire and ambulance facilities, but not including any detention, prison or other correctional institutions. If such a use is specifically listed in the Schedule of Uses,⁴ said use shall be permitted only in the district as listed and shall be further subject to any supplementary regulations contained in Article IV of this chapter.

REHABILITATION CENTER — Any facility or part of a facility in which professionally supervised counseling, medical and other health services are provided to individuals for the treatment of alcohol, drug or other substance abuse.

RESEARCH AND DEVELOPMENT — An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

RESTAURANT — An establishment where food and drink is prepared, served and consumed primarily within the principal building.

RETAIL BUSINESS — An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

4. Editor's Note: The Schedule of Uses is included at the end of this chapter.

RIGHT-OF-WAY — Land reserved for use as a street, drainage facility or other public or community use.

SCHOOL, PRIVATE — A privately operated facility that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

SCHOOL, PUBLIC — A publicly operated facility that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

SELF-STORAGE FACILITY — A building or buildings containing separated spaces to be leased or rented to individuals and/or business for the storage of personal belongings, commercial goods or supplies.

SEMI-PUBLIC BUILDING OR USE — See "public or semipublic use."

SERVICE ESTABLISHMENT — Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc. If such a use is specifically listed in the Schedule of Uses,⁵ said use shall be permitted only in the district as listed and shall be further subject to any supplementary regulations contained in Article IV of this chapter.

SETBACK — An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front setbacks shall be measured from the edge of the highway right-of-way and other setbacks from property lines.

5. Editor's Note: The Schedule of Uses is included at the end of this chapter.

SEWAGE DISPOSAL, CENTRAL— A sanitary sewage collection system in which sewage is carried from individual lots or dwelling or commercial units by a system of pipes to a central treatment and disposal facility.

SEWAGE DISPOSAL, ON-SITE — A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

SIGN — Any object, device, display, structure or part thereof, situated outdoors or indoors and intended for viewing from the building exterior, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

SIGN, BILLBOARD— A sign advertising a business, product, service, commodity, activity or other concern which is located, produced or offered at a location other than the premises on which the billboard is located.

SIGN, FACADE — Any sign attached parallel to but within six (6) inches of a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one (1) sign face.

SIGN, FREESTANDING— A sign supported by one (1) or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

SIGN, OVERHANGING — Any sign affixed to a building or wall in such manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

SIGN, PORTABLE — Any sign not permanently affixed to the ground or to a building, or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and any sign attached to, painted on or displayed on a vehicle which is used for the expressed purpose of advertising a business establishment, product, service or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic, unless said vehicle is used in the day-to-day operations of the business.

SIGN, SANDWICH BOARD— A portable sign which is used for the expressed purpose of advertising a business establishment, product, service or entertainment on the premises upon which the sign is erected; such sign comprised of no other framework or support than the wood or other material on which the advertising material is displayed.

SIGN, SURFACE AREA — The area of any sign computed by multiplying its greatest length by its greatest height. Structural members not bearing advertising material or not in the form of a symbol, character, logo or design shall not be included in the computation of surface area. In the case of signs with no definable edges (e.g., raised letters attached to a facade or painted windows), "surface area" shall be that area within

the perimeter of a rectangle enclosing the extreme limits of the advertising material. Sign surface area shall apply to each side of a sign which contains advertising material.

SIGN, TEMPORARY— A display, informational sign, banner or other advertising device constructed of cloth, canvas, fabric, wood or other temporary material, with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays or public demonstrations.

SOLID WASTE OR WASTE— Any garbage, refuse, industrial, lunchroom or office waste or other material, including solid, liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials, resulting from industrial, mining or agricultural operations or local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility.

SOLID WASTE FACILITY, COMMERCIAL— Any facility operated by a private individual or firm pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste, including but not limited to liquid, solid, toxic, hazardous and medical waste.

SOLID WASTE FACILITY, PUBLIC— Any facility operated by a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste, including but not limited to liquid, solid, toxic, hazardous and medical waste.

SOLID WASTE STAGING AREA — Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle for transport to a solid waste facility or which is used for the parking or storage of vehicles and/or containers used to transport solid waste.

SPECIAL EXCEPTION— A use allowed, with permission granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accord with this chapter.

SPECIALTY SHOPS — Establishments primarily engaged in providing services involving the care of a person or his or her apparel or specializing in a specific type or class of foods such as a bakery, butcher shop, fish store or similar shops.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there is no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a "story." Each level of a split-level building, excluding cellars, shall be considered a half story.

STORY, HALF — Any space immediately below and wholly or partly within the roof framing, with or without a finished floor, where not more than seventy-five percent (75%) of such space has structural headroom of seven (7) feet and six (6) inches or more.

Any space which has more than seventy-five percent (75%) of its area with such headroom shall be deemed to be a full story.

STREET — A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word "street" includes "thoroughfare," "avenue," "boulevard," "court," "drive," "expressway," "highway," "lane," "alley," "road" and similar terms.

STRUCTURAL ALTERATION — Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

STRUCTURE — A combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water.

STRUCTURE, PERMANENT— Anything constructed and the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

STRUCTURE, PORTABLE — Anything constructed that is not permanently affixed to the ground but is designed to be moved from place to place.

STUDIO — Any building or structure used for the study or teaching of an art form or discipline such as painting, ceramics, sculpture, photography, dance, music and martial arts, but not including private schools.

TATTOO — The performance of applying color by a mechanical means utilizing ink and needle to the skin of person(s) for a certain monetary compensation. **[Added 10-8-2002 by Ord. No. 267]**

TATTOO AND/OR BODY-PIERCING STUDIO — An establishment that meets the following criteria: **[Added 10-8-2002 by Ord. No. 267]**

(1) Tattoo work and/or body piercing is performed.

THERAPEUTIC MASSAGE FACILITY — An establishment that meets all of the following criteria: **[Added 8-6-2002 by Ord. No. 266]**

(1) Massages are conducted (see definition); and

(2) The person conducting the massage is licensed by the State of Pennsylvania as a health-care professional or a therapeutic massage therapist, or is certified by a recognized therapeutic massage organization that requires substantial professional training.

TRUCK TERMINAL — A terminating point where goods are transferred from a truck to a storage area or to other trucks or picked up by other forms of transportation.

USABLE OPEN SPACE— An unenclosed portion of the area of a lot which is not devoted to driveways, parking spaces or principal structures, but which may include common buildings such as shelters, pavilions or recreational structures centrally located, accessible to occupants of the building or buildings.

USE — The specific purpose for which land, a sign, structure or building is designed, arranged or intended or for which it may be occupied or maintained; or any activity, occupation, business or operation which may be carried on thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE— Relief granted pursuant to the provisions of § 124-45C of this chapter and Articles VI and DC of the Pennsylvania Municipalities Planning Code.⁶

VEHICLE AND EQUIPMENT REPAIR OPERATION— An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

VEHICLE AND EQUIPMENT SALES OPERATION— The use of any building, land area or other premises for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment, including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than fifty percent (50%) of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a "vehicle and equipment sales operation."

VEHICLE RENTAL OPERATION— The use of any building, land area, or other premises for the display and rental of new and used automobiles of operable condition; pickup trucks; or panel trucks or vans. **[Added 10-3-2000 by Ord. No. 259]**

WALKWAY — A narrow passageway, no wider than four (4) feet, extending from the entrance or patio of the principal building at or no more than six (6) inches above ground level, out to and including encroachment of the front yard but not encroaching on any road right-of-way. Construction material may consist of wood, stone, masonry, pavement or other similar material suitable for that purpose. (Note: If constructed above six (6) inches from the ground, see "deck.")

WAREHOUSE— Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

WATER SUPPLY, BOROUGH — The water supply and distribution system owned and operated by the Matamoras Borough Water Authority.

WHOLESALE BUSINESS — Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users or to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

YARD, FRONT— An open, unoccupied space between an adjacent right-of-way and front lot line and the building setback line, and extending the full width of the lot.

6. Editor's Note: See 53 P.S. § 10101 et seq.

YARD/GARAGE SALE — Any offering for sale to the public of used household items conducted on a temporary, intermittent basis.

YARD, REAR — An open, unoccupied space between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

YARD, SIDE — An open, unoccupied space between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending from front yard to rear yard.

ZONING HEARING BOARD— The Zoning Hearing Board of the Borough of Matamoras, Pike County, Pennsylvania.

ZONING OFFICER — The administrative officer charged with the duty of enforcing the provisions of this chapter.

- B. The above definitions are also supplemented by those contained in other borough ordinances. Where there is any conflict between definitions or provisions contained in this chapter and other ordinances, the definitions or provisions contained herein shall apply insofar as they affect this chapter.

ARTICLE III Zoning Map; Zoning Districts

§ 124-9. Official Zoning Map.

The Borough of Matamoras is hereby divided into zoning districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this chapter, together with all future notations, references and amendments.

- A. Identification of Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Borough Council and attested to by the Secretary of the body, together with the date of the adoption of this chapter.
- B. Changing the Official Zoning Map. If, in accordance with the provisions of this chapter and the Pennsylvania Municipalities Planning Code, as amended,⁷ changes are made in district boundaries -or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment for the same has been approved by the Borough Council. All changes shall be noted on the Official Zoning Map by date, with a brief description of the nature of the change.
- C. Location of Official Map. The Official Zoning Map shall be kept on file at the Matamoras Borough Hall.

§ 124-10. Classification of districts.

For the purpose of this chapter, the borough is hereby divided into the following districts:

.7. Editor's Note: See S3 P.S. § 10101 et seq.

R	Recreation
R-1	Single-Family Residential
R-2	General Residential
C-1	Neighborhood Commercial
C-2	General Commercial
I	Industrial
F	Floodplain

§ 124-11. Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Designation of district boundaries. Boundaries indicated as approximately following the center line of streets, highways, alleys, railroad rights-of-way, streams, existing lot lines or municipal boundary lines shall be construed to follow such features indicated. Where boundaries are indicated as being approximately perpendicular to the right-of-way line of a street, highway or alley, such boundary shall be construed as being perpendicular thereto. Where a district boundary line does not follow such a line, position is shown on said Zoning Map by reference to an ordinance describing such lines or by specific dimension expressing its distance, in feet, from a street center line or other boundary line as indicated and running parallel thereto.
- B. Determination of location of boundaries. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or if uncertainty exists as to the true location of a district boundary line in a particular instance, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall, pursuant to public notice, make the determination of the location of the district boundary.

§ 124-12. District regulations.

District regulations are of two (2) types, use regulations and development standards, both of which shall apply to any proposed new use, expansion of an existing use or change of use of land in Matamoras Borough. Use regulations and statements of intent for each zoning district are provided in the Schedule of Uses⁸. Development standards are found in the Schedule of Development Standards.⁹

- A. Listed uses. Uses shall be permitted only in strict accord with the Schedule of Uses. A use listed as a principal permitted use, conditional use, special exception or accessory use shall be permitted in the district only as listed. The absence of a particular use in any District Schedule of Uses indicates the use is not permitted in that district, except in accord with § 124-12B of this chapter. A specific use which may by definition be included in a more general listing shall only be permitted where specifically listed. For

8. Editor's Note: The Schedule of Uses is included at the end of this chapter.

9. Editor's Note: The Schedule of Development Standards is included at the end of this chapter.

example, laundries and dry cleaning (a type of service establishment) would not be permitted as a "service establishment" but only under "laundries and dry cleaning establishment."

- B. Uses not included. Whenever any proposed use is neither specifically permitted nor denied by this chapter, the Zoning Officer shall refer the application to the Planning Commission which shall make a recommendation to the Borough Council whether the proposed use should be permitted or not permitted in a particular zoning district, based on the use's similarity to other uses which are specifically identified by this chapter. Upon receipt of the Planning Commission recommendation, the Council shall make the final determination and, if the use is determined to be permitted, classify the use as either a principal permitted, conditional, accessory or special exception use in a particular district. The use shall then be treated in accord with the applicable requirements of this chapter.

ARTICLE IV Supplementary Regulations

§ 124-13. Additional regulations for all districts.

