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Part 1

Purposes, Scope, Interpretation, Short Title

§101. Purposes and Community Objectives.

1. Purposes. This Chapter is enacted and designed:

A. To promote, protect and facilitate one (1) or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as,

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.

2. Community Objectives. The community development objectives which provide the basis for the zoning policy reflected in this Chapter conform to the planning objectives which are included in the Comprehensive Plan of the Borough of New Holland, promote stability in property values, encourage the most appropriate use of land and buildings, and provide for a desirable balance in the Borough's residential, commercial and industrial land use patterns; and, more specifically to:

A. Encourage desired separation of the major classes of land use and provide sufficient area for each suitable use in its proper place in order to avoid the detrimental effects of undesirable mixtures of uses.

B. Establish sound minimum standards for residential development.

C. Encourage and provide for compact, orderly and attractive commercial and industrial growth and strengthen the Borough's employment and tax base by earmarking well suited and adequate locations for these important uses.

D. Protect major streets from "ribbon" commercial development.

E. Reserve appropriate sites for park, playground, and other necessary community facilities.

F. Provide adequate and convenient off-street parking and loading facilities.

G. Encourage a more adequate supply of varied housing types, including well-designed apartments, while retaining the predominantly single-family home character of the Borough.

H. Encourage an overall pattern of development in depth (north and south) rather than the continued lineal (east and west expansion of the Borough.

(Ord. 352, 6/3/1986, §100)

§102. Scope. From and after the effective date of this Chapter, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the Borough of New Holland shall be in conformity with the provisions of this Chapter. Any existing building or structure and any existing use of a building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming buildings or uses in §§901 and 902. (Ord. 352, 6/3/1986, §101)

§103. Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any statute, other ordinances, or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restriction than this Chapter, the provisions of such statute, other ordinance or regulation shall be controlling. (Ord. 352, 6/3/1986, §102)

§104. Short Title. This Chapter shall be known and may be cited as the "New Holland Zoning Ordinance of 1959, as amended." (Ord. 352, 6/3/1986, §103)

§105. Definitions. Certain words and phrases used in this Chapter shall be construed to have the meanings indicated in §1701. (Ord. 352, 6/3/1986, §104)

Part 2

Classification of Districts

§201. Classes of Districts. For the purpose of this Chapter, the Borough of New Holland is hereby divided into six (6) classes of districts, with the RA district the most restrictive, consecutively, through the M district as the least restrictive, which shall be designated as follows:

- A. RA - Residence Districts.
- B. R-1 - Residence Districts.
- C. R-2 - Residence Districts.
- D. C-1 - Commercial Districts.
- E. C-2 - Commercial Districts.
- F. M - Manufacturing Districts.

(Ord. 352, 6/3/1986, §200)

§202. Zoning Map. The boundaries of districts shall be as shown on the map attached to and made a part of this Chapter, which map shall be known as the "Zoning Map of New Holland Borough. Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Chapter, and shall be as much a part of this Chapter as if all were fully described herein. (Ord. 352, 6/3/1986, §201)

§203. District Boundaries. The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated. (Ord. 352, 6/3/1986, §202)

§204. Boundary Tolerance. Where a district boundary line divides a lot which was held in single and separate ownership at a time the boundary line was established, the use regulations applicable to the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than fifty (50) feet beyond the district boundary. (Ord. 352, 6/3/1986, §203)

Part 3

RA Residence Districts

§301. Regulations. In RA Residence Districts, the following regulations shall apply:

1. Use Regulations. A building may be erected or used, and a lot may be used or occupied, for any of the following purposes, and no other:

A. Single-family detached building.

B. Tilling of the soil, provided that the commercial keeping or raising of livestock or poultry is permitted only on a tract of land not less than three (3) acres in size.

C. Transformer substation; utility line or similar utility facility, provided that in the case of a transformer substation or similar use:

(1) The minimum area and yard requirements applicable in the district shall be complied with.

(2) The area used for such use shall be surrounded by an anchor-type wire fence or masonry wall not less than eight (8) feet in height.

(3) The required fence or wall shall be surrounded by a permanent evergreen shrubbery or tree planting of a type that will grow to not less than the height of the fence or wall.

(4) The required side, front, and rear yards shall be landscaped with any combination of lawn, trees, or shrubs and maintained in a neat and orderly manner.

(5) Necessary access walks for personnel and/or driveways for vehicles to service the facility may be installed.

(6) Where a vehicular driveway must serve the facility from the front and thereby preclude the planting of shrubbery in front of the entrance gate, such gate shall be constructed of solid wood or metal and shall contain not less than fifty (50%) percent solid materials in ratio to open space.

(7) The plans accompanying a request for a building or zoning permit shall clearly indicate the manner in which the requirements set forth above will be satisfied, and upon being satisfied, a permit shall be issued by the Zoning Officer.

D. Continuing Care Retirement Community (CCRC). [Ord. 569]

E. The following uses when authorized by the Zoning Hearing Board as a special exception, subject to the requirements of §§908 and 1607 of this Chapter.

(1) Public or parochial school; churches; private educational institutions; private recreational area or facilities; hospitals; telephone central office; passenger station; municipal building or use; public park.

(2) Cemetery, provided that the lot area for such use shall be not less than ten (10) acres.

(3) Customary home occupations, providing up to but not more than twenty-five (25) percent of the residence may be set aside for occupational space, office or studio, in the residence in which the practitioner resides or in a building accessory thereto, and that no goods shall be visible by the public from the boundary of the property. The total number of persons working, employed and/or maintaining an office therein shall not exceed two (2) in number for the following occupations: doctor excluding veterinarian, dentist or lawyer. The total number of persons working in the following occupations shall not exceed one (1), that person being the resident providing the customary home occupation, provided by way of illustration and not limitation:

- (a) Professional office or studio.
- (b) Beauty or barber shop.
- (c) Artist.
- (d) Architect.
- (e) Notary public.
- (f) Teacher.

Such conditional use shall be subject to the standards of this Part, the Borough's subdivision ordinance [Chapter 22] and all other applicable Borough ordinances and regulations.

[Ord. 427]

(4) Temporary sales/construction office, approved pursuant to §911, where such temporary sales or construction office is located in the development where construction is taking place, or where lots or units are being sold, and when ten (10) or more of such lots, units or structures are located.

[Ord. 569]

F. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses. The term "accessory use" shall include, but not be limited to, the following:

(1) A detached, single story private garage not to exceed an average size of twelve (12) feet by twenty-four (24) feet per vehicle, storage shed, satellite dish antenna, and wind energy conversion system, when erected and maintained in accordance with all other applicable provisions of this Chapter. [Ord. 427]

(2) Signs when erected and maintained in accordance with the provisions of Part 11 of this Chapter.

(3) Patio and/or deck.

(4) The keeping of horses or ponies on not less than one (1) acre of land, and in accordance with all other applicable Borough ordinances.

(5) Agricultural structures used in conjunction with tilling of the soil, provided they comply with the following requirements:

(a) Poultry houses for more than two hundred (200) birds shall not be located closer than three hundred (300) feet from all property lines and street right-of-way lines.

(b) Structures for housing more than fifteen (15) head of livestock shall not be located closer than three hundred (300) feet from all property lines and street right-of-way lines.

[Ord. 569]

2. Area Regulations.

A. Lot Area and Width. A lot area of not less than eleven thousand two hundred and fifty (11,250) square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling or non-residential use, provided that where such dwelling is not served by a sanitary sewer, the minimum lot area per family shall be forty thousand (40,000) square feet. Each lot shall have a width at the building setback line of not less than seventy-five (75) feet.

B. Building Area. Not more than thirty (30%) percent of the area of each lot may be occupied by buildings.

C. Yards. Front, side and rear yards shall be provided in each lot as follows:

(1) Front Yard. One (1) yard, not less than thirty-five (35) feet in depth, subject to the provisions of §912.

(2) Side Yard. Two (2) yards, neither less than ten (10) feet in width; except that in the case of a corner lot, any yard which abuts a street shall be not less than twenty (20) feet in width.

(3) Rear Yard. One (1) yard, not less than thirty (30) feet in depth.

3. Height Regulations. No building or antenna shall exceed thirty-five (35) feet in height; provided, that such height limits for a building may be exceeded by one (1) foot for each foot by which the width of each side yard is increased beyond minimum side yard requirements, up to a maximum height of forty-five (45) feet. An antenna may however extend up to ten (10) feet above the highest point of the roof line, whichever is greater. [Ord. 427]

(Ord. 352, 6/3/1986, §300; as amended by Ord. 404, 8/6/1991, §3; by Ord. 427, 12/28/1993; and by Ord. 569, 7/1/2014, §§2-4)

Part 4

R-1 Residence Districts

§401. Regulations. In R-1 Residence Districts, the following regulations shall apply:

1. Use Regulations. A building or a group of buildings may be erected or used, and a lot may be used or occupied for any of the following purposes, and no other:

A. Any use permitted in RA Residence Districts.

B. Two-family detached dwelling or duplex.

C. Single-family semi-detached dwelling, provided that the adjoining detached dwelling with which it has a party wall in common is erected at the same time.

D. An apartment house or condominium, with four (4) or less dwelling units. [Ord. 404]

E. An apartment development/condominium development, including attached townhouse-type units, which include four (4) or less dwelling units per structure, when authorized by Borough Council following review and recommendation by the Planning Commission and pursuant to the express criteria and standards set forth in this Part and in §913. [Ord. 404].

F. Convalescent home and philanthropic use, when authorized by the Zoning Hearing Board as a special exception, subject to the requirements of §1610.

G. Accessory use on the same lot and customarily incidental to any of the foregoing permitted uses. The term "accessory use" shall not include a business, but shall include:

(1) Rental or sales office for an apartment or townhouse or condominium, development where the number of units exceed ten (10) in number and where such office is located in the development where the units exist.

2. Area Regulations.

A. Lot Area and Width.

(1) For every building hereafter erected or used in whole or in part as a single-family detached dwelling or non-residential use, a lot area of not less than eight thousand five hundred (8,500) square feet per family shall be provided, and each lot shall have a width at the building setback line of not less than sixty (60) feet, provided that where lots are laid out at the effective date of this Part which are less than sixty (60) feet in width, the lot requirements may be reduced to not less than fifty (50) feet. [Ord. 404]

(2) For every building hereafter erected or used in whole or in part as a two-family detached dwelling or duplex or a single-family semi-detached dwelling, a lot area of not less than four thousand two hundred fifty (4,250) square feet per family

shall be provided. The minimum lot width at the building setback line shall be fifty (50) feet for a two-family detached dwelling, and thirty (30) feet for each single-family semi-detached dwelling. [Ord. 404].

(3) For every building hereafter erected or used in whole or in part as an apartment house, townhouse, or condominium, the average lot area per dwelling unit shall be not less than eight thousand five hundred (8,500) square feet, and each lot shall have a width at the building set back line of not less than seventy-five (75) feet. No lot may be subdivided to less than the eight thousand five hundred (8,500) square feet. [Ord. 427]

(4) For every apartment development/condominium development hereafter erected, the following lot area and lot width requirements shall apply:

(a) The average lot area per dwelling unit for the tract, or portion of the tract, devoted to such use shall be not less than eight thousand five hundred (8,500) square feet. [Ord. 404]

(b) The tract of land or lot shall be not less than five (5) acres in size, and the overall width of the tract shall be not less than three hundred (300) feet.

B. Building Area. Not more than thirty-five (35%) percent of the area of each lot may be occupied by buildings, except that in the case of an apartment development/condominium development, the percentage of the lot that may be occupied by buildings shall not exceed twenty (20%) percent, and not more than fifty (50%) percent of the lot area or tract may be occupied by buildings or paved area.

C. Yards. Front, side, and rear yards shall be provided on each lot as follows, subject to the provisions of §911 and provided that in the case of a permitted apartment house or condominium, no building shall be erected closer than thirty (30) feet to a public street or other property line which constitutes the boundary of the tract:

(1) Front Yard. One (1) yard, not less than thirty (30) feet in depth.

(2) Side Yard. Two (2) yards, neither less than nine (9) feet in width; except that, in the case of a corner lot any yard which abuts a street shall be not less than fifteen (15) feet in width. For every semi-detached dwelling, one (1) yard not less than ten (10) feet in depth.

(3) Rear Yard. One (1) yard, not less than twenty-five (25) feet in depth.

D. Supplemental Regulations Relating to Group Development. In addition to the special provisions of §912, the following shall apply in the case of any apartment development/condominium development including townhouse-type units, authorized in accordance with the provisions of this Section:

(1) Not less than twenty-five (25%) percent of the gross area of the tract, or portion of the tract, devoted to apartments

or condominiums or townhouses shall be permanently designated for common open space purposes, including recreation, park purposes, woodland conservation and the preservation of scenic or natural features.

(2) Any such areas shown on the plan as open space, or for future community facilities, may be reserved for private use by all residents of the proposed development, or they may be dedicated for public use. Areas which subsequently are to be dedicated to the Borough shall be acceptable to the Borough. Satisfactory agreements acceptable to the Borough shall be made for the preservation and maintenance of all common areas and facilities to be set aside and reserved for private use.