- A. Visibility at intersections. On a corner lot nothing other than fences, etc., as noted in § 124-13B shall be erected [except street signs, utility poles, traffic signs or trees whose branches are trimmed to a height of ten (10) feet], placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center-line grades of the intersection streets in the area bound by the street center lines of such intersecting streets and a line joining the street center lines at a distance of seventy (70) feet from the point of intersection.
- B. Fences, walls and hedges. Fences, walls and hedges shall be permitted in any yard; provided, however, that no fence, wall (except retaining walls) or hedge in any yard fronting on a street shall be over 36 inches in height except as allowed in Subsection B(1). Fences exceeding 36 inches shall be permitted, provided that said fence contains an open area of not less than 75%. This provision shall not restrict the Council or Zoning Hearing Board from establishing specific conditions of approval for screening of conditional uses or special exceptions. **[Amended 2-6-2007 by Ord. No. 287]**
- (1) Fences exceeding 36 inches in height shall be permitted on corner lots in the side yard adjacent to a street from the rear lot line to the nearest roofed portion of the building on the lot; or, if there is no building situated on the lot, to a point halfway between the front and rear lot lines.
- (2) Refer to § 124-15B(1) for setback exemption for fences and walls.
- C. Corner lots. On every corner lot there shall be provided on each side thereof, adjacent to a street, a yard equal in depth to the required front yard of the prevailing zoning district in which the corner lot is located. The side corresponding to the mailing address of the property shall be considered to be the front yard. **[Amended 10-2-2007 by Ord. No. 292]**

- D. Erection of more than one (1) principal structure or building on a lot. In any district, more than one (1) structure or building housing a permitted principal use may be erected on a single lot, provided that area, yard and other requirements of this chapter shall be met for each structure or building as though it were on an individual lot, unless otherwise regulated by this chapter. [For example, if the minimum lot size is five thousand (5,000) square feet and two (2) principal structures are proposed, then the minimum lot area required is ten thousand (10,000) square feet.] Such proposals shall also be subject to the land development provisions of the borough's Subdivision and Land Development Regulations.¹⁰
- E. Exceptions to height regulations. The height limitations contained herein do not apply to spires, clock towers, microwave towers, cupolas, silos, antennas, flagpoles, water tanks, ventilators, chimneys, television or radio towers, elevators or stair bulkheads or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- F. Buildings to have access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the borough, and all buildings shall be located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking.
- G. Lots in two (2) districts. Where a district boundary line divides a lot in single or joint ownership of record at the time such line is established, the less-restricted portion of such lot shall extend not more than thirty (30) feet into the more-restricted portion, provided that the lot has frontage on a street in the less-restricted district.
- H. Front yard exceptions. When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the district, the front yard required may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that in no case shall the front yard be reduced by more than fifty percent (50%) of the required front yard for that district.

§ 124-14. Home occupation regulations.

It is the intent of this section to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the home occupation except for a permitted sign and required parking. Any home occupation or expansion of a home occupation shall be a conditional use, and in addition to the criteria in § 124-44 and all other applicable standards of this chapter, the following standards shall apply:

- A. The home occupation(s) must be clearly incidental and secondary to the use of the dwelling as a residence.
- B. The total area used by all home occupations on the premises does not exceed twenty-five percent (25%) of the gross floor area of the dwelling unit, including basement, and

10. Editor's Note: See Ch. 108, Subdivision of Land.

accessory structures as existed at the effective date of this chapter, but not to exceed five hundred (500) square feet in any case.

- C. No outdoor display or display visible from outdoors or outdoor storage of materials, goods, products, supplies or equipment used in the home occupation(s) shall be permitted.
- D. There shall be no visible evidence that the residence is being operated as a home occupation except for the permitted sign and required parking area.
- E. The home occupation(s) shall be conducted only by a member of the family residing in the dwelling, and not more than one (1) person other than residents of the dwelling shall be employed on the premises.
- F. Off-street parking shall be provided on the premises as^ required by this chapter to prevent parking on any public or private right-of-way.
- G. No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- H. No goods or items for retail or wholesale sale shall be permitted except for art, craft or similar items produced or created on the premises, and the display area for the same shall not exceed one hundred fifty (150) square feet. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises shall be permitted.
- I. The professional practice of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers and veterinarians and similar types of professional practice uses shall be limited to practitioners who reside on the premises.
- J. Section 124-20, Performance Standards, shall also apply to home occupations.
- K. The Borough Council may require documentation that adequate sewage disposal will be provided for the proposed home occupation.
- L. The Borough Council shall attach any and all necessary conditions to assure compliance with this § 124-14, and such conditions may include hours of operation, water use restrictions, sewage disposal requirements, screening and other conditions deemed necessary.

§ 124-15. Accessory uses, buildings or structures.

- A. Detached building. No detached accessory building or structure shall be erected in any required front yard.
- B. Accessory buildings. All detached accessory buildings or structures, and all television satellite reception dishes, shall maintain a rear yard setback of two feet and a side yard setback of two feet except as allowed in § 124-13B(1). All accessory buildings or structures attached to the principle structure shall meet all required setbacks for the

principal structure. **[Amended 11-14-1995 by Ord. No. 248; 2-6-2007 by Ord. No. 287]**

(1) Unless specifically noted, the setback provisions of this chapter shall not apply to fences or walls. (NOTE: When issuing zoning permits for fences or walls to be placed on the property line, it's suggested that the Zoning Officer make recommendation to the property owner to discuss the proposed structure with the owner of the neighboring property, since maintenance is likely to be needed on both sides, and if the fence/wall is placed on the property line, that would typically need to be done from the neighboring property.)

C. Swimming pools. Aboveground swimming pools that are designed to contain a water depth of 24 inches or more must be located in a rear or side yard only, not less than four feet from the side or rear lines. Below-ground pools that are designed to contain a water depth of 24 inches or more must be located in a rear or side yard only, not less than 10 feet from side or rear lines. All such pools shall be considered accessory structures and shall require a zoning permit. Below-ground pools shall be entirely enclosed with a permanent fence not less than four feet in height of a design to restrict access to the pool, and such fence shall contain a gate that can be locked. Aboveground pools shall be equipped with retractable or removable ladders. Access to all pools shall be restricted when not in use. **[Amended 8-5-2008 by Ord. No. 305]**

§ 124-16. (Reserved)

§ 124-17. Sign regulations.

- A. Permits required. No sign shall be erected, altered or relocated except in conformity with this chapter until a permit, if required, for the same has been issued by the Zoning Officer. For the purpose of this § 124-17, "alter" shall include any change in size, height, or wording due to change in business name or change in the business that the sign represents, and "relocate" shall include any change in the physical location of the sign. The repainting, changing of parts and preventative maintenance of signs shall not require a permit. **[Amended 10-2-2007 by Ord. No. 298]**
- B. Signs requiring no permits. The following signs shall be permitted in all districts and no permits shall be required.
- (1) Signs advertising the sale or development of the premises upon which they are erected and signs bearing the words "sold" or "rented" or similar phrases, together with the name of the person effecting sale or rental. Although a permit is not required, the following standards shall apply to all such signs:
- (a) The surface area of each sign face shall not exceed six (6) square feet.
 - (b) Not more than two (2) signs shall be placed on any one (1) premises.
 - (c) Such signs are not illuminated.

- (d) Such signs shall be removed within fourteen (14) days after completion of the project or the sale, rental or lease of the subject property.
 - (2) Signs to provide for the normal and safe flow of traffic into and out of the place of business such as entrance, exit and parking signs. Such signs shall not be of a size greater than necessary for persons of normal visual acuity to observe and shall contain no advertising material.
 - (3) Signs of mechanics, painters and other artisans, which may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided that the surface area of each sign face does not exceed twelve (12) square feet and such signs are removed promptly upon completion of the work.
 - (4) Trespassing signs or signs indicating the private nature of a driveway or property, provided that the size of any sign shall not exceed two (2) square feet.
 - (5) Business signs. **[Added 10-2-2007 by Ord. No. 300]**
 - (a) Signs, not exceeding two square feet in size, and one per business entrance, which indicates whether the subject business is open or closed. Flags may be used for this purpose if hung from a vertical pole and are permitted to drape naturally from that pole. Flags displayed in this manner may not exceed three feet by five feet in size, and they do not hinder sight distances or infringe on pedestrian traffic, and are limited to one flag per business.
 - (b) Signs, not exceeding two square feet in size, and one per business entrance, which indicate hours of operation of the subject business.
 - (6) Legal notices: identification, informational or directional signs erected or required by governmental bodies; official traffic signs and signals; other state, county, school district or municipal government signs. **[Amended 10-2-2007 by Ord. No. 296]**
 - (7) Signs offering the sale of farm products or nursery products raised on the premises, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be erected on any one (1) premises.
- C. General sign regulations. The following regulations shall apply to all signs:
- (1) With the exception of billboards, a sign shall be permitted only in connection with the permitted use on the premises.
 - (2) All signs shall be removed when the reasons for their erection no longer apply. The Zoning Officer may identify such signs and notify the property owner of the violation and establish a reasonable time period for the removal of the sign. If such sign is not removed within said time period, the property owner shall be subject to the fines and penalty provisions for violation of this chapter.

- (3) Signs shall be permitted on the roof or above the roofline of the building to which they are attached, but shall not exceed the maximum building height permitted for the district.
- (4) (Reserved)
- (5) Signs other than official traffic signs shall comply with the required setbacks as established for principal structures in the subject zoning district.
- (6) Signs other than official traffic signs and signs permitted by § 124-17C(3) shall not project into, onto or over any public right-of-way or alley and shall not be erected, installed, maintained or replaced so as to be a hazard to the users of a public right-of-way or alley.
- (7) No signs shall be erected, installed or maintained in a location which will constitute an obstruction to vision or endanger the safety of the traveling public.
- (8) No sign, except a public sign, visible from a public street shall use the words "stop," "danger" or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- (9) No sign shall be so constructed, erected or located which would create a safety hazard by obstructing the visibility of a motorist or pedestrian proceeding along the public way or entering or leaving a parking lot or any road intersection.
- (10) No revolving or any other type of moving animated or electronic message sign shall be permitted with the exception of barber poles and time and temperature indicators. However, electronic message signs shall be permitted provided the display face of the sign does not exceed three square feet in size, and the viewing angle of the sign is not directly visible to the motoring public. Signs will have to be parallel to the facing roadway and attached to the building or inside a window.
[Amended 10-2-2007 by Ord. No. 297]
- (11) No sign shall be attached to any tree, fence or other object not specifically intended for sign support except for "no trespassing" signs, legal warning or other private signs not exceeding two (2) square feet in surface area and conforming yard sale signs. No sign shall be attached to any utility pole.
- (12) Freestanding signs and sign structures shall not exceed a height of twenty (20) feet from the average natural grade measured to the top of the sign.
- (13) All signs, with the exception of permitted temporary signs, shall be permanently attached to the ground or a structure. Portable signs shall not be permitted except in accord with §§ 124-171 and 124-17N of this chapter.
- (14) Signs shall be constructed of durable material and be maintained in good condition.
- (15) Signs shall be illuminated only by a steady, stationary (excepting for indicators of time and temperature), shielded light source directed solely at the sign or internal to it, without causing glare for motorists, pedestrians or neighboring premises. No

interior or exterior light shall be permitted that by reason of intensity, color, location, movement or direction of its beam may interfere with public safety. This shall include flashing, oscillating and spot lights when improperly placed. No sign shall resemble traffic signals.

- D. Business and institutional signs. Freestanding, overhanging and facade signs shall be permitted for the identification of any business, profession, manufacturing plant or other commercial establishment (hereinafter referred to as "business") or any public or semipublic use, school, church, hospital or similar institution (hereinafter referred to as "institution") which is permitted in accord with this chapter. Such signs may only be placed on and maintained by the owner, lessee or occupant of land upon which is located the main office or principal place of business or institution or where a branch office, store, warehouse or other principal permitted facility is maintained by said owner, lessee or occupant. In the case of freestanding and overhanging signs, advertising material may be shown on each side of the sign.
- (1) Freestanding signs. In cases where a freestanding sign is used, no overhanging sign shall be permitted. Not more than one (1) freestanding sign shall be permitted along each road frontage of the subject parcel. The surface area of each sign face shall not exceed two (2) square feet for each linear foot of horizontal building facade length along the road frontage, but not to exceed eighty (80) square feet.
 - (2) Overhanging signs. In cases where an overhanging sign is used, no freestanding signs shall be permitted. Not more than one (1) overhanging sign shall be permitted for each business or institution premises. However, an overhanging sign may be used along each public road right-of-way which the subject parcel abuts. The surface area of each sign face shall not exceed twelve (12) square feet. The minimum horizontal distance between overhanging signs on adjoining structures shall not be less than six (6) feet, and no overhanging sign shall be erected above or below another overhanging sign except in accord with § 124-17H. The lowest part of any overhanging sign projecting over a public sidewalk or walkway shall be at least ten (10) feet above the sidewalk or walkway grade and shall conform to front yard setbacks; however, maximum projection shall not exceed six (6) feet, and in no case shall any overhanging sign project into any public road right-of-way except on Pennsylvania Avenue if the proper permit is obtained from the Pennsylvania Department of Transportation.
 - (3) Facade sign. In addition to the signs permitted in Subsection D(1) and (2) of this subsection, business or institution signs may be attached to the facade of the principal structure. Said signs shall only be attached to the facade of the building which abuts a public road right-of-way, unless the front entrance(s) of the individual business(s) face the driveway or parking area of the building, in which case, said sign may be attached to that facade instead. Said signs shall be attached directly to and in the same plane of the facade and shall not project more than six inches from the facade. The total aggregate surface of the sign(s) shall not exceed 5% of the facade area along the road frontage, but not to exceed a maximum of 100 square feet. **[Amended 10-2-2007 by Ord. No. 299]**

- (4) Sign text. The text on any sign permitted by this Subsection D shall not contain information or advertising for any product not sold or any service not provided on the premises.
 - (5) Canopies and awnings. In addition to the other signs permitted by this Subsection D, a canopy or awning shall be permitted, provided that the lowest part of the canopy or awning is not less than eight (8) feet above the sidewalk and bears no text or other advertising except the name of the business or institution and shall be fully supported by attachment to the building, and no posts to the sidewalk or which encroach on the sidewalk or into any public road right-of-way shall be permitted.
 - (6) Bulletin boards. One (1) bulletin board sign, not to exceed twelve (12) square feet in surface area for each sign face, shall be permitted for schools, churches, public buildings and similar institutional uses, said sign to be used solely for the display of information applicable only to the subject use.
 - (7) Directional signs. Signs giving directions to institutional or business establishments (but not including home occupations) not located on Pennsylvania Avenue, provided that the sign surface area does not exceed four (4) square feet. Such signs shall be limited to one (1) per establishment, and the written permission of the property owner upon whose premises the sign is erected shall be required.
- E. Billboards. The following regulations shall apply to all billboards:
- (1) Billboards shall comply with all applicable state and federal regulations governing outdoor advertising.
 - (2) Billboards shall be permitted in the C-2 District only.
 - (3) A billboard may only be erected on a lot or parcel of property which fronts on Pennsylvania Avenue.
 - (4) Not more than one (1) billboard shall be erected on any lot or parcel of property; and in no case shall a billboard be located closer than three hundred (300) feet to any other billboard.
 - (5) No billboard shall exceed two hundred (200) square feet in surface area.
 - (6) All billboards shall maintain a side yard setback of not less than twenty-five (25) feet and shall be located not less than thirty (30) feet nor more than seventy-five (75) feet from the adjoining public road right-of-way line.
 - (7) No billboard shall be attached to or erected on any other building or structure.
- F. Home occupation signs. Home occupation or nameplate signs displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit shall be permitted, provided that not more than one (1) such sign shall be erected on any premises. The surface area of each sign face shall not exceed two (2) square feet, and the sign shall meet the setback requirements for principal structures in the subject district.