3. Height Regulations. No building or antenna shall exceed thirty-five (35) feet in height; provided that: [Ord. 427]

A. Such height limits may be exceeded by one (1) foot for each foot by which each side and rear yard is increased beyond minimum side and rear yard requirements, up to a maximum height of forty-five (45) feet. An antenna may however extend up to ten (10) feet above the highest point of the roof line, whichever is greater. [Ord. 427]

B. In no case shall an apartment building or townhouse-type unit or condominium exceed two (2) stories in height.

(Ord. 352, 6/3/1986, §400-403; as amended by Ord. 404, 8/6/1991, §§4-9; as amended by Ord. 427, 12/28/1993)

Part 5

R-2 Residence Districts

§501. Regulations. In the R-2 Residence Districts, the following regulations shall apply:

1. Use Regulations. A building or a group of buildings may be erected or used, and a lot may be used or occupied, for any of the following purposes, and no other:

A. Any use permitted in R-1 Residence Districts.

B. Apartment, including townhouse-type units or condominium, for more than four (4) single-family dwelling units per structure or an apartment development/condominium development including townhouse-type units on a lot, when authorized by Borough Council following review and recommendation by the Planning Commission and pursuant to the expressed criteria and standards set forth in this Part and in §912. [Ord. 404]

C. Motor vehicle parking lot when authorized by the Zoning Hearing Board as a special exception in accordance with the provisions of §501(4) below.

2. Area Regulations.

A. Lot Area.

(1) For every building hereafter erected or used in whole or in part as a detached dwelling or non-residential use, a lot area of not less than six thousand (6,000) square feet per family shall be provided. [Ord. 404]

(2) For every multiple dwelling, apartment house including townhouse-type units or condominiums, or any apartment development including townhouse-type units, or condominium development, hereafter erected on a lot, the following lot area requirements shall apply:

(a) The lot area per dwelling unit, or the average lot area per dwelling unit for an apartment, or apartment development/condominium development on a lot, shall be not less than four thousand (4,000) square feet for every dwelling unit. [Ord. 427]

(b) The tract of land on which an apartment or condominium for more than six (6) families or an apartment development/condominium development is erected shall be not less than three (3) acres in size.

B. Lot Width. The overall width of the tract of land for an apartment development/condominium development on a lot shall be not less than one hundred fifty (150) feet.

C. Building Area. Not more than fifty (50%) percent of the area of each lot may be occupied by buildings, except that in the case of

an apartment development/condominium development on a lot, the percentage of the lot that may be occupied by buildings shall not exceed thirty-five (35%) percent.

D. Yards. Front, side and rear yards shall be provided on each lot as follows:

(1) Front Yard. One (1) yard, not less than twenty-five (25) feet in depth, subject to the provisions of §911 and provided that in the case of an apartment house or condominium or an apartment development/condominium development on a lot, the front yard or building setback from any street line which constitute a property line shall in no case be less than the height of the apartment building or condominium adjacent to such line.

(2) Side Yards.

(a) For every single or two-family detached dwelling, two (2) yards, not less than sixteen (16) feet in aggregate width and neither less than six (6) feet in width, except that in the case of a corner lot any yard which abuts a street shall be not less than ten (10) feet in width.

(b) For every semi-detached dwelling, one (1) yard, not less than ten (10) feet in width.

(c) For every main building other than a dwelling and for every multiple dwelling for not more than four (4) families, two (2) yards, neither less than ten (10) feet in width. [Ord. 404]

(d) In the case of an apartment house or condominium for more than four (4) families, or an apartment development/condominium development on a lot, no such building shall be located less than twenty-five (25) feet from a side property line. [Ord. 404]

(3) Rear Yard. One (1) yard, not less than twenty (20) feet in depth, provided that in the case of a multiple dwelling or apartment house or condominium, or an apartment development/condominium development on a lot, no such building shall be located less than thirty (30) feet from a rear property line. [Ord. 404]

3. Height Regulations. No building or antenna shall exceed thirty-five (35) feet in height, provided that such height limits may be exceeded by one (1) foot for each foot by which each side and rear yard is increased beyond minimum side and rear yard requirements, up to a minimum height of sixty (60) feet. An antenna may however extend up to ten (10) feet above the highest point of the roof line, whichever is greater. [Ord. 427]

4. Motor Vehicle Parking Lot in Conjunction with Business or Industrial Use. An open parking lot for the use of employees and patrons of an industrial plant or place of business within the Borough of New Holland may be permitted in an R-2 Residence District as a special exception by the Zoning Hearing Board subject to the provisions of §1609 and by the following special requirements:

A. No portion of such lot shall be located more than three hundred (300) feet from a commercial or manufacturing district boundary;

B. A planting strip of not less than twenty-five (25) feet in width shall be provided on the street, side, and rear property lines of the lot; and,

C. No such parking lot shall be used for the storage of junked, wrecked, stripped, or abandoned motor vehicles as identified in New Holland Borough Ordinance #300 [Chapter 10, Part 1].

(Ord. 352, 6/3/1986, §500; as amended by Ord. 404, 8/6/1991, §§10-15; and by Ord. 427, 12/28/1993)

Part 6

C-1 Commercial Districts

§601. C-1 Commercial Districts.

1. C-1 Commercial Districts are designed to provide for the special needs of the Borough's central and retail business areas and to encourage their development in compact shopping centers with residential and certain incompatible business uses restricted with a view to encouraging sound commercial development. In C-1 Commercial Districts, the following regulations shall apply:

A. Use Regulations. A building or a group of buildings may be erected and used, and a lot may be used or occupied, for any of the following purposes and no other, and each use shall comply with the area, height, yard and special design requirements of §601(B); provided, however, that mobilehome parks shall also comply with the provisions of §602 of this Part and the Borough Subdivision Ordinance [Chapter 22]; and gamerooms and amusement arcades shall also comply with the provisions of §603 of this Part and Borough Ordinance #325 [Chapter 13, Part 3].

(1) Any use permitted in R-2 Residential Districts, except park, cemetery, hospital, and apartment development or townhouse development or condominium development.

(2) Not more than three (3) apartments located in the same building as a business use. [Ord. 404]

(3) Retail store; manufacturing display room, not to include motor vehicle or heavy equipment sales agency, motor vehicle or heavy equipment repair shop, or similar use.

(4) Restaurant, not to include drive-in establishment.

(5) Professional or business office, agency, or studio, medical or dental clinic or laboratory.

(6) Club or lodge.

(7) Bank.

(8) Personal service shop, including tailor, barber, beauty, dressmaking, shoe repair, or similar shop.

(9) Confectionery, bakery or custom shop for making articles to be sold at retail on the premises, provided that all processing activities shall, if located on the ground floor, be effectively screened from the front portion of the building by a wall or partition.

(10) Dry cleaning or clothes pressing, collection agency; hand or automatic self-service laundry.

(11) Mortuary.

(12) Business or private school, not including trade school.

(13) Printing or publishing establishment.

(14) Telephone central office; utility line; electric substation or similar utility facility or use.

(15) Motor vehicle parking lot, not to include junked, wrecked, stripped, or abandoned motor vehicles or vehicles used for human habitation, as identified in New Holland Borough Ordinance #300 [Chapter 10, Part 1].

(16) The following uses, when authorized by the Zoning Hearing Board as a special exception, subject to the general standards specified in §1609 of this Chapter:

(a) Theater or indoor place of amusement, recreation or assembly (not including skating rink, bowling alley, or similar establishment), amusement arcade and gamerooms.

(b) Craftman's or general service shop, including plumbing, heating, carpentry, tool and similar small shop.

(c) Wholesale business establishment when located within a completely enclosed building, provided that such use shall not detract substantially from the predominately retail character of the surrounding district area.

(d) Hotel, motel or automobile court, on a lot area of not less than one (1) acre, provided that such use is served by public water and sewer facilities or comparable common facilities approved by the Pennsylvania Department of Environmental Resources.

(e) Any use of the same general character as any of the above permitted uses, provided that special consideration shall be given to the suitability of the use in the proposed location.

(f) Mobilehome parks, subject to the provisions of §602.

(17) Accessory use on the same lot with and customarily incidental to any of the above permitted uses, including storage in conjunction with a retail or other permitted use, and signs when erected and maintained in accordance with the provisions of Part 11 of this Chapter.

2. Area, Height and Special Design Regulations. Every building, other than buildings used for apartment or condominium purposes including townhouse-type units, used exclusively as a dwelling shall comply with the area, height, and yard regulations prescribed for R-2 Residence Districts in §501(2) and (3) hereof. For buildings used in whole or in part for any other permitted purpose, the following area, height, and design regulations shall apply:

A. Lot Area. In the case of a non-residential use, a lot area of not less than eight thousand (8,000) square feet shall be provided. In the case of a dwelling or apartment use in combination with non-residential use, a lot area of not less than four thousand (4,000) square feet per family shall be provided. For every building used for apartment or condominium purposes including townhouse-type units, a lot area of not less than four thousand (4,000) square feet per dwelling unit shall be provided (see also §914). [Ord. 404]

B. Building Area. Not more than seventy (70%) percent of the area of each lot may be occupied by buildings and in the case of a dwelling use with no commercial retail use, the maximum use area shall not exceed seventy (70) percent which is to include areas covered with impervious and semi-impervious materials. [Ord. 427]

C. Yards. Front, side, and rear yards shall be provided on each lot as follows:

(1) Front Yard. One (1) yard, not less than ten (10) feet in depth, subject to the provisions of §911.

(2) Side Yards. None required for a building used for commercial purposes, except that where a lot abuts a residence district, or a street on the side lot line, a side yard shall be provided which shall be not less than twenty (20) feet in width. In any case where side yards are provided, although they are not required, each side yard shall not be less than five (5) feet in width.

(3) Rear Yard. There shall be a rear yard on each lot which shall be not less than twenty (20) feet in depth, provided that where a lot abuts a residence district on the rear lot line, each such rear yard shall be not less than thirty (30) feet in depth.

D. Height Regulations. No building shall exceed thirty-five (35) feet in height unless authorized by the Zoning Hearing Board as a special exception in the case of a hotel or office building.

E. Special Design Requirements. In order to encourage sound retail commercial development, the following special requirements shall apply:

(1) Restrictions on Outdoor Use.

(a) Each permitted use shall be conducted within a completely enclosed building except for a permitted motor vehicle parking lot.

(b) No permanent storage of merchandise, articles or equipment shall be permitted outside a building. No goods, articles or equipment shall be stored, displayed or offered for sale beyond three (3) feet of the front line of a building, provided that in no case shall such storage, display or sales use be closer than five (5) feet from the curb.

(c) No outdoor vending machine or station or similar use shall be allowed on a public sidewalk.

(2) Prohibited Activities. No operation, equipment or use shall be objectionable or noxious, offensive or hazardous as defined in §907.

(3) Access and Parking Requirements. In the case of a shopping center or in any other case where a non-residential building or group of buildings or uses is, or is required to be, set back from the street line, the special design requirements of §702(5)(A) of this Chapter relating to access shall apply. Off-street parking and loading areas shall be provided in

accordance with the general provisions of §908 and 909 of this Chapter.

(Ord. 352, 6/3/1986, §600; as amended by Ord. 404, 8/6/1991, §§17-18; and by Ord. 427, 12/28/1993)

§602. Regulations for Mobilehome Parks. A tract of land utilized as a mobilehome park shall comply with the following regulations:

A. Land Area and Proximity Requirements. The minimum area upon which a mobilehome park may be established shall not be less than two and one-half (2 1/2) acres of land nor more than five (5) acres of land, and shall not be located within one (1) mile of another mobilehome park.

B. Buffer Zones. A strip of unoccupied land not less than fifty (50) feet in width shall be located along all boundary lines of the mobilehome park abutting on a street. A planting screen of trees and/or shrubs shall be placed upon a fifteen (15) foot wide portion of the fifty (50) foot wide strip; provided, however, that no planting of trees and/or shrubs shall be nearer than twenty (20) feet to an abutting street. A strip of unoccupied land not less than fifteen (15) feet in width shall be located along all boundary lines of the park not abutting on a street, and shall be planted with a screen of trees and/or shrubs.

C. Mobilehome Space. A mobilehome space shall be not less than two thousand (2,000) square feet in area, and no mobilehome park shall contain more than twelve (12) mobilehome spaces per acre of land. All such spaces shall be clearly defined. No mobilehome shall be placed upon a mobilehome space nearer than ten (10) feet from any boundary thereof. Not more than fifty (50%) percent of the area of a mobilehome space shall be occupied by a mobilehome.

D. Parking. Not less than one (1) off-street parking space shall be provided for each mobilehome space.

E. Business Enterprise. No business enterprise or commercial use, other than the leasing of the mobilehome spaces, shall be conducted upon land utilized as a mobilehome park.

(Ord. 352, 6/3/1986, §603)

§603. Regulations for Amusement Arcades and Gamerooms. A building or a group of buildings may be erected or used, and a lot may be used or occupied in whole or in part as an amusement arcade and/or a gameroom and shall comply with the following regulations:

A. No gameroom or arcade shall be located within one thousand (1,000) feet of another gameroom or arcade, or of a school, church, adult entertainment establishment, or park.

B. No amusement device shall be audible beyond the premises within which it is located.

C. Amusement devices shall be permitted as accessory uses to both public businesses, and public and private eating establishments, provided that not more than fifty (50%) percent of the floor space of each room utilized as an amusement arcade shall be occupied or enclosed by amusement games.

D. Off-street parking shall be provided in accordance with the general provisions of §908 of this Chapter.

E. Signs must be erected and maintained in accordance with the provisions of Part 11 of this Chapter.

(Ord. 352, 6/3/1986, §604)

Part 7

C-2 Commercial Districts

§701. C-2 Commercial Districts. C-2 Commercial Districts are designed primarily to encourage the sound and appropriate commercial development of compact segments of major street or highway frontage, to provide for the special needs of a wide range of highway-type business establishments, and to make appropriate provision for the heavier, service-type business activities which often require locations on major streets or adjacent to retail business and industrial districts.

1. Use Regulations. A building or a group of buildings may be erected, and a lot may be used or occupied, for any of the following purposes, and no other, provided that each use shall comply with the area, height, and special design requirements of §701(2) and the special regulations of §913 of this Chapter:

A. Any use permitted in C-1 Commercial Districts, except the following uses which are prohibited: amusement arcades and/or gamerooms.

B. Wholesale business establishments.

C. Tourist, rooming or boarding house, for not more than eight (8) persons. [Ord. 404]

D. Motor vehicle service station, motor vehicle sales agency, public garage or automobile repair shop (but not to include car lot or trailer sales agency as a main use), provided that all facilities are located and all services are conducted within the confines of the lot.

E. Drive-in restaurant or similar use.

F. Indoor place of amusement, recreation, or assembly, not including bowling alley, skating rink, or similar large establishment.

G. Contractor or general service shop, including plumbing, heating, carpentry, welding, cabinet making, furniture repair, upholstery, and similar small shops, as provided in this Chapter.

H. Limited manufacturing as follows, on a lot area of not less than one (1) acre in size: clothing and other textile products; jewelry, novelty products from such previously prepared materials as felt, fur, glass, paper, plastics, and shell; provided that (a) such use as is permitted is not incongruous with the commercial character of the district, (b) the tract shall be landscaped, (c) each building shall be designed so as to minimize its traditional industrial appearance, and (d) all processes shall be conducted within a completely enclosed building.

I. Warehouse in conjunction with a permitted use or for products of manufacturing uses permitted in the Borough; frozen food locker.

J. Trade School.

K. An apartment house, or an apartment development/condominium development on a lot, including attached townhouse-type units, not to exceed units for more than six (6) families per structure; units for

more than six (6) families per structure when authorized by Borough Council following review and recommendation by the Planning Commission pursuant to the express criteria set forth in this Part and §912.

L. The following uses, when authorized by the Zoning Hearing Board as a special exception, subject also to the general standards specified that (a) the location is appropriate in terms of the existing and probable future land use pattern and (b) each such use shall be suitably screened by a satisfactory fence, wall, planting or other barrier where necessary to safeguard the character of the surrounding area:

(1) Bowling alley, skating rink, outdoor place of amusement, recreation or assembly, adult entertainment establishment, provided that satisfactory provisions are made to prevent traffic congestion and hazard, and all other provisions of this Part are met.

(2) Outdoor storage of ice, coal, building materials, or products of manufacturing uses permitted in the Borough (but not including junkyard or similar use) provided that the area used for such use is suitably screened from the surrounding area by a satisfactory fence, wall, planting or other barrier which is not less than six (6) feet in height.

(3) Car lot or trailer sales agency; distributing, express, or hauling station, provided that satisfactory provisions are made to safeguard highways from undue congestion and hazard.

(4) Commercial greenhouse.

(5) Laundry, dry cleaning or clothes pressing plant, provided that no inflammable liquids are utilized.

(6) Newspaper publishing.

(7) Any use of the same general character as any of the above permitted uses.

M. Accessory use on the same lot with and customarily incidental to any of the above permitted uses, and signs when erected and maintained in accordance with the provisions of Part 11 of this Chapter.

2. Area, Height and Special Design Regulations. Every building, other than buildings used for apartment or condominium purposes including townhouse-type units, hereafter erected or used exclusively as a dwelling shall comply with the area, height, and yard regulations prescribed for RA Residence Districts in §301(2) and (3) hereof. For buildings used in whole or in part for commercial, apartment or other permitted purposes, the following area and height regulations shall apply.

A. Lot Area. Every lot used for commercial or any other non-residence purpose shall be not less than six thousand (6,000) square feet in size. In the case of a dwelling or apartment use in combination with business use, a lot area of not less than four thousand (4,000) square feet per family shall be provided. For every building used for apartment or condominium purposes including townhouse-type units, a lot area of not less than four thousand (4,000) square feet per dwelling unit shall be provided.

[Ord. 404]

B. Building Area. Not more than seventy (70) percent of the area of each lot may be occupied by buildings, except that in the case of any building devoted to apartment or condominium use the percentage of the lot that may be occupied by buildings shall not exceed thirty (30%) percent and in the case of dwelling use with no commercial retail use, the maximum use area shall not exceed seventy (70%) percent which is to include areas covered with impervious and semi-impervious materials. [Ord. 427]

C. Yards. Front, side and rear yards shall be provided on each lot as follows, subject to the provisions of subsection (E)(2) of this Section.

(1) Front Yard. One (1) yard, not less than thirty-five (35) feet in depth, subject to the provisions of §911.

(2) Side Yards. For each building or group of attached buildings on a lot, two (2) yards, neither less than fifteen (15) feet in width, provided that (a) where a lot abuts a residence district, or a street on the side lot line, a side yard shall be provided which shall be not less than thirty (30) feet in width, and (b) every group of buildings devoted to apartment or condominium use shall be located not less than twenty-five (25) feet from any side property line.

(3) Rear Yard. There shall be a rear yard on each lot which shall be not less than twenty-five (25) feet in depth.

D. Height Regulations. No building shall exceed thirty-five (35) feet in height except that in the case of an apartment house or condominium such height limits may be increased to not more than sixty (60) feet, provided that the minimum side and rear yards are increased one (1) foot for each foot by which the height of a building exceeds thirty-five (35) feet.

E. Special Design Requirements. In order to encourage the sound development of street and highway frontage for business use, the following special requirements shall apply:

(1) Access. Access to the street or highway shall be controlled in the interest of public safety:

(a) Any lot or area used for the storage and movement of motor vehicles shall be physically separated from the street by a curb, planting strip, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for accessways as authorized in subsection (b), below.

(b) Each separate use or group of buildings constructed as part of an integrated plan shall have not more than two (2) accessways to any one (1) street or highway.

(c) In the case of a shopping center or group of buildings constructed as part of an integrated plan, or in any other case where practicable the use of common accessways shall be provided to reduce the number and closeness of access points along the street or highway, and

all buildings shall be located upon a marginal street or similar area and not directly upon the major street or highway.

(2) Special Buffer Provision. Where a yard abuts a residence district, the required yard shall be used as a planting strip on which shall be placed a hedge, evergreens, shrubbery, or other suitable planting or screening.

(3) Prohibited Activities. No operation, equipment or use shall be objectionable or noxious, offensive or hazardous as defined in §907.

(Ord. 352, 6/3/1986, §700; as amended by Ord. 404, 8/6/1991, §§19-21; and by Ord. 427, 12/28/1993)

§702. Regulations for Adult Entertainment Establishments. Adult entertainment establishments are permitted, when authorized by the Zoning Hearing Board as a special exception, subject also to the general standards specified in §1609 of this Chapter and the following regulations:

A. No person shall operate an adult entertainment establishment without first obtaining a use and occupancy permit and all other applicable permits required by law.

B. No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

C. Any signs must be erected and maintained in accordance with the provisions of Part 11 of this Chapter.

D. Off-street parking shall be provided in accordance with the general provisions of §908 of this Chapter.

(Ord. 352, 6/3/1986, §703)

§703. Minimum Spacing and Proximity Requirements for Adult Entertainment Establishments. For every building hereafter erected or used in whole or in part as an adult entertainment establishment, the following regulations shall apply:

A. No adult entertainment establishment shall be located within one thousand (1,000) feet of any other adult entertainment establishment.

B. No adult entertainment establishment shall be located within specified distances of certain land uses as set forth below:

(1) Eight hundred (800) feet of a residential district.

(2) Eight hundred (800) feet of any parcel of land which contains any one (1) or more of the following land uses:

(a) Amusement park.

(b) Camp (for minors' activity).

(c) Child care facility.

(d) Church or other similar religious facility.

- (e) Community center.
- (f) Museum.
- (g) Park.
- (h) Playground.
- (i) Amusement arcade.
- (j) School.
- (l) Other lands where minors congregate.

C. The distance between any two (2) adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior wall of each establishment and any land use specified in §702(B) shall be measured in a straight line, without regard to intervening structures, from the closest point on the property line of the adult entertainment establishment to the closest point on the property line of said land use.

(Ord. 352, 6/3/1986, §704)

§704. Definitions. For the purpose of this Part, "adult entertainment establishments" are defined as follows:

ADULT BOOKSTORE - any establishment which has a substantial or significant portion of its stock in trade:

A. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

B. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

ADULT CABARET - a nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

ADULT MINI-MOTION PICTURE THEATER - an enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified anatomical areas.

ADULT MODEL STUDIO - any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted, by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the

Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.

ADULT MOTEL - a motel or similar establishment offering public accommodations for any consideration, which provides patrons with materials distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE ARCADE - any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified anatomical areas.

ADULT MOTION PICTURE THEATER - an enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT NEWSRACK - any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

ADULT THEATER - a theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

BATH HOUSE - an establishment for business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This Section shall not apply to hydrotherapy treatment practiced by, or under the supervision of, a medical practitioner. A medical practitioner, for the purpose of this Part, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

BODY PAINTING STUDIO - any establishment or business which provides the services of applying paint or other substance whether transparent or non-transparent to or on the human body when specified anatomical areas are exposed.

MASSAGE ESTABLISHMENT - any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatment of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar

establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

OUTCALL SERVICE ACTIVITY - any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

SEXUAL ENCOUNTER CENTER -

A. Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner as defined in this Section, licensed by the Commonwealth, to engage in sexual therapy.

B. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter of depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

SPECIFIC ANATOMICAL AREAS - shall include the following:

A. Less than completely and opaquely covered human genitals, public region, buttocks, anus or female breasts below a point immediately above the top of the areolae.

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIC SEXUAL ACTIVITIES - shall include the following:

A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and of the following depicted sexually oriented acts of conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty.

B. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.

C. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation.

D. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast.

E. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain.

F. Erotic or lewd touching, fondling or other contact with an animal by a human being.

G. Human excretion, urination, menstruation, vaginal or anal irrigation.

(Ord. 352, 6/3/1986, §705)

§705. Regulation for Counseling Centers, Homeless Shelters, Half-Way Homes or Similar Facilities. The Zoning Hearing Board may authorize as a special exception the establishment of a counseling center, homeless shelter, halfway home or similar facility subject to other applicable sections of this Chapter and at a minimum the following requirements:

A. No such facility shall be located within one thousand (1,000) feet of any parcel of land which contains the following uses:

- (1) Any other similar facility.
- (2) School.
- (3) Child care facility.
- (4) Playground.
- (5) Park.
- (6) Other uses which are intended for minors to congregate.

B. No such facility shall be located within eight hundred (800) feet of any parcel of land which contains the following uses:

- (1) Residential district.
- (2) Church or similar religious facility.

C. For purpose of this Section the distance shall be measured in a straight line without regard to intervening structures, from the closest point of the property line to the closest point of the property line of the second property line.

(Ord. 352, 6/3/1986; as added by Ord. 404, 8/6/1991, §22)

Part 8

M Manufacturing Districts

§801. Regulations. In M Manufacturing Districts, the following regulations shall apply:

1. Use Regulations. A building may be erected and used, and a lot may be used or occupied, for any of the following purposes and no other, provided that: (1) no use shall create a noxious, offensive, or hazardous condition beyond the district boundary line; and (2) each use shall comply with the area, height and special design requirements of §801(3) below. [Ord. 404]

A. Any use permitted in C-2 Commercial Districts, except the following uses which are prohibited:

(1) Dwelling use, other than living quarters for such persons as watchmen, caretakers, and their families as an accessory use to an industrial use.

(2) Hotel; tourist, rooming, or boarding house.

(3) Place of amusement, recreation, or assembly.

(4) Mobilehome park.

B. Central office building or similar establishment.

C. Laundry or dry cleaning plant.

D. Manufacture of:

(1) Beverages (non-alcoholic).

(2) Clothing and other textile products (excluding manufacturing of textiles).

(3) Containers for food products, fruits and vegetables.

(4) Cosmetics.

(5) Electrical appliances and supplies, such as lighting fixtures, wiring, toasters, radios (including assembly of such, but not including heavy or large equipment or machinery).

(6) Ice cream, butter, and other dairy products.

(7) Jewelry, clocks, watches.

(8) Medical, dental, drafting equipment, optical goods, and other professional and scientific instruments.

(9) Products from the following previously prepared materials: bone, canvas, ceramics, cork, feathers, felt and hair (excluding washing, curing, dyeing), fur (excluding tanning or dyeing), glass, horn, leather, (excluding tanning or leather processing); and small products from previously prepared paper, plastic, rubber (excluding rubber and synthetic processing), shells, wood.

(10) Toys, tools and hardware.

E. Metal stamping, finishing, plating, extrusion of small products and other similar light metal processes.

F. Poultry processing and general food processing, as well as packing, crating or bottling establishment.

G. Newspaper publishing.

H. Warehouse or storage in completely enclosed building, of products of manufacturing uses permitted in the Borough.

I. Any use of the same general character as any of the above permitted uses is permitted.

J. The following additional uses are permitted, subject to review by the Zoning Hearing Board to determine compliance with the general standards specified in §907 and provided that any such use shall be located not less than five hundred (500) feet from a residence district boundary line:

(1) Chemical processes, such as adhesives, bleaching products, blueing, calcimine, essential oils, not involving noxious odors or danger from fire or explosion.

(2) Compounding of pharmaceutical products.

(3) Metal or steel products assembly and fabrication; large machinery manufacture; metal treatment and processing such as enameling, galvanizing, and lacquering, non-ferrous metal processing, smelting and refining of precious metals.