- G. Residential development and multifamily project signs. The following signs shall be permitted:
- (1) Freestanding real estate signs for advertising the sale or rental of the premises upon which the sign is erected, provided that the sign surface area does not exceed thirty-two (32) square feet and that there shall be no more than one (1) such sign on any one (1) lot on the same street frontage. For the purpose of this chapter, multifamily dwelling units shall not be advertised by such real estate signs for more than twelve (12) months after building construction is completed.
 - (2) Directional signs, not to exceed a surface area of two (2) square feet, erected within the project to direct persons to a rental office or sample apartment.
 - (3) Facade signs to identify the individual buildings within the project, provided that such signs do not exceed six (6) square feet and are limited to one (1) per building and are attached to the building facade.
- H. Shopping center or multiple commercial or institutional occupant signs.
- (1) One (1) freestanding sign identifying the multiple occupant building is permitted on the premises of such project, provided that the sign surface area does not exceed thirty-two (32) square feet.
 - (2) One (1) sign identifying each business or profession located in the building is permitted, provided that the sign surface area does not exceed ten (10) square feet. Such signs shall be attached to the same frame as the project sign.
 - (3) In addition, one (1) sign for each occupant of the building may be attached to the principal structure in accord with Subsection D(3) above.
- I. Temporary signs. The following temporary signs shall be permitted upon obtaining a permit:
- (1) Special advertising or business identification signs or banners not exceeding thirty-two (32) square feet in total surface area, including but not limited to signs announcing to the general public any special events such as commercial sales days, cultural or entertainment attractions or charitable activities. Such signs shall not be erected more than one (1) week prior to the activity and shall be permitted for the length of the activity, but in no case exceeding twenty-one (21) days; and not more than three (3) such signs shall be permitted for any establishment in any calendar year.
 - (2) Temporary signs announcing a nonpolitical campaign, drive or event of a civic, nonprofit, educational or religious organization, provided that such sign shall not exceed 120 square feet in sign surface area. Such signs shall not be erected more

than two weeks prior to the function and shall be removed immediately upon the completion of the function. If not located on the premises of the advertising organization, such signs shall require the written permission of the property owner upon whose premises the sign is erected. [Amended 7-6-2004 by Ord. No. 275]

J. Nonconforming signs.

- (1) Nonconforming signs shall be those signs not in compliance with this chapter and existing prior to the effective date of this chapter or any amendments hereto.
- (2) No nonconforming sign shall be changed, expanded or altered in any manner, including but not limited to sign area, location and/or height, except to bring the sign into conformity. No nonconforming sign shall be moved in whole or in part to any other location where it would remain nonconforming.
- (3) Termination of nonconforming signs.
 - (a) Unsafe signs. Signs shall be governed by the requirements of Chapter 49 of the Matamoras Borough Code with regard to an unsafe building or structure, as defined by § 49-3 of said Code.
 - (b) Termination by abandonment. Any nonconforming sign structure, the use of which as a sign is discontinued for a period of forty-five (45) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this chapter.
 - (c) Termination by damage or destruction. Any nonconforming sign damaged or destroyed, by any means, to the extent of one-third (1/3) of its replacement cost new shall be terminated and shall not be restored.

K. Nuisance signs.

- (1) No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsightly or in disrepair so as to endanger the public or to become a public nuisance.
- (2) In the event that such a nuisance sign is not repaired or properly restored or removed within thirty (30) days after written notice has been given to the owner of the sign or the owner or lessee of the land upon which the sign is located, the Borough Council may institute appropriate actions to prevent the violation or abate the nuisance.

L. Political signs. The erection of political campaign signs advertising a candidate for a governmental election shall be permitted in any district in accord with the standards in this § 124-17. All such signs shall be removed within seven (7) days following the election for which the signs were erected.

M. Recreational districts.

- (1) Advertising signs and other signs authorized by the Borough Council shall be permitted in R Recreation Districts, provided that the surface area of each sign face

does not exceed fifty (50) square feet, and provided that permission as to the location, nature and content thereof is first obtained from Borough Council by resolution duly adopted.

- (2) All other signs shall be permitted in R Recreation Districts, provided that they do not exceed thirty-two (32) square feet in size.

N. Sandwich board signs. Sandwich board signs are not permitted in any district of the Borough of Matamoras, except those permitted as temporary signs (reference § 124-171). **[Amended 7-6-2004 by Ord. No. 275]**

§ 124-18. Off-street parking and loading.

- A. Availability of facilities. Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way. The following parking requirements shall not apply to nonresidential uses in the General Commercial District; however, all residential uses in the General Commercial District shall comply with the requirements of this § 124-18.
- B. Size and design of parking spaces. Parking shall be provided in accord with an overall parking plan which takes into consideration access design and control, size and shape of the parking area, types of vehicles using the parking area, traffic patterns and other applicable considerations. At the minimum, all parking areas shall be designed in accord with the standards in this Subsection B and shall in all cases be adequate in size and design for the vehicles for which its use is intended.
 - (1) The net parking space per vehicle shall be not less than nine (9) feet wide and nineteen (19) feet long.
 - (2) Garages and carports not in the public right-of-way may be considered parking spaces.
 - (3) All dead-end parking lots shall be designed to provide sufficient backup area for the end stalls of the parking area.
 - (4) No more than fifteen (15) contiguous spaces shall be permitted in any continuous row without interruption by landscaping.
 - (5) No more than sixty (60) parking spaces shall be accommodated in any single parking area.
 - (6) No more than two (2) interconnected parking areas shall be permitted without having direct access to a public street or a private street meeting borough street standards.
- C. Lighting. Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way.

- D. Public rights-of-way. Parking, loading and unloading of vehicles shall not be permitted on public rights-of-way, except in designated areas and in accord with borough parking regulations. Parking areas shall not be designed or located so as to require or encourage cars to back into a public or private street in order to leave the lot.
- E. Reduction of existing parking. Off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under this chapter.
- F. Number of spaces to be provided.
 - (1) Any structure or building which is not exempted by Subsection A, which hereafter is erected, converted or enlarged for any of the following uses, or any open area hereafter used for commercial purposes shall be provided with off-street parking spaces adequate to serve such use but with not fewer than the minimum spaces as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
 - (2) For projects involving more than one (1) use and/or structure, the total number of parking spaces required shall be determined by summing the number of spaces for each individual use. In cases where the specific use of space cannot be identified as, for example, in multiple occupant commercial buildings or shopping centers, parking shall be provided at the rate of one (1) space per two hundred (200) square feet of gross floor area of the building.
 - (3) Parking for the handicapped shall be provided in accord with state requirements.
 - (4) Should the applicant provide evidence that the number of parking spaces required by this section is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced as a conditional use by a maximum of fifty percent (50%), provided that sufficient and suitable area is dedicated to future parking to meet the normal standards in this § 124-18 and the applicant shall agree, in writing, to install the parking at the direction of the Borough Council. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two (2) or more principal uses shall be considered conditional uses.

Use	Parking Spaces Required
Dwellings	
One- and two-family	2 per dwelling unit
Multifamily	2 per dwelling unit
Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses	3 per every 5 beds

Use	Parking Spaces Required
Hotels, motels, boarding and tourist homes, bed-and-break- fast establishments and other uses providing overnight accommodations	1 per bedroom, plus 1 per employee on the largest shift
Sales and rental of goods, merchandise and equipment	
Retail establishments	1 per 200 SFGFA
Wholesale establishments	1 per 400 SFGFA
Offices, research facilities and services not primarily related to goods	
Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents	1 per 200 SFGFA
Drive-in banks	1 per 200 SFGFA, plus reservoir lane capacity equal to 5 spaces per drive-in window
Serving little or few customers or clients on premises, such as corporate offices	1 per 400 SFGFA
Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 400 SFGFA
Educational, cultural, religious, social, fraternal uses	
Public schools	
Elementary and middle schools	1.75 per classroom
High schools Trade and vocational schools, colleges	5 per classroom
Churches, synagogues and temples	1 per 100 SFGFA
Libraries and museums, social, fraternal clubs and lodges and similar uses"	1 per every 4 seats used for services
Libraries and museums, social, fraternal clubs and lodges and similar uses"	1 per 300 SFGFA
Recreation, amusement and entertainment	
Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats

Use	Parking Spaces Required
Public and private out- door recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA, plus 1 per every 3 persons of fully utilized design capacity
Hospitals, clinics and other medical treatment facilities	2 per bed or 1 per 150 SFGFA, whichever is greater
Restaurants, bars, taverns and other eating establishments	1 per 100 SFGFA, plus reservoir lane capacity equal to 5 spaces per drive-in window
Vehicle related uses Sales, service, repair Gas sales	1 per 200 SFGFA
Car wash	1 per 200 SFGFA, plus sufficient parking area at pumps which does not interfere with other required spaces 1 per 100 SFGFA, plus 2 reservoir spaces in front of each stall for self- serve and 5 reservoir spaces for conveyor type
Warehousing and storage	1 per 4,000 SFGFA
Miscellaneous uses	
Veterinary	
Open air sales	1 per 200 SFGFA
Nursery schools and day care	1 per 1,000 square feet of lot area used for display or sales
Greenhouses Emergency services	1 per 200 SFGFA
Junk and scrap yards Post office	1 per 200 SFGFA
	1 per 200 SFGFA
	1 per 200 SFGFA
	1 per 200 SFGFA

NOTE: "SFGFA" means "square feet of gross floor area." Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls or from the center line of a wall separating two (2) buildings, but not including interior parking spaces, loading space for vehicles or any space where the floor-to-ceiling height is less than six (6) feet.

- (5) For uses not specifically provided above, the Borough Council, with the recommendation of the Planning Commission, shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.

- G. Loading and unloading areas. In addition to the off-street parking spaces required above, the Borough Council, with the recommendation of the Planning Commission, may for conditional uses, or the Zoning Hearing Board for special exceptions may, require the developer of any building erected, converted or enlarged in any district for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital or other nonresidential uses to provide adequate off-street areas for loading and unloading of vehicles. In cases where the use is located in the I Industrial District, the loading space shall be a minimum of thirty-five (35) feet in depth and twelve (12) feet in width, with an overhead clearance of fourteen (14) feet. In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall any public right-of-way be used for loading or unloading of materials.
- H. Access to off-street parking and loading areas. There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, salespeople and/or the general public. Where a parking or loading area does not abut on a public right-of-way or private alley or easement of access, there shall be provided an access drive not less than twelve (12) feet in width per lane of traffic and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:
- (1) Access drive design and sight distance for access to borough and state roads shall comply with the standards contained in the most current edition of PA Code Title 67, Transportation, Chapter 441, Access to and Occupancy to Highways by Driveways and Local Roads.
 - (2) Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
- I. Parking and loading area setbacks. All parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public right-of-way or adjoining property lines by a buffer area at least five (5) feet in depth unless said area is shared in accord with Subsection L. All access drives and parking lots serving multifamily dwellings and nonresidential uses shall be at least five (5) feet from any building on the lot.
- J. Surfacing. Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.
- K. Off-lot parking. When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use is located, they shall be under the same control, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the County Recorder of, Deeds requiring the owner and his or her heirs and assigns to

maintain the required number of off-street parking spaces during the existence of said principal use.

- L. Joint use parking. In cases where two (2) principal uses share a common property line, shared parking facilities may be utilized. Applications for joint parking shall be considered conditional uses. The arrangement for joint use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint use parking area may span the common property line, thereby eliminating the setback required in Subsection I. The standards in Subsection F for number of spaces to be provided shall apply to joint use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten percent (10%) of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)
- M. Existing parking areas. No existing parking area or any off-street parking shall be eliminated, reduced in size or otherwise altered so that any use is served by less parking than is required by this chapter. Any such change shall require conditional use approval.
- N. Parking for residential use. Off-street parking shall be provided in accord with this §124-18 for all residential uses in all districts.
- O. Parking and storage of certain vehicles. Automotive vehicles, boats or trailers of any kind or type without current license plates shall not be parked or stored on any public street or any required front yard of any residentially zoned property.

§ 124-19. Floodplains.

The Matamoras Floodplain Development Ordinance (Borough Ordinance No. 202)¹¹ shall apply to all zoning districts; and all uses, structures and buildings shall comply with the standards of said ordinance, in addition to the requirements of this chapter.

§ 124-20. Performance standards.

The following performance standards shall apply to all commercial, manufacturing and other nonresidential uses. (As used in this § 124-20, "borough" shall mean the Borough Council for conditional uses and the Zoning Hearing Board for special exceptions.)

- A. Yards and buffers. Unless otherwise regulated by this chapter, where a commercial or manufacturing use is proposed contiguous to any existing residential use or any R-1 or R-2 District, side and rear yard setbacks shall be increased to ten (10) feet. Storage of equipment, supplies, products or any other materials shall not be permitted in any front, rear or side yard setback areas. Additional setbacks, buffer areas or fencing may be required by the borough if the nature of the proposed use as determined by the borough so requires. In the case of a conditional use or special exception, the borough may require landscaped buffers in any yard in order to assure the protection of adjoining uses

11. Editor's Note: See Ch. 63, Floodplain Development.

by providing visual barriers that block the glare of lights, reduce noise, serve as a protective barrier by blocking physical passage to dangerous areas and reduce air pollution, dust and litter and to otherwise maintain and protect the rural character of the district.

- (1) By determining the type and extent of the buffer required, the borough shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation and the relationship of the proposed project to adjoining areas.
 - (2) The width of the required buffer, as determined by the borough, shall not be less than twenty percent (20%) of the required setback distances.
 - (3) A mix of ground cover and shrubbery vegetation and canopy trees of such variety compatible with the local climate may be required so that a dense screen not less than four (4) feet in height will be formed within three (3) years of planting.
 - (4) Berms and landscaped walls or fences compatible with the principal building design may be incorporated in the required buffer.
 - (5) In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use or when two (2) or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the borough shall determine that the proposed use and adjoining use(s) are not incompatible.
 - (6) Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Borough Subdivision and Land Development Ordinance.¹² It shall be the responsibility of the property owner to maintain all buffers in good condition and to replace any dying or dead plants or deteriorating landscape material.
- B. Operations and storage. All facilities and operations of the principal use, including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies, shall be enclosed and carried out within a building or shall, as required by the borough, be provided with larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way. Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted.
- C. Fire and explosion hazards. All activities involving any manufacturing, production, storage, transfer or disposal of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of federal, state and local laws and regulations shall also apply. Details of the potential

12. Editor's Note: See Ch. 108, Subdivision of Land.

hazards and details of planned safety and accident response actions shall be provided by the developer for review by the local fire company(s). In the case of a conditional use or special exception, additional buffer areas or fencing may be required by the borough if the nature of the proposed use as determined by the borough so requires.

- D. Radioactivity or electric disturbance. No activities shall be permitted which exceed federal standards for radioactivity emissions or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. All applicable federal regulations shall apply.
- E. Noise. Any noise source which, due to intensity, frequency, duration, location, lack of shielding or other reason which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to others in the legitimate use and enjoyment of their rights of person or property shall be prohibited. Noise shall comply with Matamoras Borough Code Chapter 78, Nuisances, § 78-12. **[Amended 12-3-2002 by Ord. No. 270]**
- F. Vibration. No vibration shall be permitted which is detectable without instruments at the property line.
- G. Lighting and glare.
- (1) No light source shall be exposed to the eye except those covered by globes or defusers. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source. Lighting design should be an inherent part of the architectural design. All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps and directional signs. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Borough Subdivision and Land Development Ordinance.¹³
 - (2) No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property line. This restriction shall not apply to signs otherwise permitted by the provisions of this chapter.
- H. Smoke. No emission shall be permitted from any chimney or otherwise of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringelmann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.
- I. Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments' at the property line of the parcel from which the odors are emitted.
- J. Other forms of air pollution. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation or other forms of property or which can cause any excessive soiling.

13. Editor's Note: See Ch. 108, Subdivision of Land.

K. Surface and ground water protection.

- (1) All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer. In the case of a conditional use or special exception, the borough may require a plan to be submitted for review and approval and may require security for ensuring contamination response. Monitoring wells and water quality testing may also be required by the borough.
- (2) The developer shall also provide details about the use of groundwater and any processes that could result in the depletion of groundwater supplies. No use shall be permitted which would result in the depletion of ground water supplies.

L. Landscaping. Any part or portion of a site where existing vegetation has been disturbed and which is not used for building, other structures, loading or parking spaces and aisles, sidewalks, designated storage areas or other improvements shall be provided with an all-season ground cover and shall be landscaped in accord with an overall landscape plan. In the case of a conditional use or special exception, additional landscaping, screening and/or buffers may be required by the borough where buffers are determined by the borough as necessary to protect adjoining uses. Said landscaping plan shall be submitted for review and approval by the borough as part of the zoning approval process.

M. Storm water management and soil erosion control.

- (1) A storm water management plan and soil erosion control plan shall be provided by the applicant. Said plan shall be prepared and implemented pursuant to the standards contained in the Borough Subdivision Ordinance,¹⁴ County Conservation District standards and generally accepted engineering principles appropriate for the proposed use and a ten-year design storm. Upon the recommendation of the Borough Engineer, a twenty-five-year or greater design storm, if topographic, soil or other considerations so dictate, and/or additional controls may be required.
- (2) The protection of the quality of groundwater and surface water shall be an integral part of all proposed storm water management practices; and all storm water management plans shall include an element specifically addressing water quality. The plan shall provide for the minimization of the discharge of first flush sediments off the project site or directly to infiltration structures. Containment of first flush sediments shall be accomplished by accepted and proven engineering design and practice, including but not limited to the use of grass buffer/filter strips, grass swales, detention basins, sediment traps and special inlet devices.

N. Waste materials. No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air

14. Editor's Note: See Ch. 108, Subdivision of Land.

contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or storm water disposal system, stream, open body of water or onto the ground.

- O. Handicapped access. Access for handicapped persons to all uses shall be provided in accord with all applicable state and federal requirements.
- P. Sewage disposal. All uses and expansion of uses shall be provided with adequate sewage disposal facilities in accord with all applicable Pennsylvania Department of Environmental Resources (PA DER) and borough standards.
- Q. Water supply. All uses and expansion of uses shall be connected to the borough public water supply system.
- R. Other regulations. Documentation shall be provided by the applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Resources, the Pennsylvania Department of Labor and Industry, the Federal Emergency Management Agency and the United States Environmental Protection Agency.

§ 124-21. Standards for commercial communications devices. [Added 5-5-2002 by Ord. No. 264]

The following regulations shall apply to commercial communications devices (CCD), including but not limited to cellular phone antennas, antennas for communications service regulated by the PA Public Utility Commission, other commercial antennas and associated facilities. Such CCD and support structures and associated facilities shall be permitted only in the districts as provided on the Schedule of Uses in this chapter¹⁵ and this § 124-21.

A. Purposes:

- (1) To accommodate the need for communications devices while regulating their location and number in the Borough in recognition of the need to protect the public health, safety and welfare.
- (2) To minimize the adverse visual effects of communications devices and support structures through proper design, siting and vegetative screening.
- (3) To avoid potential damage to adjacent properties from communications device support structure failure and falling ice, through engineering and proper siting of support structures.
- (4) To encourage the joint use of any commercial communications device support structures and to reduce the number of such structures needed in the fixture.

15. The Schedule of Uses is included at the end of this chapter as Appendix Nos. 1 through 7.

- B. Use regulations. A permit shall be required for every CCD and support structure installed at any locations, and the following use regulations shall apply:
- (1) Existing tall structures. A CCD site with a CCD that is attached to an existing communications tower or other tall structure in the allowed districts where the height of the CCD does not exceed the height of the existing structure by more than 15 feet shall be permitted in all the districts as an accessory use, and conditional use approval shall not be required. Any subsequent installations above the initial fifteen-foot height increase shall be a conditional use. The applicant shall provide the following information:
 - (a) Evidence from a Pennsylvania-registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
 - (b) Detailed construction and elevation drawings indicating how the antennas will be mounted on the structure to document compliance with the applicable requirements.
 - (c) Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the CCD and associated equipment can be accomplished.
 - (2) New structures; conditional use. A CCD site with a CCD that is either not[^] mounted on an existing structure or is more than 15 feet higher than the structure on which it is mounted shall require conditional use approval in accord with this § 124-21 and shall be permitted only in the allowed districts.
 - (3) Associated use. All other uses ancillary to the CCD (including business office, maintenance depot, vehicle storage, etc.) are prohibited from the CCD site, unless otherwise permitted and approved in the zoning district in which the CCD site is located. This shall not prohibit the installation, as accessory structures, of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the CCD.
 - (4) CCD as a second principal use. A CCD shall be permitted on a property with an existing use subject to the following land development standards:
 - (a) The CCD facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.
 - (b) The minimum lot area, minimum setbacks and maximum height required by this chapter for the CCD and support structure shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 - (c) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.

- (d) The applicant shall present documentation that the owner of the property has granted an easement filed of record or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

C. Standards.

- (1) Location requirement and number. The applicant shall demonstrate, using technological evidence that the CCD must go where it is proposed, in order to satisfy its function in the company's grid system. The applicant shall also provide information about the location of the other proposed CCD sites anticipated in the grid system. The number of CCD to be installed at a site by an applicant shall not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant must document the need for the additional CCD to ensure the adequacy of current service.
- (2) Collocation; new tower. If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Borough shall require the applicant to demonstrate that it contacted, in writing, owners of tall structures within an eight-mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied for reasons other than economic ones. This would include smokestacks, water towers, tall buildings, CCD support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Borough may deny the application to construct a new tower if the applicant has not made a good-faith effort to mount the CCD on an existing structure, thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good-faith effort shall demonstrate that one or more of the following reasons apply to a particular structure:
 - (a) The proposed equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished.
 - (b) The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented.
 - (c) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - (d) Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the FCC governing human exposure to electromagnetic radiation.
 - (e) A market-competitive agreement could not be reached with the owners of such structures.
- (3) CCD height. The applicant shall demonstrate the CCD is at the height required to function satisfactorily and is no taller than necessary for the use and any other

potential users as determined in Subsection C(8) below. The Borough may, as a condition of approval, require the CCD support structure to be designed and constructed to be stackable (structurally capable of being increased in height) to a height that will assure that additional carriers can be accommodated if such additional height is required in the future.

- (4) Parcel size; setbacks. If a new CCD support structure is constructed or if the CCD height exceeds the height of the existing structure on which it is mounted by more than 15 feet, the minimum parcel size and setbacks in this Subsection C(4) shall apply.
 - (a) Separate parcel. If the CCD is manned and/or the parcel on which the CCD and support structure is a separate and distinct parcel, the zoning district minimum lot size shall apply and the setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of 25 feet. The distance between the base of the support structure and any adjoining property line or public road right-of-way shall not be less than the height of the CCD structure. The lot shall be of such size that all required setbacks are satisfied.
 - (b) Lease, license or easement. If the CCD is unmanned and the land on which the CCD and support structure is leased, or used by license or easement, the setback for any part of the CCD, the support structure, equipment containers, or any other accessory structures, and guy wire anchors shall be a minimum of 25 feet from the line of lease, license or easement. The distance between the base of the support structure and any adjoining property line (not lease, license or easement line) shall not be less than the height of the CCD structure, and the distance between the base of the support structure and a public road right-of-way shall not be less than 50 feet. **[Amended 3-1-2005 by Ord. No. 278]**
- (5) CCD support structure safety. The applicant shall demonstrate that the proposed CCD and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed CCD and support structure will be designed and constructed in accordance with current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association, and applicable requirements of any applicable building code. Within 45 days of initial operation, the owner and/or operator of the CCD and support structure shall provide a certification from a Pennsylvania-registered professional engineer that the CCD and support structure comply with all applicable regulations.
- (6) Fencing. A fence to provide an effective barrier to prevent entry to the facility shall be required around the CCD support structure and other equipment, unless the CCD is mounted on an existing structure. The fence shall be a minimum of

eight feet in height. The applicant shall supply keys to emergency responders to provide access in case of emergency.

- (7) Performance standards. The performance standards listed in § 124-20 of this chapter shall be applicable to this section.
- (8) Collocation; other uses. In order to reduce the number of CCD support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including but not limited to other cellular phone companies, and local fire, police, emergency management, and ambulance companies. The applicant shall show evidence of written contract with all wireless service providers who supply service within the region for purpose of assessing the feasibility of collocated facilities. The applicant shall provide a report detailing the number and type of earners which can be accommodated on the proposed structure, including the anticipated height requirements of other potential users. The proposed structure, if evidenced by need as determined by the Borough, shall be constructed, including increased height, to provide available capacity at reasonable cost for other providers should there be a future additional need for such facilities. The Borough may, as a condition of approval, require the CCD support structure to be designed and constructed to be stackable (structurally capable of being increased in height) to a height that will assure that additional carriers can be accommodated if such additional height is required in the future.
- (9) Licenses; other regulations; insurance. The applicant must demonstrate that it has obtained the required licenses from the FCC, the PA Public Utility Commission and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address, and emergency telephone number for the operator of the CCD, and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence, and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the CCD and support structure.
- (10) Access; required parking. The applicant must comply with the requirements of § 124-18, Off-street parking and loading, in this chapter.
- (11) Color and lighting; FAA and PennDOT notice. CCD support structures under 200 feet in height should be painted silver or have a galvanized finish retained, in order to reduce visual impact. Support structures may be painted green up to the height of nearby trees. Support structures 200 feet in height or taller, or those subject to Federal Aviation Administration (FAA) regulations shall comply with the said regulations. No CCD support structure may be artificially lighted except in accord with FAA requirements. The applicant shall provide a copy of the response to Notice of Proposed Construction or Alteration forms submitted to the FAA and PennDOT Bureau of Aviation, and the CCD and support structure shall comply with all FAA and PennDOT requirements.