(4) Manufacture of large products from the following previously prepared materials: paper, plastic, and rubber.

(5) Textile manufacture (excluding bleaching).

(6) Laboratory (research, testing, experimental).

(7) Any use of the same general character as any of the uses permitted in subsections (1) to (6), above, except those listed in subsection (2).

K. Accessory use, customarily incidental to, and on the same lot with any of the above permitted uses is permitted. Accessory use may include: (a) any industrial process customarily necessary to the conduct of one (1) of the above permitted uses (such as foundry, heat treatment, plating, compounding, and assembly in conjunction with, and incidental to a permitted use); (b) outdoor storage, provided that any area devoted to such use shall be suitably screened from the surrounding area a satisfactory wall, planting or other barrier; and, (c) signs when erected and maintained in accordance with the provisions of Part 11 of this Chapter.

2. Prohibited Industrial Uses. In no case shall the following uses be permitted:

A. Slaughter of animals producing red meat.

B. Bulk storage of fireworks and explosives.

C. Inedible fat rendering.

D. Incineration or reduction of garbage (except by Borough

agencies).

E. Landfills of any type unless municipally owned.

F. Leather processing.

G. Manufacture of asphalt, cement, noxious or hazardous chemicals, explosives, fertilizer, illuminating gas, glue, iron or steel (including blast furnace, smelting and other basic processes in the manufacture of iron and steel), linoleum, oil cloth, paint, plastics, rubber (including rubber and synthetic processing), soap.

H. Petroleum refining.

I. Quarry.

J. Storage of crude oil or any of its volatile products in above ground tanks.

K. Wood pulp processing.

3. Area, Height and Special Design Regulations.

A. Lot Area and Lot Width. A lot area not less than one (1) acre per use, and a minimum lot width of one hundred fifty (150) feet shall be provided for all manufacturing or industrial uses.

B. Building Area. Not more than sixty (60%) percent of the area of each lot may be occupied by buildings.

C. Yards. The following yards shall be provided on each lot:

(1) Front Yard. One (1) yard, not less than fifty (50) feet in depth.

(2) Side Yard. Two (2) yards, not less than sixty (60) feet in aggregate width, and neither less than thirty (30) feet; except that in the case of a corner lot, any yard which abuts a street shall be not less than forty (40) feet in width, and further, except in the case where the lot extends over the Borough boundary line, only one (1) side yard of thirty (30) feet need be maintained within the Borough line, opposite the Borough boundary line.

(3) Rear Yard. One (1) yard, not less than forty (40) feet in depth.

D. Height Regulations. No building shall exceed forty (40) feet in height, provided that such height limits may be exceeded by one (1) foot for each foot by which the width of each side yard is increased beyond minimum side yard requirements, up to a maximum height of fifty (50) feet.

E. Special Design Requirements. Each use shall comply the special access regulations prescribed for C-2 districts in §701(2)(E)(1), and shall be designed, arranged, and conducted in a manner which will not detract materially from the character of the immediately surrounding area. In order to comply with this latter requirement, each manufacturing or industrial use shall:

(1) Provide a buffer yard of not less than one hundred fifty (150) feet in width along any residence district or Borough

boundary line, except in the case where the lot extends over the Borough boundary line, no buffer yard need be maintained along the Borough boundary line, or from the street line where a street constitutes the boundary. The fifty (50) feet of such yard space nearest the district or Borough boundary line shall be used as a planting strip, on which shall be placed hedge, evergreens, shrubbery, or other suitable planting or screening. The remaining one hundred (100) feet of space may be used for off-street parking or for any permitted purpose other than a building or permanent structure, or any processing activity.

(2) Provide and utilize such smoke, odor, dust, noise, or other control devices as are necessary to insure that the use will not constitute a nuisance or an objectionable condition as defined in §907.

(3) When located adjacent to a residence district or within three hundred (300) feet of a highway or street, provide and maintain attractively landscaped grounds, or make any other suitable screening provision which is necessary to adequately safeguard the character of adjacent areas.

(4) Make adequate provision for water supply, and sewage and waste disposal. Where public water and sewer facilities are not used, such facilities shall be approved by the Pennsylvania Department of Environmental Resources.

F. Non-Manufacturing or Non-Industrial Uses. All allowed non-manufacturing or non-industrial uses in the M district shall at a minimum conform to the area, height and special design regulations of the most restrictive district in which they are initially allowed, unless otherwise cited herein.

(Ord. 352, 6/3/1986, §800; as amended by Ord. 404, 8/6/1991, §23)

Part 9
General Regulations

§901. Nonconforming Buildings or Uses.

1. Continuation. Any lawful use of a building or land existing or authorized by a building permit at the effective date of this Chapter may be continued although such use does not conform to the provisions of this Chapter. It shall be the intent of this Section, however, that the conversion of a nonconforming building or use to a conforming use is to be encouraged to such extent as is reasonable.

2. Extension.

A. No nonconforming use may be extended onto any adjoining lots or land not owned in common with the lots or land on which the nonconforming use was located at the time of adoption of the New Holland Borough Zoning Ordinance of 1959, as amended.

B. A nonconforming building shall not be extended or structurally altered, except insofar as is required by law to assure the structural safety of a building; provided, however, that the Zoning Hearing Board may, as a special exception, authorize:

(1) The structural alteration of a nonconforming building where such alteration is necessary for the building or the use of the building to conform to the requirements of the district in which such building is situated; and,

(2) The extension of a nonconforming use of a portion of a building throughout the building, or the limited extension of a building which is devoted to a nonconforming use on a lot, provided that (a) it is clear that such extension is not materially detrimental to the character of the surrounding area or the interest of the Borough, (b) the area devoted to nonconforming use shall in no case be increased by more than fifty (50%) percent, and (c) such extension shall conform to the area, height, and setback regulations of the district in which it is situated.

3. Changes. Any change from a nonconforming use of a building or land to any other nonconforming use of the building or land must first be approved as a special exception by the Zoning Hearing Board, pursuant to the provisions of §§909 and 1609.

4. Restoration. A nonconforming building wholly or partially destroyed by fire, explosion, flood, or other phenomenon, or legally condemned, may be reconstructed, repaired and used for the same nonconforming use, provided that building reconstruction shall be commenced within one (1) year from the date the building was destroyed or condemned and shall be carried on without interruption.

5. Abandonment. If a nonconforming use of a building or land ceases for a continuous period of one (1) year or more, it shall be presumed that the nonconforming use has been abandoned. Thereafter, no nonconforming use of the building or land shall be made, and any use shall be in conformity with the provisions of this Chapter.

(Ord. 352, 6/3/1986, §900)

§902. Nonconforming Lots.

1. Held in Single and Separate Ownership. A building may be erected or altered on any lot held at the effective date of this Chapter in single and separate ownership which is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty in providing the required open spaces for the district in which such lot is situated, provided plans for the proposed work shall be approved by the Zoning Hearing Board, after review of such plans to assure reasonable compliance with the spirit of the zoning regulations for the district.

2. Included in Recorded Plans. Buildings may be erected on lots which are not held in single and separate ownership at the effective date of the enactment of this Chapter and which are not of the required area or width, if such lots are included in a land subdivision and development plan which has been approved by Borough Council prior to the effective date of the enactment of this Chapter.

3. Reduction of Lot. No lot area shall be so reduced that the area of the lot or the dimensions of the open space shall be smaller than herein prescribed.

(Ord. 352, 6/3/1986, §§901 & 902)

§903. Certain Public Utility Buildings Exempted. This Part shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation, if upon petition of such corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. (Ord. 352, 6/3/1986, §903)

§904. Access. No dwelling shall hereafter be erected or undergo basic structural alteration unless an uninterrupted open space not less than twenty-five (25) feet in width is provided, which open space shall extend from the rearmost dwelling to a street unless an existing access to a rear yard is less than twenty-five (25) feet, in which case the prior existing width may apply. Such open space shall be provided on the lot on which the dwelling is erected. No building shall hereafter be erected or undergo basic structural alteration so as to close the present means of access to an existing dwelling or so as to diminish this means of access to a width of less than twenty-five (25) feet. Except where otherwise specified in this Part, all lots shall have a minimum width at the building setback line of not less than fifty (50) feet. (Ord. 352, 6/3/1986, §904; as amended by A.O.

§905. Yard Exception for Private Garage, Accessory Structure, Public Services. No structure may be located in a required yard, except in accordance with the provisions of this Section. A private garage or one-story accessory structure, other than a stable, which is not an integral structural part of a main building, may be located in the required side and/or rear yard, but not less than three (3) feet from any property line. The aforementioned provisions of this Section shall not apply to a side or rear yard which abuts a street and nothing in this Section shall be construed to prohibit the erection of a common or joint garage which is not

an integral structural part of a main building on adjoining lots. Any above ground level patio or deck must conform to the setback regulations of the district in which it is situated. Structures or uses supporting public utilities, services, transmission lines, buildings or facilities are exempt from the use, area and yard requirements of this Part, except transformer substations as cited in §301(C), unless exempted under §903. (Ord. 352, 6/3/1986, §905; as amended by Ord. 404, 8/6/1991, §24)

§906. Vision Obstructions. On any corner lot, no wall, fence or other structure, and no hedge, tree, shrub or other growth shall be erected, altered or maintained within a clear sight triangle of not less than seventy-five (75) feet; and, at any accessway, no wall, fence or other structure and no hedge, tree, shrub, or other growth shall be maintained which may cause a hazard or danger to traffic on a street by obscuring the view. (Ord. 352, 6/3/1986, §906)

§907. Prohibited Uses.

1. No building may be erected, altered, or used, and no lot or premises may be used in a residence or commercial district for any use which is noxious or offensive by reason of odor, dust, vibration, illumination, or noise, or which constitutes a public hazard whether by fire, explosion, or otherwise, in the immediately surrounding area. In an M Manufacturing District, no use which shall create a noxious, offensive, or hazardous condition beyond a manufacturing district boundary line shall be permitted. In determining whether a proposed manufacturing use is noxious, hazardous, or offensive, the following standards shall apply. The proposed operation or use shall not:

A. Constitute a public nuisance by reason of dissemination of noxious, toxic, or corrosive fumes, smoke, odor, or dust;

B. Result in noise or vibration exceeding the average intensity of noise or vibration occurring from other causes at the district boundary line;

C. Endanger surrounding areas by reason of fire or explosion;

D. Produce objectionable heat or glare in neighboring non-industrial area;

E. Result in electrical disturbance in nearby residences;

F. Contribute to the pollution of waters; or,

G. Create any other objectionable condition which will endanger public health and safety or be detrimental to the proper use of the surrounding area.

The applicant for a use which is subject to review by the Zoning Hearing Board shall demonstrate, as a condition of approval, that adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to insure that the proposed use will not be noxious, hazardous, or offensive as defined above. In order to determine that adequate safeguards are provided, the Zoning Officer or the Zoning Hearing Board may: (1) require that the applicant submit necessary information, plans, impartial expert judgments, and written assurance; (2) obtain the expert advice of official agencies, or of private experts or

consultants; and (3) make such reasonable tests as are deemed necessary.

2. Trailer and Mobilehome Regulations.

A. No person shall occupy a trailer upon any lot or tract of land in the Borough of New Holland.

B. No person shall place, maintain, or occupy a mobilehome, nor shall any mobilehome be erected, installed, or constructed upon any lot or tract of land within the Borough of New Holland, except that such mobilehome and occupancy thereof shall be permitted as part of a mobilehome park in a C-1 and C-2 district, as hereinbefore provided.

(Ord. 352, 6/3/1986, §907)

§908. Off-street Parking Space. In all districts, off-street parking space shall be provided as follows:

A. Not less than one (1) off-street parking space, with proper access from a street or alley, shall be provided on any lot on which a dwelling is hereafter erected or converted, provided that for multiple dwellings, or apartment houses, not less than two (2) spaces for each dwelling unit shall be provided.

B. Off-street parking space, with proper access from a street or alley, shall be provided in the amounts indicated below, on or near any lot on which the following types of uses are hereafter established, provided that the Zoning Hearing Board may decrease these requirements in any case where sufficient vacant space is not available on the lot or within three hundred (300) feet of the lot and where the unreasonableness of these regulations is clearly demonstrated. In any case, however, the Board shall require that the requirements of this Section be met insofar as is practicable. Nothing in this Section shall be construed to prevent the establishment of joint parking facilities for two (2) or more uses:

(1) Hotel, motel, tourist house, boarding house, or rooming house or similar establishment: One (1) space for rental room or suite.

(2) Restaurant, eating or drinking establishment: One (1) space for each fifty (50) square feet of floor space devoted for patron use.

(3) Theater, auditorium, or other place of public assemblage, except churches: One (1) space for every ten (10) seats.

(4) Commercial, office, or recreational building or use, other than those specified above: One (1) space for each one hundred (100) square feet, or portion thereof, of floor area devoted to patron or office use.

(5) Industrial establishment: One (1) space for each four (4) employees on the largest working shift.

(6) Customary home occupations: Not less than one (1) additional off-street parking space, and two (2) additional spaces for each additional employee.

(7) For uses not specifically described in this Section: One (1) space for each two (2) employees in the largest working shift, plus one (1) additional space for each two (2) customers, visitors, or users expected at the peak volume for the proposed use.

C. Each off-street parking space shall have a minimum area of not less than one hundred fifty-three (153) square feet, a minimum nine (9) foot by seventeen (17) foot space, and in addition, appropriate driveways, aisles, and maneuvering spaces shall be provided which shall be adequate to permit safe and convenient use of the area for parking purposes. [Ord. 427]

D. Parking and driveway areas shall be graded to provide convenient vehicular access and proper drainage, and shall be paved with a hard or semi-hard material or otherwise treated to prevent dust or other loose cover from becoming a nuisance or a hazard. All parking access, or other vehicular service areas shall be adequately illuminated during night hours of use. Such lighting shall be arranged so as to protect the highway and adjoining property from direct glare or hazardous interference of any kind. [Ord. 427]

E. 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 Part for a similar new building or new use. Off-street parking facilities provided to comply with the provisions of this Part shall not subsequently be reduced below the requirements of this Part.

(Ord. 352, 6/3/1986, §908; as amended by Ord. 427, 12/28/1993)

§909. Loading and Unloading Space. Off-street loading and unloading space, with proper access from a street or alley, shall be provided on any lot (not including a professional office or studio and/or rooms for customary home occupation) on which a building for trade or business is hereafter erected or substantially altered. (Ord. 352, 6/3/1986, §909)

§910. Temporary Use Permit. A temporary permit may be authorized by the Zoning Hearing Board for a nonconforming structure or use, or special exception, which is deemed necessary to promote the proper development of the community, provided that such nonconforming structure or use or special exception shall be completely removed upon expiration of the permit, without cost to the Borough. Such a permit shall be issued for a specified period of time not exceeding one (1) year, and may be renewed annually, for an aggregate period of not more than three (3) years including the original authorization. Any use exceeding three (3) years shall, for the purpose of this Part, be considered a permanent use, and shall be required to comply with all requirements of the affected zoning district. (Ord. 352, 6/3/1986, §910)

§911. Front Yard Exceptions.

1. The front yard of a proposed building may be decreased in depth to the average alignment of existing buildings within one hundred (100) feet on each side of the proposed building, and within the same block, if such alignment of existing buildings is less than the front yard requirement for the district.

2. A front yard of not less than fifty (50) feet shall be provided on all lots abutting an officially designated State highway, subject to the provisions of subsection (1), above.

3. If a lot is located in two (2) or more districts, the owner may be required to meet the requirements of the less restrictive district. For purposes of this Part, the RA district shall be the most restrictive, consecutively through the M district as the least restrictive.

(Ord. 352, 6/3/1986, §911)

§912. Special Regulations Relating to Apartment Development/Condominium Development. In addition to the other applicable regulations of this Part, every apartment development or condominium development erected on a single lot shall comply with the following regulations:

A. Plan Requirements. The request for a permit for development shall be accompanied by the following information:

(1) A plan for the integrated development of the total area to be developed which shall be drawn to scale and shall include among other things:

(a) The location, boundaries, dimensions, and ownership of the land to be included in the area for which application is made.

(b) The location, dimensions, arrangement and proposed use of all buildings and open spaces, yards, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities and buffer strips.

(c) The topography and a description of the natural features, including tree masses and streams.

(2) A description of the provisions made for water, sewage and refuse disposal, storm water drainage, proper screening and for maintenance of the premises, including all common open spaces; and a statement defining the responsibility of the owner or management with respect to maintenance of the premises.

(3) A sketch showing building facades, signs, types of materials to be used, typical floor and individual apartment plans.

(4) Sufficient data in all instances to enable the Borough to judge the effectiveness of the design and character of the proposed use, its compliance with the requirements of this Part, and to consider properly such things as its relationships to surrounding areas, the adequacy of the arrangement for traffic, and the public health, safety, and welfare.

B. Special Development Requirements.

(1) The proposed development shall be designed as, or as a part of, a single architectural and landscaping scheme and shall provide for appropriate common open spaces, parking, maintenance and other facilities and services.

(2) An apartment house or a group of apartment houses on a lot, including townhouse-type units, shall be owned and operated as a single or common management and maintenance unit or a condominium under the provisions of the "Unit Property Act" of 1963, as amended from time to time, and the "Condominium Act" of 1980, as amended, except for any portion which may be dedicated for public purposes.

(3) A group of buildings on a lot shall at a minimum comply at the periphery of the tract with the area and yard requirements of the district in which such buildings are located.

(4) The distance at the closest point between any two (2) buildings or groups of buildings as a whole shall be at least as great as the height of the taller of the two (2) adjoining buildings and not less than twenty-five (25) feet.

(5) In any case where a building abuts an internal street, the setback or distance to any such street shall be not less than twenty-five (25) feet from the curb or cartway, unless otherwise specifically authorized by the Borough in the case of townhouse-type units, and no buildings shall be less than twenty (20) feet from a parking bay or area. For purposes of this subsection, the term "internal street" shall refer to a private street located wholly within the tract developed for apartment purposes.

(6) All areas of the tract not built upon or paved shall be appropriately landscaped and a portion of the required side or rear yard space along any property line which directly abuts a property devoted to residential use consisting of not less than fifteen (15) feet in width, shall be used only as a buffer and screening strip on which is placed evergreen shrubbery, trees, or other suitable plantings sufficient to constitute an effective screen.

(7) The proposed development shall be served by public sewer and water facilities, and wherever practicable all utility lines and similar facilities serving the development shall be installed in underground conduits within the lot lines of the property on which the use is located.

(8) The minimum habitable floor area of each unit shall be three hundred (300) square feet for every dwelling unit with no bedrooms, five hundred (500) square feet for every one (1) bedroom apartment, and seven hundred fifty (750) square feet for every unit with two (2) bedrooms. For each additional bedroom, add one hundred fifty (150) square feet.

(9) In order to encourage an attractive building arrangement, variations in the setback or alignment of buildings erected on the same frontage or attached to other buildings shall be encouraged; parallel arrangement of buildings shall be avoided, and desirable variations in such things as the facade, construction, and roof lines of the apartment buildings or townhouses shall be encouraged.

(10) No two (2) apartment houses shall be attached in a

straight unbroken row, but shall be designed with visible offsets, or setbacks not less than six (6) feet in depth, or with variations in building alignment and orientation; the facades of not more than every two (2) townhouse-type units shall be offset by not less than sixteen (16) inches. The number of townhouse-type units in a row shall not exceed eight (8).

(11) The combined lengths of the walls of any apartment house or cluster or group of attached apartment buildings extending along any one (1) frontage or facing in the same general direction shall not exceed two hundred forty (240) lineal feet, provided that the Borough may modify the requirements of this provision in any case where such modification is felt to be desirable from the standpoint of an improved pattern of development.

(12) Each parking area shall be separated from the public street or highway by a raised curb, planting strip, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways.

(13) Each group of apartment houses on a lot shall have not more than two (2) accessways to any one (1) street or highway, and all points of vehicular access to and from a public street shall be located not less than one hundred (100) feet from the intersection of any street line.

(14) Where practicable, parking areas shall be located to the side or rear of apartment houses and in no case in the required yard.

(15) All parking areas, driveways and service areas shall be graded and surfaced with asphalt or any other material suitable to the Borough and all other areas shall be graded and drained to the satisfaction of the Borough to the extent necessary to prevent erosion, dust and the flow of excessive water across streets or onto adjacent properties.

(16) There shall be no closed court or other yard completely surrounded by the walls or sides of a building.

(17) At least ten (10%) percent of the total tract area shall be reserved and developed for outdoor recreational purposes. Such recreational areas shall be of such dimensions and in such locations that they are suitable for the intended purpose, and may include a play area, a tennis or sports facility, or a swimming area designed to serve residents of the apartment development, or a park or similar area designed for passive recreation.

(18) Each use shall be subject to the applicable off-street parking and other general provisions of this Part.

(19) Dwelling units shall not be located in basements unless the average depth is not more than three (3) feet below grade, and grading is such as to assure that storm drainage would flow away from the building on all sides.

(20) Where provided, air conditioning shall be installed in

each apartment house, either as a central system or as individual units, provided that (a) each dwelling unit shall have individual air conditioning controls, (b) there shall be no window-installed units, and (c) all exterior equipment relating to a central system shall be suitably enclosed or screened.

(21) Television or radio service shall be provided by a single master antenna for each building or by a public cable or underground service.

(22) Where apartment houses are permitted in a commercial district, there shall be no commercial or business use within an apartment project area, except in those buildings which front upon and face a public street.

(23) In the case of an apartment house over three (3) stories in height, such buildings shall comply with the requirements contained in the most current edition of the National Building Code recommended by the American Insurance Association with respect to fire safety and protection, and with any other standards of the Borough or of any other governmental agency which either have been or may subsequently be adopted.

(Ord. 352, 6/3/1986, §912)

§913. Special Regulations Relating to Rooming, Boarding, Tourist House.

In addition to the other applicable regulations of this Chapter, the following regulations shall apply:

A. The minimum area of each room shall be one hundred (100) square feet for each occupant.

B. No more than two (2) persons shall be permitted to occupy a room.

C. One (1) full bathroom must be provided for every three (3) boarders, roomers, or tourists. These facilities shall be separate and apart from those used by the principal resident(s) of the dwelling.

(Ord. 352, 6/3/1986, §913)

§914. Area Requirements for Lots Not Served with Public Sewer Facilities. In addition to the other applicable regulations of this Chapter, the following shall apply: in any part of the Borough where public sewer facilities are not provided, each lot shall have a minimum area of forty thousand (40,000) square feet per family. (Ord. 352, 6/3/1986, §914)

§915. Special Regulations for Satellite Earth Stations in All Districts. In addition to all other applicable regulations of this Chapter, the following regulations shall apply:

A. Only one (1) satellite earth station shall be permitted per lot. The satellite earth station shall be considered as a permissible accessory use subject to the rules and regulations of this Section, and shall require a building permit prior to installation.

B. The maximum size of a ground situated satellite earth station shall not exceed twelve (12) feet in diameter, nor fifteen (15) feet

in height.

C. Roof mounted satellite earth station dishes may not exceed nine (9) feet in diameter, and the highest point of the station dish may not exceed ten (10) feet above the peak of the roof on which it is located; provided, however, that in no event shall the district height regulations be exceeded.

D. No satellite earth station may be located in the front yard of any lot in any residential district nor in the side yard of any corner lot in any residential district. [Ord. 427]

E. Any satellite earth station located in a side or rear yard in any commercial or manufacturing district must be set back from the nearest property line at a distance not less than the overall height of the dish, which may not exceed fifteen (15) feet in height.

F. No satellite earth station may be used for commercial purposes if located in a residential district.

(Ord. 352, 6/3/1986, §915; as amended by Ord. 427, 12/28/1993)

§916. Conversion of Existing Dwelling or Structure to One, Two or Three Family Use. The Zoning Hearing Board may authorize as a special exception in any district other than RA Residence, except as noted in subsection (C), below, and M Manufacturing, the conversion of any dwelling or other structure existing at the effective date of this Chapter, into a dwelling for not more than the maximum number of units as hereinafter permitted, subject to §908 and all other applicable Sections of this Chapter, and the following requirements: [Ord. 404]

A. The lot area per family and required side yards shall not be reduced to less than the requirements of the district in which the lot is located; and, in addition, shall have a minimum lot area of four thousand (4,000) square feet for each additional proposed dwelling unit. [Ord. 404]

B. No exterior structural alteration of the building shall be made except as may be necessary for purposes of sanitation or safety.

C. Not more than one (1) rental room for boarders, roomers, or tourists in RA and R-1 Residence Districts, and not more than a maximum of two (2) in the R-2 district, and not more than a maximum of three (3) in the C-1 district. [Ord. 404]

D. The Zoning Hearing Board may prescribe such further conditions with respect to the conversion and use of such buildings as it deems appropriate in accordance with §1609.

(Ord. 352, 6/3/1986, §916; as amended by Ord. 404, 8/6/1991, §25)

§917. Continuing Care Retirement Communities (CCRC).

1. A continuing care retirement community shall be defined as set forth in Part 17, Definitions.

2. In a continuing care retirement community, a building or buildings may be erected, altered or used and a lot or premises may be used or occupied for any of the following individual or combination of uses:

A. Independent Living Cottage Units. Single family detached dwellings, single family semi-detached dwellings, two-family detached dwellings, and single family attached dwellings. Each dwelling unit shall contain kitchen, toilet, and bathing facilities, and shall have at least one (1) outside window.

B. Independent Living Apartment Dwelling Units. Multi-family dwellings that may include common areas designated for the exclusive benefit of the group. Each apartment unit shall contain at least one (1) outside window. Each apartment unit shall provide space and facilities for cooking and related kitchen activities, bathing, and toilet functions. Common areas may also be provided for recreation, relaxation, laundry services, bulk storage, and similar activities.

C. Assisted Living and Personal Care Facilities. For the purposes of continuing care communities only. premises, or a portion thereof, in which food, shelter, and when licensed personal assistance or supervision are provided for residents requiring supervision and assistance in such matters as dressing, bathing, diet or medication prescribed for self-administration but not requiring hospitalization or skilled nursing care. Facilities shall include a living/sleeping area and a private powder room, although a shared bath shall be permitted.

D. Skilled Care or Nursing Care Facilities. For the purposes of continuing care communities only, premises or a portion thereof used to house and care for persons requiring long-term or short-term skilled nursing care.

E. Accessory uses may include neighborhood community rooms, craft, woodworking and hobby shops, mail service centers, and maintenance facilities. For other uses, the applicant shall submit a variance application to the Borough Zoning Hearing Board for review.

F. Prohibited Uses. No building shall be erected, altered or used and no premises shall be used for any activity which is continuously noxious, injurious or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, illumination or similar substances or conditions.

3. Minimum Tract Area. A continuing care retirement community shall require a total minimum tract area of ten (10) acres.