- (12) Communications interference. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
- (13) Historic structures. A CCD shall not be located on a building or structure that is listed on a historic register or within 500 feet of such a structure.
- (14) Discontinued use; bond.
- (a) Should any CCD or support structure cease to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure is located shall be required to remove the same within one year from the abandonment of use. Failure to do so shall authorize the Borough to remove the facility and assess the cost of removal to the foregoing parties. The Borough may also file a municipal lien against the land to recover costs of removal and attorney's fees. In the case where there is no separate parcel, the lien shall be against the entire parent parcel of land upon which the CCD and/or support structure is located by lease, license or easement.
- (b) The operator of every CCD shall provide a bond to cover the cost of CCD and associated equipment removal. Nothing herein shall legally bind the governing body to effect the removal of any CCD, which shall remain the ultimate responsibility of the owner of the property upon which the CCD is located and the owner of the CCD.
- [1] Amount. The amount of the bond shall be established by the governing body based upon size and nature of the proposed facility, but in no case shall the amount be less than \$20,000.
- [2] Form. The bond shall be executed by a surety company authorized by the laws of the Commonwealth of Pennsylvania to transact business within the Commonwealth of Pennsylvania
- [3] Term; annual renewal. The bond shall be executed in favor of the Borough and shall be for the use of the Borough. The term of the bond shall be for one year, with automatic renewal.
- [4] It shall be the condition of the bond that if the applicant does not fully observe and comply with the provisions of this § 124-21 and any other applicable approvals or regulations, the governing body shall have authority to use such bond to effect the required compliance and/or removal of the CCD.
- (15) Fire suppression system. The applicant shall provide details about any fire suppression system installed in any structure or equipment container associated with the CCD. The applicant shall provide the Fire Department of the Borough with the appropriate fire-fighting and suppression materials.
- (16) Site plan. A full site plan shall be required for all CCD and support structure sites, showing the CCD, CCD support structure, building, fencing, buffering, access, and

all other items required by § 124-44 of this chapter governing information required for conditional uses. The site plan shall not be required if the CCD is to be mounted on an existing structure and the CCD does not exceed the height of the existing structure by more than 15 feet.

§ 124-22. Yard Sales.

Individual, private, family yard sales shall be considered an accessory use in association with a permitted residential use and shall be permitted in all zoning districts. Yard sales shall comply with all the applicable requirements of this chapter and with the requirements of the Matamoras Borough Yard Sale Control Ordinance, as amended. Yard sales are meant to allow individuals to offer for sale accumulated normal household items or arts and crafts; and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall be prohibited except in districts where such commercial use is permitted and only in accord with the requirements of this chapter.

§ 124-23. Gasoline service stations.

Gasoline service stations shall be subject to the following conditions:

- A. Plans shall be presented detailing traffic flow within the station, points of ingress and egress and probable effects on local traffic flow. Ingress and egress-points shall not be located closer than one hundred (100) feet of any intersection.
- B. Service station operation shall be limited to sales and minor repairs.
- C. All vehicle and parts storage areas shall be so designed and located as not to intrude into any required yard setback area. Yard areas adjacent to residential districts shall be suitably screened.
- D. Main or accessory buildings shall not be located closer than fifty (50) feet to any residential district.
- E. No lighting provided shall produce glare visible to adjoining residences.
- F. The minimum lot area shall be ten thousand (10,000) square feet.

§ 124-24. Car Washes.

Car washes shall be subject to the following conditions:

- A. Automatic, semiautomatic or self-service car washes shall be limited to cleaning or waxing vehicles and shall be carried out only within an enclosed building.
- B. The lot shall be so graded that process water shall not run off across the lot or onto a public street.
- C. The car wash shall be designed to specifications provided by the Borough Engineer and shall meet all requirements of the Pennsylvania Department of Environmental Resources.

- D. The lot area shall be sufficient to provide space for the building, required yards, drives and storage area.
- E. Automobile storage or waiting space shall be provided at the rate of not fewer than five (5) vehicles for each bay in a self-service car wash and not fewer than ten (10) vehicles for each space or rated capacity within an automatic or semiautomatic car wash.
- F. All vehicle storage spaces shall be designed and located so as not to intrude into any required yards. Main or accessory buildings shall not be located closer than fifty (50) feet to any residential district.
- G. All lot lines adjoining residential areas shall be adequately screened.
- H. Lighting provided shall not produce glare on adjoining properties.
- I. Hours of operation shall be limited so as not to inconvenience residents on adjoining properties during normal sleeping hours.

§ 124-25. Dwelling units.

It is the intent of this section to establish minimum standards for the erection of dwelling units in the borough in order to protect the public health, safety and general welfare and to maintain the character of the community.

- A. Foundations. All dwelling units shall be placed upon a complete, permanent, frost-free foundation consisting of a full basement or crawl space.
- B. Floor space. Single-family dwellings and two-family dwellings shall contain a minimum of six hundred (600) square feet of interior gross floor area per dwelling unit, excluding basement and accessory structures.
- C. Mobile homes. A mobile home may be erected as a single-family dwelling and must comply with the requirements of this § 124-25 and the lot size, yard, height, floor area, water supply, sewage and other requirements of this chapter.

§ 124-26. Two-family dwellings.

- A. Districts permitted. Two-family dwellings are considered principal permitted uses in the R-2, C-1, C-2 and I Districts.
- B. Common wall. In cases where the two-family dwelling is a duplex involving a common (i.e., party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. Each lot shall meet the district minimum lot size requirements and front, rear and other side yards shall be maintained as required for the applicable district.
- C. Over/under units. In cases where the two-family dwelling consists of two (2) dwelling units constructed with one (1) unit located on the second floor above a first floor dwelling unit, the lot size shall be the same as for a single-family residence in the same district and required district front, side and rear yards shall be maintained. If such a

two-family dwelling is proposed on two (2) or more separate lots of record, said lots shall be combined into one (1) lot prior to the issuance of a zoning permit.

- D. Parking. Off-street parking shall be provided in accord with § 124-18 of this chapter.
- E. Sewage disposal. Documentation shall be provided by the applicant that adequate sewage disposal will be provided in accord with borough and PADER requirements.
- F. Conversions. See § 124-28.

§ 124-27. Multifamily residential.

A. General provisions.

- (1) Multifamily dwellings are considered conditional uses in the R-2, C-1 and C-2 Districts in order to provide the opportunity for the development of a variety of housing types in the borough. In addition to the conditional use standards set forth in § 124-44 of this chapter and all other applicable standards, the following standards shall apply to multifamily dwellings.
- (2) Multifamily dwellings shall be considered major subdivisions and land developments subject to the borough subdivision and land development regulations.¹⁶ This major subdivision classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one (1) subdivision. Application for preliminary approval of multifamily dwelling projects, accordingly, will be made to the Borough Planning Commission in the manner provided in the subdivision regulations. The developer shall also submit all information required by said regulations in addition to the following additional information:
 - (a) An application for multifamily dwelling conditional use by a letter or brief from the developer indicating how the development will specifically meet the conditional use standards contained in § 124-44 of this chapter.
 - (b) A proposed plot plan showing all necessary information, to include, at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this chapter. Building layouts, floor plans and profiles shall also be provided, indicating building dimensions, numbers and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the borough. Setbacks from property lines, improvements and other buildings shall also be specifically shown.

16. Editor's Note: See Ch. 108, Subdivision of Land.

- (c) A schedule or plan for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the open space required by this chapter to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event provide to the satisfaction of the borough that maintenance and use of the property, regardless of ownership, be restricted to either activities intended for the sole benefit of the occupants of the particular project proposed or permanent open space as hereinafter provided.
- B. Permitted uses. Multifamily dwelling buildings shall consist solely of residential dwelling units, rental office, recreational and parking facilities. However, coin-operated washing and drying machines and vending machines for food, beverages, newspapers or cigarettes located inside the building shall be permitted, provided that these are for the tenants' use only. Sample apartments or townhouses for display purposes shall be permitted for each type of construction.
- C. Water and sewer systems. The proposed development shall be served by the borough water supply and a sewage disposal system approved by the Department of Environmental Resources.
- D. Area and bulk regulations. All multifamily dwelling developments shall conform to all of the requirements in this § 124-27D:

	Townhouses¹	Apartment Buildings
Minimum gross lot area (acres)		
Minimum lot depth to width ratio	0.5	0.5
Minimum side yard (feet)	4:1	4:1
Minimum rear yard (feet)	30 ²	30
Minimum front yard (feet)	30	30
Distance between buildings	30	30
Maximum dwelling units per gross acre	See § 124-27E(2)	
Minimum usable open space devoted solely to recreational use and activities	8	10
Maximum height	0% of the tract ³	10% of the tract ³
Maximum number of units per building	3 stories, but not greater than 30 feet	
	6	8

NOTES:

- ¹ Minimum width of a townhouse dwelling shall be twenty (20) feet per unit.
- ² Applies to end building only.

NOTES:

- ³ Usable open space shall not include front, side and/or rear yards of an individual building.

- E. Design requirements. All multifamily dwelling developments shall conform to all of the requirements in this § 124-27E.
- (1) The developer should vary architectural treatments within apartment projects, between individual apartments and between dwelling units in a townhouse development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials or use of color. Variety and flexibility in design layout and arrangement of buildings, parking areas, services, recreation areas, common open space and planting that fully considers the particular physical characteristics of the site and natural amenities is highly desired.
 - (2) The horizontal distance between any multifamily buildings shall be not less than the height of the highest adjoining building, but in no case less than twenty (20) feet.
 - (3) Access and service shall be provided in the front of each townhouse. Parking may be provided on the lot, as carports, as an integral part of the townhouse, or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs. (See also § 124-18.)
 - (4) Usable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted to and approved by the Borough Council.
 - (5) In the event that a development is designed to contain more than one (1) permitted use, the plan submitted shall indicate an area designation for each such use, and all requirements of this chapter for each area so designated shall be met.
- F. Parking facilities.
- (1) Number of spaces. Off-street parking, whether garage or on-lot, shall be provided on the premises at the rate of two (2) spaces for each dwelling unit.
 - (2) Requirements for parking lots shall conform to the applicable requirements of § 124-18 of this chapter.
 - (3) Site requirements.
 - (a) Entrance and exit drives and interior access roads shall be designed so vehicles entering or leaving the site cannot be blocked.

- (b) Entrance and exit drives shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site, but shall at no time exceed thirty (30) feet in width.
- G. Drainage. Section 108-27 of Chapter 108, Subdivision of Land, and all storm drainage provisions of other borough ordinances shall apply to all multifamily developments.
- H. Lighting. Lighting for buildings, access ways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.
- I. Storage of trash and rubbish. Exterior storage areas for trash and rubbish shall be well-screened on three (3) sides and the trash and rubbish contained in covered, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary condition.
- J. Conversions of existing structures. Conversions of any existing structures to multifamily dwelling use, regardless of whether such conversions involve structural alteration, shall also be considered conditional uses and, moreover, be subject to the provisions of this § 124-27, including but not limited to density requirements. (See also § 124-28.)
- K. Common property ownership and maintenance.
- (1) In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of the same shall be provided by the developer for approval by the borough. This shall specifically include but not be limited to provisions dealing with the ownership and maintenance of open space, improvements and utilities. Said arrangement shall indemnify the borough of any responsibility associated with the same. The developer shall also submit evidence of compliance with the Pennsylvania Condominium Law¹⁷ or an attorney's opinion that said law does not apply to the subject project.
 - (2) If a property owners' association is proposed, it shall be governed by the following requirements:
 - (a) The association shall be formed by and with the financial assistance of the developer, if necessary, prior to the sale of any lots or units.
 - (b) Membership in the organization shall be mandatory for all owners in the project and their successors.
 - (c) The association shall be responsible for maintaining, insuring and paying taxes on common property, and costs of the same shall be shared equitably by the members in accord with the bylaws and procedures established by the association.
 - (d) Such staff or services as are necessary to maintain and administer common property and facilities shall be provided by the association.

17. Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.

§ 124-28. Conversion of dwellings.

Any conversion of any building to a residential use or the conversion of any dwelling to accommodate additional dwelling units shall be considered a conditional use and, in addition to the other applicable standards in this chapter, the standards in this section shall apply.

- A. General requirements. The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to dwelling unit, living space, lot coverage, dimensions of yards and other applicable standards.
- B. Structural alterations. If the proposed project involves structural alterations, the application shall include a certification of a registered architect or engineer that the existing building is structurally sound and that the proposed conversion will not impair its structural integrity.
- C. Parking. Off-street parking shall be provided in accord with § 124-18 of this chapter.
- D. Sewage disposal. Documentation shall be provided by the applicant that adequate sewage disposal will be provided in accord with borough and PADER requirements.

§ 124-29. Residential/commercial mixed use.