4. The residents must be at least fifty-five (55) years of age, except that spouses of residents may be less than fifty-five (55) years old, and except that residents of younger age may be permitted if they need such care because of physical disabilities.

5. The continuing community shall be developed in accordance with the following standards:

A. Water and Sewer. A continuing care retirement community shall be serviced by public water and sewer services.

B. Density. The sum of the number of independent living dwelling units, apartment housing units, personal care beds, and skilled nursing beds shall not exceed twelve (12) per acre of the gross area of the tract.

(1) Independent Cottage Units. One and one-half (1 ½) spaces for each independent dwelling to be used primarily by the residents of such units, plus one (1) space for every five (5) independent dwelling units to be used primarily by visitors to such units. For the purposes of calculating parking requirements for single-family units, a garage and a driveway shall each be considered a parking space.

(2) Independent Living Apartment Units. One (1) space for each dwelling unit in apartment housing to be used primarily by the residents of such units and their visitors.

(3) Assisted Living, Personal Care, Intermediate and Skilled Care Facilities. One (1) space for every four (4) beds in skilled care, assisted living, and personal care facilities.

(4) Employee Parking. One (1) space for each employee working on the largest shift.

J. Signage. Identification signs shall be permitted provided that the area on one (1) side of any such sign shall not exceed twelve (12) square feet and not more than two (2) signs shall be placed on any one (1) property for any one (1) street frontage.

K. Buildings. All buildings shall be completely located within one (1) municipality.

(Ord. 352, 6/3/1986; as added by Ord. 569, 7/1/2014, §7)

§918. Use Carry Over. Any permitted use in a district for which no area or other requirements are set forth in that district shall at a minimum adhere to the closest preceding district in which said use was permitted and such requirements identified, unless otherwise cited herein. (Ord. 352, 6/3/1986, §917; as amended by Ord. 569, 7/1/2014, §5)

§919. Lot Area Exceptions. The area of any wetland, open swale, open storm drain, stream, floodplain or similar area on a lot shall not be used as part of any yard setback requirements; nor may any common lot area be used to meet minimum individual dwelling unit lot size requirement. (Ord. 352, 6/3/1986; as added by Ord. 404, 8/6/1991, §26; as amended by Ord. 427, 12/28/1993; and by Ord. 569, 7/1/2014, §6)

Part 10

Fences

§1001. Conformance. Any fence hereafter erected or maintained shall conform with the provisions of this Part and any other ordinances or regulations of the Borough of New Holland. (Ord. 352, 6/3/1986, §1000)

§1002. Regulations. The following regulations shall apply to fences erected and maintained in the Borough:

A. All fences, including live plantings and walls, must be erected within the property lines, and no fences shall be erected so as to encroach upon a public right-of-way.

B. Fences, including live plantings and walls, may be erected, altered, and maintained within the yards in a residential district, provided that any such fence or wall or live planting in the front yard shall not exceed three and one-half (3 1/2) feet in height, and any fence or wall or live planting in the side or rear yard may not exceed six (6) feet in height.

C. Fences, including live plantings and walls, may be erected, altered, and maintained within the yards of a manufacturing district, not to exceed ten (10) feet in height, and in a commercial district, not to exceed eight (8) feet in height, as may be necessary for business or industrial use to provide adequate protection, shielding, or screening of open storage or equipment areas.

D. The Zoning Hearing Board may authorize, by special exception, the erection of walls or fences of greater height as may be necessary in a manufacturing district or a commercial district.

E. The foregoing restrictions shall not be applied so as to prevent the erection of an open wire fence not exceeding fifteen (15) feet in height above ground level anywhere within a public park, public playground, or public school or private school.

F. No fence shall be erected on a property, especially a corner, which will obstruct the vehicle sight line; this includes live fences such as hedges.

G. The following fences and fencing materials are specifically prohibited in any district: sharp pointed fences, electric fences, poultry netting and snow fences.

H. In all front yards of any lot used for residential purposes, only a live planting, or a split rail, or other decorative fence may be erected, with the height being as established in subsection (B) of this Section.

I. Barbed wire will be permitted at the top of a fence or barrier in commercial and manufacturing districts, or publicly owned properties, at a minimum height of six (6) feet.

(Ord. 352, 6/3/1986, §1001)

Part 11

Signs

§1101. Conformance. Any sign hereafter erected or maintained shall conform with the provisions of this Part and any other ordinances or regulations of the Borough of New Holland. (Ord. 352, 6/3/1986, §1100)

§1102. Use and Location Regulations. The following types of signs, and no other shall be permitted:

A. Official traffic signs.

B. Professional, accessory use or name signs, indicating the name, profession or activity of the occupant of a dwelling, and trespassing signs, or signs indicating the private nature of a driveway or premises, provided that the area on one (1) side of any such sign shall not exceed two (2) square feet.

C. Identification signs for schools, churches, hospitals, clubs, lodges, or similar uses, provided that the area on one (1) side of any such sign shall not exceed twelve (12) square feet in any residential district. [Ord. 427]

D. Real estate signs, including signs advertising the sale or rental of premises, provided that the area on one (1) side of any such sign shall not exceed ten (10) square feet; and signs indicating the location and direction of premises in the process of development, provided that the area on one (1) side of any such sign shall not exceed thirty (30) square feet.

E. Temporary signs of contractors, architects, mechanics, and artisans, provided that such signs shall be removed promptly upon completion of the work, and provided that the area on one (1) side of any such sign shall not exceed fifteen (15) square feet, and shall only be permitted at the site where the work is being performed.

F. Business or industrial signs in commercial or manufacturing districts only, provided that (a) such signs, except directional signs, are placed on the premises on which the use to which the sign relates is conducted, and (b) the total area on one (1) side of all signs placed on, or facing any one (1) street frontage of any one (1) premises, shall not exceed one hundred (100) square feet or fifteen (15%) percent of the overall surface of the wall facing such frontage, whichever is greater. The area on one (1) side of a directional sign shall not exceed twenty-five (25) square feet. The size limitations herein prescribed may be exceeded when authorized as a special exception by the Zoning Hearing Board.

G. Utility signs necessary for the identification, operation, and protection of public utility facilities.

(Ord. 352, 6/3/1986, §1101; as amended by Ord. 427, 12/28/1993)

§1103. General Sign Regulations. The following regulations shall apply to all permitted sign uses:

A. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.

B. No sign, other than traffic signs, shall be erected within or shall project over the lines of any street unless specifically authorized by other Borough ordinances and regulations.

C. No sign shall be a flashing type nor can it include rotating or revolving parts.

D. No sign shall project more than three (3) feet over a public sidewalk.

E. No sign shall exhibit or use any profane or obscene language.

F. In addition to the other requirements of this Part, every sign referred to in this Part must be constructed of durable materials, must be kept in good condition and repair, and shall not be allowed to become dilapidated.

G. No person shall place or cause to be placed or maintained in such location as can be viewed by persons on any public street, any sign or signs, photographic, pictorial, or other graphic representation, that depict in whole or in part the following:

(1) Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

(2) Scenes wherein a person displays the vulva or the anus or other genitals.

(3) Scenes wherein artificial devices are employed to depict, or drawings are employed, to portray any of the prohibited signs, photographs, or graphic representations described above.

(4) Any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas as defined by §703 of this Chapter.

(Ord. 352, 6/3/1986, §1102)

Part 12
Solar Energy Systems

§1201. Conformance. Any solar energy system hereafter erected or maintained shall conform with the provisions of this Part and any other ordinances or regulations of the Borough of New Holland. (Ord. 352, 6/3/1986, §1200)

§1202. Regulations. Solar energy systems and solar energy installations shall be permitted in all zoning districts, when authorized by the Zoning Hearing Board as a special exception, subject to the following regulations:

A. Solar energy systems must be reasonably installed and sited in the most aesthetic and architecturally compatible method possible, whether as a part of a structure or incidental to a structure or group of nearby structures.

B. The applicant must either: (a) acquire a privately negotiated easement to limit future development and/or provide for the trimming or elimination of vegetation, or (b) expressly waive his right to the solar energy that such future development or growth would obstruct.

C. The applicant must submit a plot plan with appropriate working drawings.

D. Solar energy unit installations may be a permitted addition to a nonconforming use or nonconforming building.

E. The position of the solar energy unit shall not block a clear view at street intersections nor cause glare or reflection so as to impair the vision of a driver of any motor vehicle.

F. The solar energy system shall be kept in good repair and sound condition. Upon abandonment of regular use, the solar system shall be dismantled and removed from the property within sixty (60) days by the property owner.

G. Upon inspection, if the solar system is found to be in unsafe condition or in a state of disrepair, or in the event the system is not producing some kind of usable thermal or electric energy, the Borough of New Holland has the authority to allow the owner of the system sixty (60) days to either remove or repair the system.

H. All solar energy systems shall comply with the area, height, and side yard regulations for the district in which it is located, except that such system shall be permitted to be erected on a nonconforming building or lot, and subject also to the provisions of §905.

(Ord. 352, 6/3/1986, §1201)

Part 13
Swimming Pools

§1301. Conformance. Any swimming pool hereafter erected and maintained shall conform with the provisions of this Part and any other ordinances and regulations of the Borough of New Holland. (Ord. 352, 6/3/1986, §1300)

§1302. Regulations. The following regulations shall apply to swimming pools erected and maintained in the Borough of New Holland.

A. All swimming pools shall be maintained and operated so as to be clean and sanitary at all times. Any pool having a water depth in excess of two (2) feet is required to utilize a filtering system.

B. No pool having a water depth capacity in excess of two (2) feet shall be permitted unless a permanent continuous fence which is four (4) feet minimum in height surrounds the facility or yard; this includes both above-ground and in-ground pools. [Ord. 427]

C. No pool shall be closer to the property line than the side yard requirements, with the rear yard requirements equivalent to the side yard requirements, for their respective zoning districts; nor less than eight (8) feet from a residence for an in-ground pool and not less than five (5) feet from a residence for an above-ground pool; nor shall any pool be constructed in the front yard of any property. Measurements shall be taken from the edge of the pool to the property line, not from the edge of the deck or related appurtenances.

D. Accessory buildings such as locker rooms, bath houses, cabanas, etc., or other facilities or equipment shall conform to the requirements of all Borough codes.

E. No artificial lighting shall be maintained or operated in connection with a private swimming pool in such a manner or location as to present a nuisance or annoyance to adjacent properties.

F. The owner of every private swimming pool, in-ground or above-ground, shall have the responsibility to properly maintain the pool and to prevent any breaks in the chassis, or overflow or discharge of water onto adjacent property.

G. No persons other than residents and their guests shall be permitted to use the facility.

(Ord. 352, 6/3/1986, §1301; as amended by Ord. 427, 12/28/1993)

Part 14

Wind Energy Conversion Systems

§1401. Conformance. Any wind energy conversion system (WECS) hereafeter erected or maintained shall conform with the provisions of this Part and any other ordinances or regulations of the Borough of New Holland. (Ord. 352, 6/3/1986, §1400)

§1402. WECS Permitted. WECS shall be permitted in all zoning districts as a special exception, under the following conditions:

A. There are no adverse effects upon the character of the neighborhood.

B. The first fifteen (15) feet of the tower shall be inaccessible without the proper equipment, and the maximum height allowed shall not exceed that pursuant to the particular district.

C. The structure supporting the WECS, including any necessary guideposts and excluding supporting cables, shall be located a minimum of thirty-five (35) feet from any lot line, and thirty-five (35) feet from any occupied dwelling on the property, excluding the accessory building as outlined in §1402(F) and (G) of this Part.

D. The height measurement shall be from ground level to the highest point of the structure, with any blade, propeller, or other rotating device being placed in its vertical position, the height measurement to be made to the top of any such blade, propeller, or other rotating device.

E. All electrical lines/utility wires shall be buried underground.

F. The supporting tower and any mechanical equipment, including any building for batteries and storage cells, shall be properly ventilated and properly secured.

G. When a building, or an accessory building, is necessary for storage cells or related mechanical equipment, the building must meet setback requirements as prescribed by Borough ordinance.

H. One (1) WECS shall be permitted per property.

I. The resulting energy harnessed from the wind shall be used on the property on which the WECS is located, and shall not be transmitted to any other property, or used for any commercial enterprise, except that excess electrical energy produced from the WECS may be sold to an electric utility operating pursuant to a certificate of public convenience issued by the Pennsylvania Public Utility Commission.

J. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of regular use, the tower and related structures shall be dismantled and removed from the property within sixty (60) days by the property owner.

K. The applicant shall demonstrate that any noise or electrical interference from the wind generating unit shall be of an acceptable

level and will not exceed forty (40) decibels measured at a distance of thirty-five (35) feet from the unit.

L. The WECS shall be an approved system, subject to the inspection of a professional engineer and also subject to the approval of the Borough or its agent.

M. Upon inspection, if the WECS is found to be in unsafe condition (or in a state of disrepair), or in the event the WECS is not producing some kind of usable mechanical or electric energy, the Borough has the authority to allow the owner of the system sixty (60) days to either remove or repair the system.

(Ord. 352, 6/3/1986, §1401)

Part 15
Administration

§1501. Appointment and Powers of Zoning Officer.

1. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed.

2. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning.

3. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

4. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

(Ord. 352, 6/3/1986, §1500; as amended by Ord. 427, 12/28/1993)

§1502. Requirements of Permits. A permit shall be required prior to the erection or structural alteration of any building, structure, or portion thereof, and prior to use or change in use of a building or land. Street or property line changes shall be exempt from the permit requirements of this Section. Applications for permits shall be made in writing to the Zoning Officer on such forms as may be furnished by the Borough. Such applications shall contain all information necessary for the Zoning Officer to ascertain whether the proposed erection, alteration, use, or change in use complies with the provisions of this Chapter. (Ord. 352, 6/3/1986, §1501)

§1503. Issuance of Permits. Permits shall be granted or refused within ten (10) days after the written application has been filed with the Zoning Officer. Building or use permits shall be good for a period of twelve (12) consecutive months from the date of issue, during which time the building must be substantially completed, or the use put into effect. The applicant may request and receive from the Zoning Officer one (1) six (6) month extension of the permit period. (Ord. 352, 6/3/1986, §1502)

§1504. Fees. Fees for permits shall be paid in accordance with a fee schedule to be adopted by Borough Council and all such fees shall be paid into the Borough treasury. Each applicant for an appeal, special exception, or variance shall, at the time of making application, pay a fee in accordance with the aforementioned fee schedule for the cost of advertising and mailing notices as required by this Chapter and the rules of the Zoning Hearing Board. (Ord. 352, 6/3/1986, §1503)

§1505. Registration of Nonconforming Uses. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures in accordance with the requirements of the Pennsylvania Municipalities Planning Code. It shall be the Zoning Officer's duty to prepare or have prepared and to maintain a list or record of the nonconforming uses and

structures within the Borough, which record shall describe specifically the nature of any nonconformity and indicate wherein the nonconforming use or structure differs from the provisions of this Chapter. (Ord. 352, 6/3/1986, §1504)

§1506. Enforcement Notice.

1. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:

A. The name of the owner of record and any other person against whom the Borough intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days.

F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(Ord. 352, 6/3/1986; as added by Ord. 427, 12/28/1993)

§1507 Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, 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 any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping 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. (Ord. 352, 6/3/1986; as added by Ord. 427, 12/28/1993)

§1508. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation 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 (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or 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 (5th) 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.

2. 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.

3. 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.

4. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 352, 6/3/1986; as added by Ord. 427, 12/28/1993)

Part 16
Zoning Hearing Board

§1601. Zoning Hearing Board.

1. There is hereby created for the Borough a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 et seq.

2. The membership of the Board shall consist of three (3) residents of the Borough appointed by resolution by the Borough Council. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.

3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.

5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

6. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

(Ord. 352, 6/3/1986, §§1600-1602; as amended by Ord. 427, 12/28/1993)

§1602. Jurisdiction.

1. 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 Borough Council pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which 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 Borough 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 a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.

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.

H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.

I. Appeals from the determination of the Zoning Officer or Borough 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 applications under Article V or VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq.

2. The Borough Council, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 et seq.

C. Applications for conditional use under the express provisions of this Chapter.

D. Applications for curative amendment to this Chapter or pursuant to §§ 609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.

F. Appeals from the determination of the Zoning Officer or the Borough engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

(Ord. 352, 6/3/1986, §1603; as amended by Ord. 427, 12/28/1993)

§1603. Parties Appellant Before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Borough Council pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or 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; from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; 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; from the determination of the Zoning Officer or Borough 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 may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner. (Ord. 352, 6/3/1986, §1604; as amended by Ord. 427, 12/28/1993)

§1604. Hearings. The Zoning Hearing Board shall conduct hearings and made decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week

prior to the hearing.

2. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

3. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

4. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

5. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. 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 hearing officer or shall be paid by the person appealing from 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.

9. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

10. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is

contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

12. The Borough Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

(Ord. 352, 6/3/1986, §1605; as amended by Ord. 427, 12/28/1993)

§1605. Expiration of Special Exception or Variance. Unless otherwise specified by the Zoning Hearing Board, a special exception or variance shall expire if the applicant fails to obtain a building permit within three (3) months from the date of authorization thereof. (Ord. 352, 6/3/1986, §1607)

§1606. Zoning Appeals. All appeals, applications, or challenges which properly come before the Board in accordance with the requirements of the Planning Code, and all appeals to Court shall be subject to the time limitations and requirements of Article XI and any other applicable provision of said Code. Appeals to Court from any decision of the Zoning Hearing Board shall be taken to the Court of Common Pleas of Lancaster County. (Ord. 352, 6/3/1986, §1608)

§1607. Standards for Review for Proposed Exception or Variance.

1. In any instance where the Zoning Hearing Board is required to

consider an exception or variance in this Chapter or map in accordance with the provisions of this Chapter, the Board shall, among other things:

A. Give full consideration to the size, scope, extent, and character of the exception or variance desired and assure itself that such request is consistent with the spirit, purpose and intent of this Chapter.

B. Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.

C. Determine that the proposed change will serve the best interest of the Borough, the convenience of the community, and the public welfare.

D. Consider the effect of the proposed change upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police, fire protection, and public schools.

E. Consider the probable effects of proposed development on traffic and insure that adequate access arrangements are provided in order to protect major streets from undue congestion and hazard.

F. Be guided in its study, review, and recommendation by sound standards of subdivision practice where applicable.

G. Determine that any proposed special exception or variance complies fully with each requirement of law relating to Board powers and, in the case of a special exception, with any more specific standards relating to a use or exception contained in this Chapter.

H. Make a final determination based on grounds other than purely aesthetic considerations.

2. In the case of variance, in addition to any applicable standards of the subsection above, the more specific requirements contained in Article IX of the Planning Code shall apply. According to the State Code, the Zoning Hearing 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 topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship required by law 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 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 appellant;

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 be detrimental to the public welfare; and,

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.

3. In granting any variance or special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Planning Code and this Chapter, which conditions and safeguards, may relate to, but are not limited to the harmonious design of buildings, planting, and its maintenance as a sight or sound screen, lighting, noise, safety, and the minimizing of noxious, offensive, or hazardous elements.

4. In the case of a request for a special exception or variance, it shall be the responsibility of the applicant to present such evidence as is necessary to demonstrate that the proposed use or modification complies with the pertinent criteria or standards.

(Ord. 352, 6/3/1986, §1609)

§1608. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

(Ord. 352, 6/3/1986; as added by Ord. 427, 12/28/1993)

§1609. Stay of Proceedings.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action

shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

(Ord. 352, 6/3/1986; as added by Ord. 427, 12/28/1993)

Part 17

Definitions

§1701. Definitions of Terms. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Chapter to have the meaning herein indicated. The singular shall include the plural, and the plural shall include the singular. The word "used" shall include the words "arranged," "designed," or "intended to be used." The word "building" shall include the word "structure." The present tense shall include the future tense.

ACCESSORY BUILDING - a building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building and is located on the same lot.

ACCESSORY USE - a use conducted on the same lot as a principal use to which it is related; a use which is clearly incidental to, and customarily found in connection with a particular principal use.

ACTIVE SOLAR ENERGY SYSTEM - a solar energy system that requires external mechanical power to move the collected heat.

ALTERATIONS - alterations include, but are not limited to, all incidental changes in or replacements to the non-structural parts of a building or other structure, minor changes or replacements in the structural parts of a building or other structure, enlargements whether by extending on a side or by increasing in height or the moving from one (1) location to another.

ALTERATIONS, STRUCTURAL - any change in the supporting members of a building, such as bearing walls, partitions, columns, beams, foundations or girders, any substantial change in the roof or the piercing of exterior walls.

AMUSEMENT ARCADE - any building, premises or room containing five (5) or more amusement devices, regardless of any other type of business conducted within the same premises.

AMUSEMENT DEVICE - an electronic or non-electronic device pursuant to the express criteria set forth in New Holland Borough Ordinance #325 [Chapter 13, Part 3], that is used or designed to be used to provide amusement or entertainment to the user for a fee, whether the device is coin-operated or not.

APARTMENT - see "dwelling."

APARTMENT DEVELOPMENT/CONDOMINIUM DEVELOPMENT - a group of two (2) or more apartment houses or condominiums, located on the same lot; except in those cases consisting of a maximum of two (2) separate structures, neither of which contains more than four (4) dwelling units erected on a single lot provided all other provisions of this Chapter are met. [Ord. 404]

BOARD - any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [Ord. 427]

BOARDING HOUSE - a building or portion thereof arranged or used for sheltering or feeding, or both, for compensation for not more than eight (8) individuals. [Ord. 404]

BUILDING - any structure used for a residence, business, industry, or other public or private purpose, or accessory thereto, and including porches, greenhouses, stables, garages, roadside stands, mobilehomes and similar structures, whether stationary or movable, but excluding fences and walls which are part of the landscaping, signs and awnings.

BUILDING AREA - the total area taken on a horizontal plane at the main grade level of the main building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

BUILDING SETBACK LINE - the line parallel to the street line at a distance therefrom equal to the depth of the required front yard.

CARTWAY - that portion of a street or alley which is improved, designated, or intended for vehicular use.

CLEAR SIGHT TRIANGLE - an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street centerlines.

CONDITIONAL USE - a use permitted only upon showing that such use in a specific location complies with all conditions and standards as specified or allowed by Borough Council. [Ord. 427]

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) - a development, licensed as required, which: (A) is operated as an integrated unit on one (1) or more adjacent parcels of land, under common ownership; (B) provides a range of housing, care and services to and for the elderly, handicapped and/or mentally ill, together with a variety of ancillary facilities intended to meet the social, recreational, cultural and religious needs of the residents; and, (C) provides, as part of such care, levels of health care, including independent living, assisted living, personal care and both long-term and short-term skilled nursing care. [Ord. 569]

COUNSELING CENTER - a facility in which three (3) but no more than eight (8) persons reside while receiving therapy or counseling for the following purposes:

- A. To assist them to recuperate from the effects of drugs or alcohol;
- B. To assist them to adjust to living with the handicaps of emotional or mental disorder, or mental retardation;
- C. To assist them to adjust to living with handicaps of physical disability.
- D. To be housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, pre-release, work-release, and probationary programs; and,
- E. To assist them to adjust to family dysfunction.

Counseling centers shall be licensed by the appropriate governmental agencies.

[Ord. 404]

CURBLINE - the line of existing curb of a street, or of the existing edge of macadam of a street where no curb exists, or of the required edge of macadam or curblines of a street, whichever is greater thereof measured from the centerline of the street.

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Borough lies. [Ord. 427]

DETERMINATION - final action by an officer, body or agency charged

[Text continued on p. 617]

with the administration of any land use ordinance or applications there under, except the following:

- A. The Borough Council;
- B. The Zoning Hearing Board; or
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

[Ord. 427]

DWELLING - a building permanently erected on and attached to a foundation, having a fixed location on the ground, and used for residential occupancy, which building when so erected and attached, shall, in the normal frame of reference be immobile. Hospitals, hotels, boarding, rooming and tourist houses, institutional homes, motels, tourist courts, and campgrounds offering overnight accommodations for guests or patients shall not be considered dwellings within the meaning of this Chapter.

A. DWELLING APARTMENT - a dwelling containing two (2) or more dwelling units which may be separated horizontally and/or vertically. The individual dwelling units may or may not be in separate ownership; however, the land shall be in single ownership or in common ownership.

B. DWELLING, CONDOMINIUM - a dwelling containing three (3) or more dwelling units which may be separated horizontally or vertically. The individual dwelling units shall be in separate ownership.

C. DWELLING, DUPLEX - a dwelling containing two (2) dwelling units, one of which is located above the other.

D. DWELLING, SINGLE-FAMILY DETACHED - a dwelling containing one (1) dwelling unit and not attached to any other dwelling units.

E. DWELLING, SINGLE-FAMILY SEMI-DETACHED - a dwelling containing two (2) dwelling units which are attached side by side by the use of a common wall.

F. DWELLING, TOWNHOUSE (ROWHOUSE) - a dwelling containing at least three (3) but not more than eight (8) dwelling units which are attached side by side by the use of a common wall.

G. DWELLING UNIT - one (1) or more living and/or sleeping rooms arranged for the use of one (1) or more individuals living as a family with cooking, living, and sanitary facilities.

FAMILY - any number of persons living and cooking together as a single family housekeeping unit.

FARM BUILDING - any building used for storing agricultural equipment or farm produce, housing livestock or poultry, and processing dairy products. The term "farm building" shall not include dwellings.

GAMEROOM - a place where amusement devices are provided as the principal use of the premises or a place where the number of amusement devices exceeds the ratio set forth in §605(3) of this Chapter.

GROUP HOME - a building operated by a responsible individual, family, or organization with a program to provide a supportive living arrangement up to eight (8) individuals who are unrelated to the operator(s); such individuals require supervision due to some age, emotional, mental, physical, familial or social condition. Group homes shall be licensed by the appropriate governmental agencies.

HALFWAY HOMES - a profit or nonprofit boarding home, rest home, or other home for the sheltered care of adult persons which, in addition to providing food and shelter to no more than eight (8) persons unrelated to the proprietor, also provides any personal care or service beyond food, shelter, and laundry. Halfway homes shall be licensed by the appropriate governmental agencies. [Ord. 404]

HEIGHT OF BUILDINGS or STRUCTURES - a structure's vertical measurement from the main level of the ground abutting the building or structure to a point midway between the highest and lowest points of the roof of a building, or to the top of any other structure; provided, that chimneys, spires, towers, elevator penthouses, tanks, and similar projections of the building, and structures supporting utility or transmission facilities shall not be included in calculating the height.

HOMELESS SHELTER - a profit or non-profit boarding home or other home for the sheltered care of adult persons which provides food and shelter for no more than eight (8) persons unrelated to the owner. Homeless shelters shall be licensed by the appropriate governmental agencies. [Ord. 404]

HOTEL or MOTEL - a building, or a group of buildings, designed for and used primarily for the temporary shelter or lodging of any persons, provided that the ratio of any apartments with cooking facilities to regular hotel or motel rooms shall at no time exceed one (1) to three (3), or twenty-five (25%) percent; each room having its own bathroom.