Residential/commercial mixed uses in a single principal structure are considered conditional uses in the C-1 and C-2 Districts in accord with the following and all other applicable standards in this chapter.

- A. Uses permitted. The commercial uses in any residential/commercial use building shall only be permitted in accord with the Schedule of Uses.¹⁸
- B. Residential units. The number of residential units in the structure shall be determined by the parking, sewage disposal and other performance standards in this chapter, but in no case shall the number of residential units exceed the density established for the same by this chapter.

§ 124-30. Adult businesses.

Adult businesses shall not be permitted in the Borough of Matamoras. Said uses are prohibited due to the rural small town character of the borough and said uses are not logically or sensibly needed in the area. Said uses are more logically and sensibly provided in areas that are more urbanized or are in the path of urbanization and are thereby suited for adult businesses.

18. Editor's Note: The Schedule of Uses is included at the end of this chapter .

**ARTICLE V Nonconforming Uses
and Structures****§ 124-31. Purpose.**

It is the purpose of this Article to limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that alterations, reestablishments and extensions of nonconforming uses and/or structures may not be contrary to the public interest or the general purpose of this chapter when failure to allow such alteration, reestablishment or extension would itself lead to neighborhood or district deterioration. It is further the purpose of this Article to prescribe those standards which are to be applied by the borough in determining the reasonableness of a proposal to alter, reestablish or extend a nonconforming use. The following are regulations which shall apply to the alteration, reestablishment or extension of nonconforming uses.

§ 124-32. Term defined.

A nonconforming use or building shall be a building, structure or use legally existing at the effective date of this chapter, or any amendment thereto, or a building, structure or use planned and under construction in compliance with existing laws prior to the effective date of this chapter, or any amendment thereto, and completed within a one-year period after the effective date of this chapter, or amendment thereto, and which does not conform with the use regulations of the district in which located. A building, structure or use allowed by variance in a district where it is nonconforming with any regulations of this chapter shall also be considered a nonconforming use. (See also definitions in § 124-8.)

§ 124-33. Maintenance and repair; other allowed changes. [Amended 5-2-2006 by Ord. No. 284]

- A. Normal maintenance and repair, such as painting, replacing a roof, etc., is allowed, as well as alterations and interior renovations that do not structurally alter the building or area or result in increased use of the building or area or a different nature of use than that existing at the present time or otherwise create more incompatibility with the surrounding permitted uses.
- B. In cases where the nonconforming structure is a single-family dwelling or a two-family dwelling, or a structure accessory to a single-family or two-family dwelling, alterations and/or interior renovations that structurally alter the building are allowed, providing the Zoning Officer reviews such plans and determines that such changes do not create further nonconformity. However, a single-family dwelling or a two-family dwelling or accessory structure to those dwellings that was allowed by variance in a district where it is nonconforming with any regulations of this chapter is subject to the requirements of § 124-34 below.

§ 124-34. Changes, reestablishments and additions. [Amended 5-2-2006 by Ord. No. 284]

All changes, reestablishments and additions to nonconforming uses and structures, excepting those identified in § 124-33, shall be considered conditional uses subject to the requirements of § 124-44 and all other applicable standards of this chapter, and permits for changes in use, reestablishment or additions shall be granted only after a determination by the borough that the following conditions will be satisfied.

- A. Storage of materials. There shall be no increase in the amount of materials, supplies and/or products that are stored outside a nonconforming facility excepting those types of uses outlined in Subsection B.
- B. Screening. Where the nonconforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside, the use may only be expanded if a solid fence of wood or some similar material and/or vegetative screening, not less than six (6) feet in height, is present on all sides of the immediate area in use.
- C. Yards and setbacks. No addition, change or expansion of a nonconforming use shall create further nonconformity by violation of yard and/or height regulations of the district in which it is located.
- D. Storm water. The provisions of § 124-20M of this chapter and § 108-27 of Chapter 108, Subdivision of Land, shall apply.
- E. Parking and traffic. In no case will a change, reestablishment, addition or expansion of a nonconforming use be allowed which would result in the diversion of traffic or relocation of a driveway on the site to any point nearer a residential property or result in violation of any of the parking and unloading requirements of this chapter. If the total number of parking spaces for the site is to be increased more than twenty-five percent (25%) over those available as of the date of this chapter, the borough may require vegetative screening of the parking area from nearby residential areas.
- F. Extension onto new properties. The use may only be expanded or extended onto a new property in the district if that property is immediately adjacent to the existing location, the properties are considered as a unit and were both under the same ownership as of the effective date of this chapter and the owner has clearly exhausted the alternatives available for expansion on the existing site.

§ 124-35. Time frame for reconstruction.

A nonconforming use or structure may be reestablished or reconstructed to the same nonconformity within a period of eighteen (18) months after it has been discontinued, vacated, damaged or removed. Prior to the removal of a nonconforming use or structure in anticipation of reestablishment or reconstruction to the existing nonconformity, the owner of such use or structure shall contact the Zoning Officer so that a certificate of nonconformity may be issued prior to the removal of the nonconforming use or structure.

§ 124-36. Nonconforming lots of record.

A single-family dwelling may be erected on any existing lot of record, provided that the owner does not possess adjoining property which can be combined with the subject parcel, that no front, side or rear yard setback is less than required and that a sewage permit can be properly issued.

ARTICLE VI Administration and Enforcement**§ 124-37. Authority; enforcement.**

- A. Zoning Officer. It shall be the duty of the Zoning Officer, to be appointed by the Borough Council, to enforce the provisions of this chapter. The Zoning Officer shall examine all applications for permits and shall issue or refuse permits within 30 days of receipt of the application or, where applicable, refer said application to the governing body. The Zoning Officer shall record and file all applications for permits with accompanying plans and documents, and shall file reports rendered, certificates issued, inspections made and notices or orders issued and shall identify and register nonconforming uses and structures when application is made of such certification or registration and shall make such other reports as Borough Council may require. **[Amended 6-5-2007 by Ord. No. 289]**
- B. Conditional uses and special exceptions and variances. Permits for construction and uses which are conditional uses shall be issued only upon written order of the Borough Council. Permits for construction and uses which are a special exception or a variance to requirements of this chapter shall be issued only upon written order of the Zoning Hearing Board.

§ 124-38. Permits.

- A. Requirements of permits. A building and/or zoning permit shall be required prior to the erection, addition or alteration or demolition of any building or structure or any accessory building or structure or portion thereof or regulated sign; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration or demolition of any building or for a change in land use until a permit has been duly issued therefor. No zoning permit shall be required in cases of normal maintenance activities, minor repairs or alterations which do not structurally change a building or structure. **[Amended 10-2-2007 by Ord. No. 294]**
- B. Applications for permits.
- (1) All applications for permits shall be accompanied by plot sketch in duplicate, drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or

dwelling units the building is designed to accommodate and such other information deemed necessary by the borough to determine compliance with this chapter and all other pertinent ordinances.

- (2) The Zoning Officer, Planning Commission, Borough Council or the Zoning Hearing Board, as the case may be, may require the applicant to provide a current survey map of his property to confirm compliance with lot size, lot width, setbacks or any other requirement of this chapter.
 - (3) Applications for variances, special exceptions and conditional uses shall include the Tax Map number of the project parcel and a list of property owners located within two hundred (200) feet of the project parcel. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
- C. Subdivision approval. Applications for uses which also necessitate approvals under the Borough Subdivision Ordinance¹⁹ shall be processed in the manner provided for plat approval under that ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A zoning permit shall not be issued until the proposed use has been granted a preliminary approval under the Subdivision Ordinance. However, no building or property shall be occupied or used until final subdivision approval has been granted and a certificate of use has been properly issued pursuant to § 124-41 of this chapter.
- D. Issuance of permits. No permit shall be issued until the Zoning Officer has certified that the proposed use, building, addition or alteration complies with all the provisions of this chapter as well as with all the provisions of other applicable regulations. Once issued, a zoning permit shall be valid for a period of one (1) year. If after one (1) year from permit issuance the use, structure or building authorized by said permit has not been established or erected, said permit shall expire and a new permit shall be required.
- E. Temporary permit. A temporary permit may be authorized by the Borough Council for a nonconforming structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit for a specified period of time not to exceed one (1) year and may be renewed annually for an aggregate period not exceeding three (3) years.
- F. Zoning permits for temporary uses and structures. **[Added 6-6-2006 by Ord. No. 285]**
- (1) A Zoning Permit for a temporary use or structure may be issued by the Borough Zoning Officer for any of the following:
 - (a) A temporary permit may be issued for customary, routine and accessory short-term temporary use and structure, provided that:
 - [1] Only a well-established nonprofit organization, fire company or a permitted place of worship proposing a temporary use to clearly

19. Editor's Note: See Ch. 108, Subdivision of Land.

primarily serve a charitable, public service or religious purpose or existing retail businesses shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted;

- [2] Such total temporary uses and structures shall be limited to a maximum of 12 total days per calendar year for all activities;
 - [3] The applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the temporary use and structure, without obstructing parking that is required to serve other uses on the site; and
 - [4] The applicant shall have written consent of the owner of the property where the temporary use and structure is to be held, if not owned by the applicant. Such written consent shall be submitted to the Zoning Officer as part of the zoning permit package.
- (b) A temporary permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction while such construction is actively underway under a valid Borough permit."
 - (c) Permits for a temporary use and structure shall be processed in accord with the applicable provisions set forth in §§ 124-38 through 124-44 and shall be displayed while the temporary use and structure is open for business.
- (2) Time period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a twelve-day maximum period shall apply. A temporary permit may be renewed for just cause.
 - (3) Temporary retail sales. Except as provided in Subsection F(1)(a)[I] above, and except for agricultural sales allowed by the State Right to Farm Act,²⁰ a lot shall only be used for temporary retail sales if all of the following conditions are met:
 - (a) The property shall be located within a zoning district that allows retail sales.
 - (b) The operator shall have received any business permits required by the Borough. The operator may be a different entity than the operator of another business on the lot.
 - (c) No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
 - (d) Any signs advertising a temporary use and structure shall comply with § 124-171, Temporary signs.
 - (e) If food or beverages are sold that are not prepackaged, the applicant shall prove compliance with the state health regulations, including having on-site

20. Editor's Note: See 3 P.S. § 951 et seq.

ORDINANCE #

This 1 day of _____, 2009, it is hereby ordained enacted by the Borough Council, Borough of Matamoras/that the following section be added into and incorporated with the Zoning Ordinance of the Borough of Matamoras, being Chapter 124 of the Matamoras Code.

Section 124-38 F.(2) Shall be modified as follows:

Time period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a twelve day maximum period shall apply. In no case shall the zoning officer exceed the twelve day limit annually for any applicant, use or location.

Approved this _____ day of July, 2009.

Secretary:

Nancy Buck
nan

Richard Gassman
Richard Gassman, Mayor

Brian Seeber
Brian Seeber-President

facilities for workers to wash their hands. Proper bathroom facilities shall also be available for workers.

- (f) Any structure shall meet applicable minimum setbacks.
 - (g) Permits for a temporary retail sale shall be processed in accord with the applicable provisions set forth in §§ 124-30 through 124-44 and shall be displayed while the temporary use and structure is open for business.
 - (h) The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.
 - (i) The applicant shall have written consent of the owner of the property where the temporary retail sales will be held, if the property is not owned by the applicant. Such written consent shall be submitted to the Zoning Officer as part of the zoning permit package.
 - (j) Yard sales shall be exempt from the requirements of this section and must comply with § 124-22.
- G. Demolition permit. A demolition permit shall be required by the Zoning Officer for removal of existing structure(s). The Zoning Officer will set a time limit for how long debris can remain on the site. A dumpster with a maximum volume of 30 cubic yards of debris may remain on site within the allotted time limit, unless otherwise authorized by the Zoning Officer. The Zoning Officer shall require a certificate of homeowners' insurance for the property being demolished. If the demolition work is performed by a contractor authorized by the property owner, that contractor must have all inclusive insurances for a business, and comply with all regulations of the Pennsylvania Department of Environmental Protection on disposal of demolition debris. **[Added 10-2-2007 by Ord. No. 295]**
- H. Stop-work orders may be issued by the Zoning Officer or the Building Inspector in conjunction with § 124-42, Compliance or other sections of this Zoning Ordinance. A fee associated with a stop-work order must be paid in full before any work may be resumed. **[Added 10-2-2007 by Ord. No. 295]**

§ 124-39. Fees.

- A. As authorized by Section 617.3(e) of the Pennsylvania Municipalities Planning Code,²¹ the Borough Council shall, by duly adopted resolution of the Council, establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this chapter.
- B. Permits, special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

21. Editor's Note: See 53 P.S. § 10617.3(e).

- C. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

§ 124-40. Inspection.

- A. Inspection by the Zoning Officer. The Zoning Officer shall have the authority to make the following minimum number of inspections on property for which a permit has been issued:
- (1) At the beginning of construction. A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building. If the actual construction does not conform to the application, a written notice of the violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
 - (2) At the completion of construction. A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to the issuance of a certificate of use. Nothing contained in this chapter shall impose or imply any responsibility upon the Borough Council or its officials or agents for the quality of workmanship or materials employed in construction.
- B. Inspection by borough officials. It shall be deemed that the applicant, by virtue of submitting a zoning application to the borough, grants permission to the Borough Planning Commission, Borough Council or other agent authorized by the Borough Council to make such inspections of the subject premises as determined necessary by the Borough Council to confirm compliance with the provisions of this chapter. Such inspection shall be made at reasonable times and shall be solely for the purposes set forth in this § 124-40B.

§ 124-41. Certificate of use.

- A. Definition. A certificate of use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this chapter or that a building or structure lawfully may be employed for specified uses under the provisions of this chapter, or both.
- B. Required. No vacant land shall be occupied or used and no structure or part of a structure hereafter erected, structurally altered or changed in use shall be occupied or used until a certificate of use shall have been issued therefor by the Zoning Officer.
- C. New structures and buildings, additions and alterations. [Amended 5-2-1995 by **Ord. No. 246**]

- (1) Required. A certificate of use, either for the whole or part of a new building or structure or for the alteration of or addition to an existing building or structure, shall be applied for immediately upon completion of the construction authorized by the permit and prior to any occupancy thereof. The Zoning Officer shall issue or deny the application for the certificate of use within fifteen (15) days of receipt of the application for the same. If the erection, alteration of or addition to such building or structure or part shall have been completed in conformity with the provisions of this chapter and the conditions on the permit, the certificate of use shall be issued. If the construction does not conform with the provisions of this chapter and the conditions of the permit, the certificate of use shall be denied.
- (2) Exemption. A certificate of use shall not be required for fences or signs. However, the exemption from the requirement for a certificate of use shall not exempt such structures from compliance with the requirements of this chapter, and any owner of

such structure shall be subject to enforcement, proceedings for failure of compliance.

D. Change in use.

- (1) A certificate of use for the use or occupancy of vacant land or for a change in the use of land or for a change in the use of an existing building shall be applied for and issued before any such land shall be occupied or used or such land or building changed in use. Any change of use which results in a change from a use listed on the Schedule of Uses²¹ to another use listed on the Schedule of Uses shall be treated as a new use, and the applicable approvals, including conditional use or special exception approval, shall be required. For example, the conversion of a warehouse building into an auto body shop would not involve new construction; however, the use would be changing and would require a change of use permit.
- (2) In cases where a use changes but remains within the same definition of a use listed on the Schedule of Uses and no new construction is involved, a certificate of use shall be required for the change in use. However, conditional use approval or special exception approval will not be required. For example, a candy store changing to a hardware store, both retail businesses as listed on the Schedule of Uses, would not require conditional use approval, but rather, only a certificate of use issued by the Zoning Officer.

E. Nonconforming uses. A certificate of use for changing or extending a nonconforming use existing at the time of the passage of this chapter or of an amendment thereto shall be applied for and issued before any such nonconforming use shall be changed or extended in accord with this chapter.

F. Records. A record of all certificates of use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

§ 124-42. Compliance.

Failure to comply with any provision of this chapter, failure to secure or comply with a decision of the Borough Council or Zoning Hearing Board or the failure to secure a permit, when required, -^prior to or (when ordered) after the erection, construction, extension or addition to a building or prior to or after the use or change of use of land or failure to secure a certificate of use permit shall be violations of this chapter. When written notice of a violation of any of the provisions of this chapter shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed by Section 616.1 of the Pennsylvania Municipalities Planning Code,²² such violation shall be discontinued or corrected as set forth in said notice.

21. Editor's Note: The Schedule of Uses is included at the end of this chapter.

22. Editor's Note: See 53 P.S. § 10616.1.

§ 124-43. Violations and penalties; remedies.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the borough, pay a judgment of not more than five hundred dollars (\$500.), plus all court costs, including reasonable attorney fees incurred by the borough as a result thereof.
- B. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the borough.
- C. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- D. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the borough, the right to commence any action for enforcement pursuant to this section.
- E. In case any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this chapter, the Borough Council or, with the approval of the Borough Council, an officer of the municipality or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute (in the name of the borough) any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

§ 124-44. Conditional uses; special exceptions.

- A. Conditional uses.
 - (1) Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses

in this chapter and in § 124-44C and as required by the Pennsylvania Municipalities Planning Code.²³

- (2) Upon determining that an application for a specific use may only be granted as a conditional use under the terms of this chapter, the Zoning Officer shall forward a copy of said application, along with the required supporting data, to the Borough Planning Commission. The Planning Commission shall review the application within thirty (30) days following its next regular meeting and may hold a public hearing pursuant to public notice to receive comment on the proposed use.
 - (3) The Planning Commission shall report its findings, together with a recommendation indicating whether the criteria listed above and any applicable performance standards have been satisfied. Upon receipt of the conditional use application and the recommendation of the Planning Commission, the Borough Council shall conduct a public hearing pursuant to public notice and shall grant or deny the application. If the application is granted, the Borough Council shall attach such reasonable conditions and safeguards as the Board deems necessary to protect the public health, safety and welfare and to implement the purposes of this chapter and shall direct the Zoning Officer, in writing, to issue a permit for the same. If the application is denied, the applicant shall be notified within five (5) days of the action in person or by certified mail, such notice including reasons for denial.
- B. Special exceptions. Uses specified as special exceptions shall be permitted only after review and approval by the Borough Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this chapter and in Subsection D below along with all other applicable standards. Procedures for special exceptions shall be pursuant to Article IX of the Pennsylvania Municipalities Planning Code.²⁴
- C. Expansions and additions to conditional uses and special exceptions. Any expansion of or addition to a use or structure classified as a conditional use or special exception in the Schedule of Uses²⁵ shall be considered a conditional use or special exception, respectively.
- D. Standards and criteria. The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this chapter and other ordinances of Matamoras Borough. In addition to all the applicable standards provided in this chapter for specific conditional uses and special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions.
- (1) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values or other matters affecting the public health, safety and general welfare, either as they now exist or as they may in the future be developed as a

23. Editor's Note: See 53 P.S. § 10101 et seq.

24. Editor's Note: See 53 P.S. § 10101 et seq.

25. Editor's Note: The Schedule of Uses is included at the end of this chapter.

result of the implementation of this chapter or any other plan, program, map or ordinance of the borough or other government agency having jurisdiction to guide growth and development.

- (2) The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities and services of the borough, whether such services are provided by the borough or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities or services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use, the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of the borough. The permit approval shall be so conditioned.
- (3) In reviewing an application, the following additional factors shall be considered:
 - (a) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 - (b) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - (c) Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - (d) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - (e) Adequacy of storm water and drainage facilities. Storm water leaving any site shall not exceed pre-development levels and facilities shall be designed to accommodate a ten-year storm.
 - (f) Adequacy of water supply and sewage disposal facilities.
 - (g) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - (h) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - (i) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (4) No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this chapter shall be met. In instances where the supplemental

standards contained herein do not adequately protect the general health, safety and welfare of parties affected, all conditions necessary to protect the general health, safety and welfare shall be imposed as conditions of approval. Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, hours of operation, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein, and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the borough; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

E. Information required.

(1) General requirements. [**Amended 5-2-1995 by Ord. No. 246**]

- (a) The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein, and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the borough, and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.
- (b) Six (6) copies of the application for conditional use or special exception and supporting documentation shall be submitted.
- (c) In the case of an application involving the construction of any new structure or any addition to an existing structure, all of the information required in this § 124-44E shall be provided by the applicant. However, the Planning Commission, Borough Council or the Zoning Hearing Board, as the case may be, may determine, as part of the review process, that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant.
- (d) In the case of an application which does not involve the construction of any new structure or any addition to an existing structure, a narrative providing details of the project shall be provided as required by Subsection E(2)(a) which follows. However, a plot plan, as required in Subsection E(2)(b) which follows, shall not generally be required unless the Planning Commission, Borough Council or the Zoning Hearing Board, as the case may be, deems such plot plan necessary to evaluate and make a decision on the application. The Planning Commission, Borough Council or the Zoning Hearing Board, as the case may be, shall determine, as part of the review process, the type of information and level of detail of the plot plan if such plot plan is required.
- (e) In any case, the Planning Commission, Borough Council or the Zoning Hearing Board, as the case may be, may require any other additional

information or any level of detail deemed necessary to determine compliance with this chapter or to identify any impacts of the proposed use.

(2) Specific requirements.

- (a) A narrative providing details of the project.
- (b) A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
 - [1] The name of the development.
 - [2] The name and address of the landowner and/or land developer. (If corporation, give name of officers.)
 - [3] Location map.
 - [4] North arrow.
 - [5] Graphic scale.
 - [6] Written scale.
 - [7] The date the plot plan was completed.
 - [8] The names of adjacent property owners and Tax Map numbers, including those across adjacent roads.
 - [9] Proposed and existing street and lot layout, including street names and right-of-way widths.
 - [10] Existing and proposed man-made and/or natural features:
 - [a] Watercourses, lakes and wetlands (with names).
 - [b] Rock outcrops, ledges and stone fields.
 - [c] Buildings and structures and setbacks required by this chapter.
 - [d] Approximate location of tree masses.
 - [e] Utility lines, wells and sewage system(s).
 - [f] Entrances, exits, access roads and parking areas, including the number of spaces.
 - [g] Drainage and storm water management facilities,
 - [h] Any and all other significant features.
 - [II] The location of permanent and seasonal high-water table areas and one-hundred-year flood zones.
 - [12] Tract boundaries accurately labeled.

[13] The total acreage of the tract and the extent of the areas of the site to be disturbed and the percentage of lot coverage when the project is completed.

[14] The location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.

[15] A statement of the type of water supply and sewage disposal proposed.

F. Limitation of approval.

- (1) Any conditional use approval granted by the Borough Council and any special exception approval granted by the Zoning Hearing Board shall expire one (1) year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such expiration, said approval and any permit issued subsequent thereto shall be deemed null and void and the developer shall be required to submit another application for the same. **[Amended 5-2-1995 by Ord. No. 246]**
- (2) **In** cases where conditional use approval or special exception approval precedes land development approval, said conditional use approval or special exception approval shall become null and void unless a complete application for land development in accord with the Borough Subdivision and Land Development Ordinance²⁶ is made within one hundred eighty (180) days from the date of conditional use approval or special exception approval.

§ 124-45. Zoning Hearing Board.

A. Jurisdiction.

- (1) The Borough Council shall appoint a Zoning Hearing Board and may appoint alternate members to the Zoning Hearing Board in accord with Section 903 of the Pennsylvania Municipalities Planning Code, as enacted or hereafter amended.²⁷ The Zoning Hearing Board shall have such powers and authority as set forth in Article IX of said Code. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - (a) Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 (curative amendments) and 916.1(a)(2) (ordinance validity) of the Pennsylvania Municipalities Planning Code.²⁸
 - (b) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which

26. Editor's Note: See Ch. 108, Subdivision of Land.

27. Editor's Note: See 53 P.S. § 10903.

28. Editor's Note: See 53 P.S. § 10609.1 and 53 P.S. § 10916.1(a)(2), respectively.

challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

- (c) Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - (d) Appeals from the determination of the Municipal Engineer or Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within any land use ordinance.
 - (e) Applications for variances from the terms of this chapter or any floodplain or flood hazard ordinance or such provisions within any land use ordinance, pursuant to § 124-45C of this chapter and Section 910.2 of the Pennsylvania Municipalities Planning Code.²⁹
 - (f) Applications for special exceptions under this chapter pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code³⁰ and § 124-44 of this chapter.
 - (g) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter, if such provisions exist.
 - (h) Appeals from the Zoning Officer's determination under Section 916.2 (preliminary opinion) of the Pennsylvania Municipalities Planning Code.³¹
 - (i) Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development applications.
- (2) The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Uses³² for the particular district.

29. Editor's Note: See 53 P.S. § 10910.2.

30. Editor's Note: See 53 P.S. § 10912.1.

31. Editor's Note: See 53 P.S. § 10916.2.

32. Editor's Note: The Schedule of Uses is located at the end of this chapter.

- (3) In all its actions, the Zoning Hearing Board shall follow procedures as provided in the Pennsylvania Municipalities Planning Code.³³

B. Zoning Hearing Board applications.

- (1) Application to the Zoning Hearing Board shall be made, in writing, to the Chairman of the Zoning Hearing Board and shall state:
- (a) The name and address of the applicant.
 - (b) The name and address of the owner of the real estate to be affected by such proposed exception or variance.
 - (c) A brief description and location of real estate to be affected by such proposed change.
 - (d) A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use thereof.
 - (e) A statement of the section of this chapter under which the application is being requested and the reasons why it should be granted.
 - (f) Any reasonably accurate description of the present improvements and the additions intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot and size of improvements now erected and proposed to be erected thereon.
 - (g) Any other information the applicant deems appropriate.
- (2) If the Zoning Hearing Board finds the appeal or request outside its scope of jurisdiction, it shall return the application for the same to the Zoning Officer for proper processing. Zoning Hearing Board matters shall otherwise be processed in conformance with the requirements of the Pennsylvania Municipalities Planning Code.³⁴

C. Variances.

- (1) The Zoning Hearing Board shall have the right to authorize such variances from this chapter as are permitted under Section 910.2 of the Pennsylvania Municipalities Planning Code.³⁵ The Board may grant a variance, provided that the following findings are made where relevant in a given case:
- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional

33. Editor's Note: See 53 P.S. § 10101 et seq.

34. Editor's Note: See 53 P.S. § 10101 et seq.

35. Editor's Note: See 53 P.S. § 10910.2.

topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.

- (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (c) That such unnecessary hardship has not been created by the applicant.
 - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor to be detrimental to the public welfare.
 - (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (2) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Article VI and this chapter.
 - (3) This authority shall not include the right to grant a use variance that would, in fact, \ alter the Zoning Map and thus constitute a rezoning.

§ 124-46. Mediation.

Parties to a proceeding authorized by Article IX and Article X-A of the Pennsylvania Municipalities Planning Code voluntarily chose the mediation option as set forth in Section 908.1 of the Pennsylvania Municipalities Planning Code.³⁶

§ 124-47. Appeals to court; other administrative proceedings.

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipalities Planning Code, respectively.³⁷

§ 124-48. Amendments.

- A. The Borough Council may amend this chapter by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code.³⁸

36. Editor's Note: See 53 P.S. § 10908.1.

37. Editor's Note: See 53 P.S. § 10101 et seq.

38. Editor's Note: See 53 P.S. § 10101 et seq.

- B. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code.³⁹

39. Editor's Note: See 53 P.S. § 10609.1 and 53 P.S. § 10916.1, respectively.

ZONING

124 Attachment 1

Borough of Matamoras
Schedule of Development Standards
[Amended 11-1-2005 by Ord. No. 282; 2-6-2007 by Ord. No. 287]

District/Use	Minimum Lot Area	Lot Width (feet)	Required Yards ⁵ (feet)			Maximum Building Coverage (%)	Maximum Building Height ²	
			Front	Side (each)	Rear		Feet	Stories
R	1 acre	200	50	25	50	10	30	2.5
R-1	5,000 square feet	50	10	4	5	50	30	2.5
R-2	5,000 square feet	50	10	4	5	50	30	2.5
C-1	5,000 square feet	50	10	4 ⁴	5 ⁴	50	30	2.5
C-2	5,000 square feet	50	2	4	5	70	30	2.5
I ⁶	20,000 square feet	200	30	30	30	50	40	2.5
F	See § 124-19 and Ch. 63, Floodplain Development, as amended.'							
Detached accessory buildings or structures and all television satellite reception dishes, all districts				.2	2			

NOTES:

- ¹ Floodplain standards apply on an overlay basis to all zoning districts wherever floodplain zones overlap other regular zone districts.
- ² Maximum building height shall not exceed the maximum height standard in feet and shall not exceed the maximum height standard in stories.
- ³ R-2 standards shall apply to residential uses in the I District.
- ⁴ Refer to § 124-20A when commercial or manufacturing use is proposed contiguous to any existing residential use or any R-1 or R-2 District.
- ⁵ Refer to § 124-15B(1) for setback exemption for fences and walls.

ZONING

124 Attachment 2

Borough of Matamoras

**Appendix No. 1 Schedule of Uses R Recreation District [Amended
3-1-2005 by Ord. No. 279; 11-1-2005 by Ord. No. 282]**

INTENT: To encompass and provide regulations for those areas of land managed by the Borough of Matamoras and other public agencies for recreational purposes.			
Principal Permitted Uses	Conditional Uses	Special Exceptions	Accessory Uses
-Public parks and playgrounds	-Commercial communications devices -Public and semipublic uses	None	-Accessory uses customary to approved uses -Essential services -Signs accessory to approved uses -TV satellite dishes accessory to approved uses

NOTE:

¹ Uses not specifically listed by this schedule shall not be permitted in the R District.

² No-impact home-based businesses are permitted in conjunction with any and all dwelling uses in all zoning districts (including all Residential Districts) in the Borough of Matamoras as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant, or agreement restricting the use of land, nor any master deed, bylaw, or other document applicable to a common-interest ownership community.

ZONING

Borough of Matamoras

**Appendix No. 2
Schedule of Uses R-1 Single-
Family Residential District [Amended
11-1-2005 by Ord. No. 282]**

INTENT: To provide areas adequate to accommodate the borough's single-family housing needs, and limiting unnecessary intrusions of incompatible uses which might pose a threat to the health, safety or welfare of families and individuals occupying said housing.			
Principal Permitted Uses	Conditional Uses	Special Exceptions	Accessory Uses
-Group homes -Public parks and playgrounds -Single-family detached dwellings	-Churches and associated facilities -Home occupations	None	-Accessory uses customary to approved uses -Essential services -Home gardens, home greenhouses and home nurseries -Private garages, carports, sheds -Private greenhouses -Private stables -Private swimming pools -Signs accessory to approved uses -TV satellite dishes accessory to approved uses

NOTE:

¹ Uses not specifically listed by this schedule shall not be permitted in the R-1 District.

² No-impact home-based businesses are permitted in conjunction with any and all dwelling uses in all zoning districts (including all Residential Districts) in the Borough of Matamoras as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant, or agreement restricting the use of land, nor any master deed, bylaw, or other document applicable to a common-interest ownership community.

ZONING

Borough of Matamoras

**Appendix No. 3 Schedule of Uses R-2
General Residential District [Amended
11-1-2005 by Ord. No. 282]**

<p>INTENT: To meet the housing needs of individuals and families in all income groups by providing areas for medium- to high-density residential development where such housing will not substantially alter traffic patterns or otherwise detract from single-family neighborhoods, and limiting intrusions of commercial and other incompatible uses.</p>			
<p>Principal Permitted Uses</p>	<p>Conditional Uses</p>	<p>Special Exceptions</p>	<p>Accessory Uses</p>
<ul style="list-style-type: none"> -Group homes -Public parks and playgrounds -Single-family detached dwellings -Two-family dwellings 	<ul style="list-style-type: none"> -Churches and associated facilities -Home occupations -Nursing facilities -Mobile home parks -Multifamily dwellings -Semipublic uses 	<ul style="list-style-type: none"> -Public uses -Schools, private and public 	<ul style="list-style-type: none"> -Accessory uses customary to approved uses -Essential services -Home gardens, home greenhouses and home nurseries -Private garages, carports, sheds -Private greenhouses -Private stables -Private swimming pools -Signs accessory to approved uses -TV satellite dishes accessory to approved uses

NOTE:

¹ Uses not specifically listed by this schedule shall not be permitted in the R-2 District.

² No-impact home-based businesses are permitted in conjunction with any and all dwelling uses in all zoning districts (including all Residential Districts) in the Borough of Matamoras as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant, or agreement restricting the use of land, nor any master deed, bylaw, or other document applicable to a common-interest ownership community.

ZONING

Borough of Matamoras

Appendix No. 4 Schedule of Uses C-1 Neighborhood Commercial District [Amended 11-1-2005 by Ord. No. 282]

INTENT: For the purpose of creating areas for the location of commercial activities designed to serve the needs of immediately surrounding residences.			
Principal Permitted Uses	Conditional Uses	Special Exceptions	Accessory Uses
<ul style="list-style-type: none"> -Group homes -Public parks and playgrounds -Single-family detached dwellings -Two-family dwellings 	<ul style="list-style-type: none"> -Adult day-care centers -Bed-and-breakfast establishments -Boarding homes -Child-care centers -Churches and associated facilities -Clubs/lodges, private -Garden centers, retail -Greenhouses, commercial -Home occupations -Nurseries, commercial -Nursing facilities -Multifamily dwellings -Multiple-occupant commercial buildings -Residential/commercial mixed uses -Semipublic uses -Service establishments -Specialty shops -Studios 	<ul style="list-style-type: none"> -Public uses -Schools, private and public 	<ul style="list-style-type: none"> -Accessory uses customary to approved uses -Essential services -Home gardens, home greenhouses and home nurseries -Private garages, carports, sheds -Private greenhouses -Private stables -Private swimming pools -Signs accessory to approved uses -TV satellite dishes accessory to approved uses

NOTE:

¹ Uses not specifically listed by this schedule shall not be permitted in the C-1 District.

² No-impact home-based businesses are permitted in conjunction with any and all dwelling uses in all zoning districts (including all Residential Districts) in the Borough of Matamoras as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant, or agreement restricting the use of land, nor any master deed, bylaw, or other document applicable to a common-interest ownership community.

ZONING

Borough of Matamoras Appendix No. 5 Schedule of Uses

C-2 General Commercial District

[Amended 7-1-1997 by Ord. No. 254; 10-3-2000 by Ord. No. 259; 2-5-2002 by Ord. No. 262;
8-6-2002 by Ord. No. 266; 10-8-2002 by Ord. No. 267; 11-1-2005 by Ord. No. 282; 6-5-2007 by Ord. No. 290]

INTENT: To provide areas within the borough for the location of businesses and commercial enterprises catering to the needs of borough residents as well as surrounding communities and the transient population.			
Principal Permitted Uses	Conditional Uses	Special Exceptions	Accessory Uses
<ul style="list-style-type: none"> -Adult day-care centers -Banks and associated facilities -Bed-and-breakfast establishments -Boarding homes -Child day-care centers -Convenience store -Garden centers, retail -Group homes -Home occupations -Hotels and motels -Multiple-occupant commercial buildings, all of whose uses are herein permitted -Office buildings -Professional offices -Public parks and playgrounds -Residential/commercial mixed use, all of whose uses are herein permitted -Restaurants and taverns -Retail businesses -Service establishments -Single-family dwellings -Specialty shops -Studios -Theaters -Two-family dwellings 	<ul style="list-style-type: none"> -Amusement arcades -Animal hospitals -Auction houses -Car and truck washes -Churches and related facilities -Clubs/lodges, private -Commercial parking facilities -Detention facilities -Dog obedience schools -Drive-in establishments -Fast-food restaurants -Funeral homes -Gasoline service stations -Greenhouses, commercial -Health facilities -Nurseries, commercial -Printing and publishing establishments -Private recreational facilities -Rehabilitation centers -Research and development -Self-storage facility -Semipublic uses -Tattoo and body-piercing studio -Therapeutic massage facility -Vehicle equipment sales operations -Vehicle and equipment repair operations -Vehicle rental operation -Warehouses -Wholesale businesses 	<ul style="list-style-type: none"> -Public uses -Schools, private and public 	<ul style="list-style-type: none"> -Accessory uses customary to approved uses -Essential services -Private garages, carports, sheds -Private greenhouses -Private swimming pools -Signs accessory to approved uses -TV satellite dishes accessory to approved uses

MATAMORAS CODE

NOTES:

¹ Uses not specifically listed by this schedule shall not be permitted in the C-2 District.

² No-impact home-based businesses are permitted in conjunction with any and all dwelling uses in all zoning districts (including all Residential Districts) in the Borough of Matamoras as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant, or agreement restricting the use of land, nor any master deed, bylaw, or other document applicable to a common-interest ownership community.

ZONING

**Appendix No. 6
Schedule of Uses
I Industrial District**

[Amended 10-3-2000 by Ord. No. 259; 8-6-2002 by Ord. No. 266; 11-1-2005 by Ord. No. 282]

ESTTENT: To accommodate the demands of industry desiring to locate in Matamoras as well as provide suitable locations for heavy commercial and warehouse-type uses.			
Principal Permitted Uses	Conditional Uses	Special Exceptions	Accessory Uses
-Business, professional and governmental offices -Contractors yards -Group homes -Public parks and playgrounds -Public uses -Single-family detached dwellings -Two-family dwellings -Warehouses -Wholesale businesses	-Amusement parks -Bus terminals -Commercial communications devices -General industrial uses -Heavy commercial uses -Home occupations -Industry, heavy and light -Junkyards -Kennels -Manufacturing -Self-storage facilities - Semipublic uses -Solid waste facilities and staging areas -Truck terminals - Vehicle rental operation	None	-Accessory uses customary to approved uses -Essential services -Private garages, carports, sheds -Private greenhouses -Private swimming pools -Signs accessory to approved uses -TV satellite dishes accessory to approved uses

NOTE:

¹ Uses not specifically listed by this schedule shall not be permitted in the I District.

² No-impact home-based businesses are permitted in conjunction with any and all dwelling uses in all zoning districts (including all Residential Districts) in the Borough of Matamoras as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant, or agreement restricting the use of land, nor any master deed, bylaw, or other document applicable to a common-interest ownership community.

ORDINANCE # 30^

This 1 day of _____, 2009, it is hereby ordained enacted by the Borough Council, Borough of Matamoras that the following section be added into and incorporated with the Zoning Ordinance of the Borough of Matamoras, being Chapter 124 of the Matamoras Code.

Section 124-38 F.(2) Shall be modified as follows:

Time period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a twelve day maximum period shall apply. In no case shall the zoning officer exceed the twelve day limit annually for any applicant, use or location.

Approved this () day of July, 2009.

Secretary:

Nancy
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Richard Gassman

Richard Gassman, Mayor

Brian Seeber

Brian Seeber- President

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Brian

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ORDINANCE #_30^Cf

This day of
Council, Borough of Matamoras/ jhat the following section be added into and incorporate with
the Construction Codes, Uniform of the Borough of Matamoras, being Chapter 52 of the
Matamoras Code.

_, 2009, it is hereby ordained enacted by the Borough

§52-6 Amendments to the Uniform Construction Code

The following amendments shall amend the Uniform Construction Code and be adopted
for the Construction Code in the Borough of Matamoras:

- A. Section 403.1 (b) Exclusions and Exemptions, Section (3) shall be modified by the
italicized words to read as follows: "The following structures if the structure has a
building area less than *two hundred (200) square feet....* "

Approv **TA** July, 2009.
Secretary:

Nancy Buchanan
0

Richard Gassman

Richard Gassman, Mayor

Duan Seebef

Br

ian Seebef^ President