IMPERVIOUS MATERIAL - a substance unable to be penetrated under normal or original conditions, not to include sidewalks or walkways. [Ord. 404]

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [Ord. 427]

MOBILEHOME - a transportable, single-family dwelling intended for permanent occupancy, office use, or place of assembly, contained in one (1) unit, or in two (2) units designed to be joined into one (1) integrated unit capable of again being separated for towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly, and constructed so that it may be used without a permanent foundation.

MOBILEHOME LOT - a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome. [Ord. 427]

MOBILEHOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes. [Ord. 427]

MOBILEHOME SPACE - a plot of ground within a mobilehome park, designed to accommodate one (1) mobilehome, and containing at least two thousand (2,000) square feet.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." [Ord. 427]

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. [Ord. 427]

NONCONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the applicable use provisions of this Chapter or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to enactment of this Chapter or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. [Ord. 427]

PARKING SPACE - an open space or garage on a lot, used for parking motor vehicles, the area of which is not less than one hundred eighty (180) square feet, and to which there is access from a street.

PRIVATE GARAGE - an accessory building used for the storage of motor vehicles, which may include one (1) commercial vehicle, owned and used by the owner or tenant of the premises.

PUBLIC GARAGE - a building, not a private garage, used primarily for the storage and/or repair of motor vehicles of any type or ownership.

PUBLIC GROUNDS - includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

[Ord. 427]

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 427]

PUBLIC NOTICE - notice published once each week for two (2) successive 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. [Ord. 427]

REGULAR USE - working to a capacity of fifty (50%) percent of the intended use as per §1402 of this Chapter.

REPORT - any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [Ord. 427]

RETIREMENT COMMUNITY - a planned residential development designed to meet the needs of and exclusively for the residences of persons age fifty-five (55) or older. [Ord. 427]

ROOMING HOUSE - a dwelling, not a single-family or two-family dwelling, apartment house, hotel, or motel providing lodging, with or without meals, and having lodging accommodations for not more than ten (10) guests.

SATELLITE EARTH STATION - any dish-shaped antenna including pedestal and attachments designed to receive television and/or radio broadcasts relayed by microwave or similar signals from an earth orbiting satellite.

SEMI-IMPERVIOUS MATERIALS - a substance able to be partially penetrated. [Ord. 404]

SHOPPING CENTER - any group of three (3) or more stores or related commercial buildings or uses, developed in accordance with an integrated plan and served by common parking and/or service areas.

SINGLE and SEPARATE OWNERSHIP - the ownership of a lot by one (1) or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot. For the purpose of this definition, any lot separately described in any deed, which deed also conveys adjoining lots, shall be considered to be separate and distinct from such adjoining lot or lots.

SOLAR ENERGY COLLECTOR - a device, or combination or devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to the structure's energy supply.

SOLAR ENERGY SYSTEM - a design or assembly consisting of a solar energy collector, an energy storage facility (if utilized), and components for the distribution of transformed energy.

SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 et seq., 10901 et seq. [Ord. 427]

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 427]

STREET LINE - the dividing line between a lot and outside boundary of

a public street, road, or highway legally open or officially plotted by the Borough, or between a lot and a private street, road, or way over which the owners or tenants of two (2) or more lots held in single and separate ownership have the right-of-way. Where a street line has not been established, it shall be computed at twenty-five (25) feet from the center of the existing street.

STRUCTURAL ALTERATION - see "alterations, structural."

STRUCTURE - any man-made object having an ascertainable stationery location on or in land or water, whether or not affixed to the land.

TELEPHONE CENTRAL OFFICE - a building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone or radio-telephone messages between subscribers, and other business of the telephone company; but in residence districts not to include public business facilities, storage of materials, trucking or repair facilities, or housing of repair crews.

TOURIST HOUSE - a dwelling in which sleeping accommodations for not more than ten (10) persons are provided for compensation.

TOWNHOUSE - a minimum of three (3) and not more than eight (8) dwelling units per structure attached to each other by party or common walls, with each unit having individual access and rear common private garden orientation. A townhouse shall be identified as a multiple dwelling.

TRAILER - any vehicle or similar portable structure, used for dwelling or sleeping purposes, resting upon wheels or any other type of foundation, not equipped with running water, bath facilities, flush toilet, and appropriate sanitary connections.

TRANSFORMER SUBSTATION - an electric substation containing an assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public provided that in a residential district an electric substation shall not include rotating power equipment, storage of materials, trucks or repair facilities, or housing of repair crews.

VARIANCE - relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq. [Ord. 427]

WIND ENERGY CONSERVATION SYSTEM (WECS) - a device which converts wind energy to mechanical or electrical energy.

YARDS -

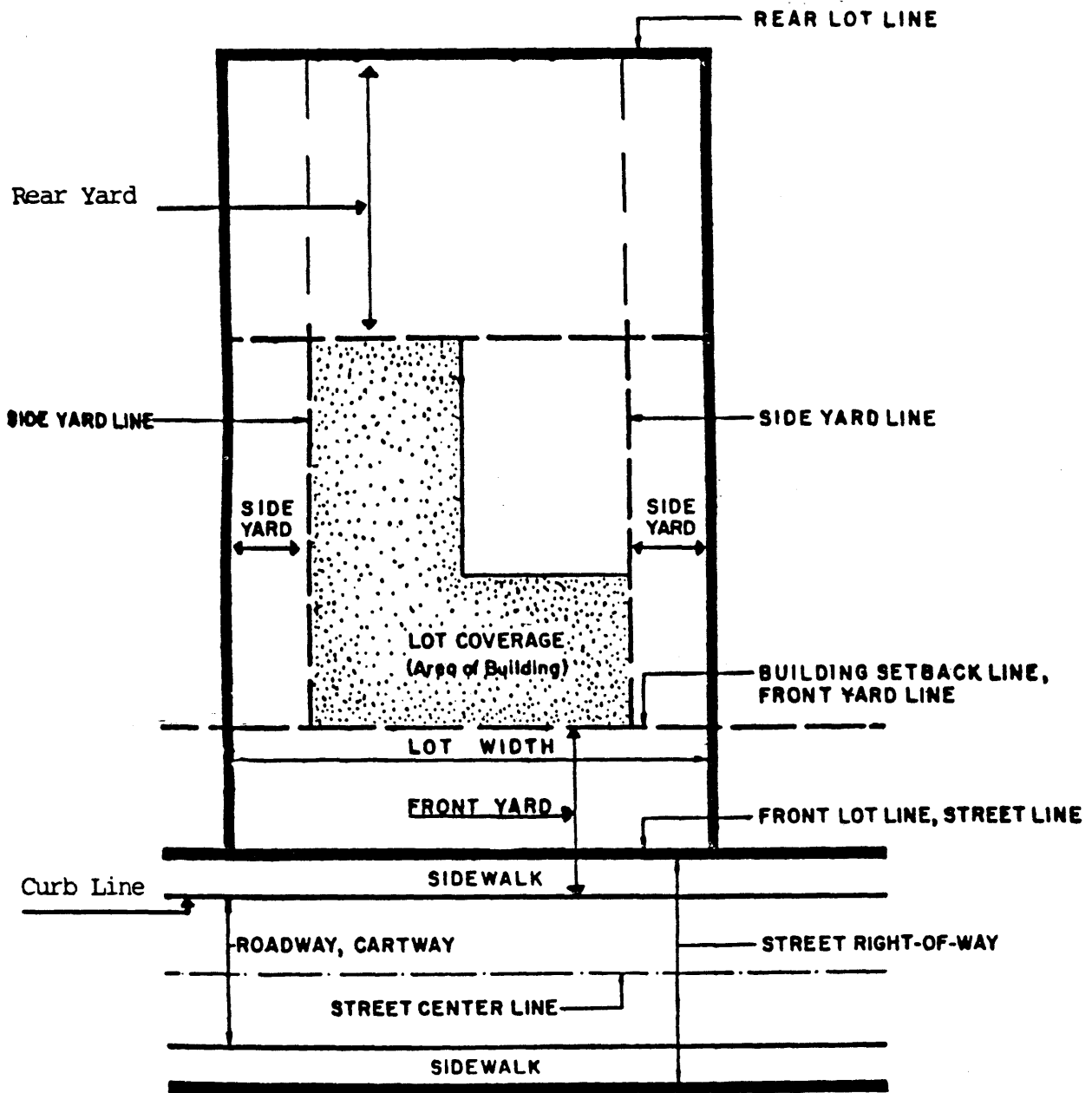
A. FRONT - the required open space, extending along the curb line throughout the full width of the lot, exclusive of overhanging eaves, gutters, cornices, and steps.

B. SIDE - the required open space, extending along the side line of the lot throughout the full depth of the lot, exclusive of overhanging eaves, gutters, cornices, and steps.

C. REAR - the required open spaces, extending along the rear

line of the lot throughout the full width of the lot, exclusive of overhanging eaves, gutters, cornices, and steps.

(Ord. 352, 6/3/1986, §1700; as amended by Ord. 404, 8/6/1991, §§1 & 2; by Ord. 427, 12/28/1993; and by Ord. 569, 7/1/2014, §1)



SKETCH PLAN DEFINING ZONING ORDINANCE
 AREA AND BULK REGULATION TERMS

Part 18
Amendments

§1801. Enactment of Zoning Ordinance Amendments.

1. The Borough Council may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.

2. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

3. In the case of an amendment other than that prepared by the Planning Commission the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

5. At least thirty (30) days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the county planning agency for recommendations.

6. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

(Ord. 352, 6/3/1986, §1801; as amended by Ord. 427, 12/28/1993)

§1802. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning 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 Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

2. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Borough Council.

If the Borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Borough Council, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.

C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.

D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(Ord. 352, 6/3/1986; as added by Ord. 427, 12/28/1993)

§1803. Procedure for Borough Curative Amendments.

1. If the Borough determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

A. The Borough shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Borough Council shall:

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

(a) References to specific uses which are either not permitted or not permitted in sufficient quantity;

(b) Reference to a class of use or uses which requires revision; or,

(c) Reference to this entire Chapter which requires revisions.

(2) Begin to prepare and consider a curative amendment to

this Chapter to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

3. Upon the initiation of the procedures as set forth in subsection (1), the Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection (1)(A). Upon completion of the procedures set forth in subsections (1) and (2), no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

4. The Borough, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 352, 6/3/1986; as added by Ord. 427, 12/28/1993)

§1804. Amendments.

1. Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice. A brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the Borough where copies of the proposed amendment may be secured or examined shall be incorporated in the public notice. Unless the proposed amendment shall have been prepared by the Planning Commission, the Borough Council shall submit the amendment to the Planning Commission at least thirty (30) days prior to the hearing on such amendment to provide the Planning Commission an opportunity to submit recommendations. In addition, at least thirty (30) days prior to the public hearing on the amendment, the Borough shall submit the proposed amendment to the County planning agency for recommendations.

2. Within thirty (30) days after adoption, the Borough Council shall forward a certified copy of the amendment to the County planning agency.

3. Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the

proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed amendment once in a newspaper of general circulation in the Borough not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

A. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.

B. An attested copy of the proposed amendment shall be filed in the County law library (or other County office designated by the County Commissioners).

4. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Borough Council shall, at least ten (10) days prior to enactment, readvertise, in one (1) newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

(Ord. 352, 6/3/1986; as added by Ord. 427, 12/28/1993)

Part 19
Zoning Map Amendments

<u>Ord.</u>	<u>Date</u>	<u>Description</u>
166	9/1/1959	Amending 1959 Zoning Map, See Map.
209	7/1/1960	Amending 1959 Zoning Map, See Map.
214	1/7/1964	Amending 1959 Zoning Map, See Map.
226	3/7/1967	Amending 1959 Zoning Map, See Map.
227	5/2/1967	Amending 1959 Zoning Map, See Map.
235	4/3/1969	Amending 1959 Zoning Map, See Map.
253	10/5/1971	Amending 1959 Zoning Map, See Map.
257	1/2/1972	Amending 1959 Zoning Map, See Map.
271	12/4/1973	Amending 1959 Zoning Map, See Map.
275	1/11/1974	Amending 1959 Zoning Map, See Map.
352	6/3/1986	Amending 1959 Zoning Map, See Map.
371	10/6/1987	Rezoning a portion of premises from Manufacturing District to R-2 Residence District.
383	4/4/1989	Rezoning a portion of land from M-Manufacturing District to C-2 Commercial District.
387	8/1/1989	Rezoning annexed property to R-2 Residence district. Rezoning annexed property to RA Residence District. Rezoning annexed property to RA Residence District.
404	8/6/1991	Rezoning property from R-1 Residence District to C-1 Commercial District. Rezoning property from M-Manufacturing District to C-1 Commercial District. Rezoning property from M-Manufacturing District and C-1 Commercial District to R-2 Residence District. Rezoning property from M-Manufacturing District to R-2 Residence District. Rezoning property from C-1 Commercial District and R-1 Residence District to R-2 Residence District.

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11/5/1991

Rezoning property from R-1
Residence District to R-2
Residence District.

Rezoning properties in the
M-Manufacturing, C-1, Commercial
District and R-1 Residence
District to C- 1 Commercial
District.

Rezoning properties in the
M-Manufacturing District and C-1
Commercial District to R-2
Residence District.

Rezoning properties in the C-1
Commercial District, R-1,
Residence District and R-2,
Residence District to R-1
Residence District.

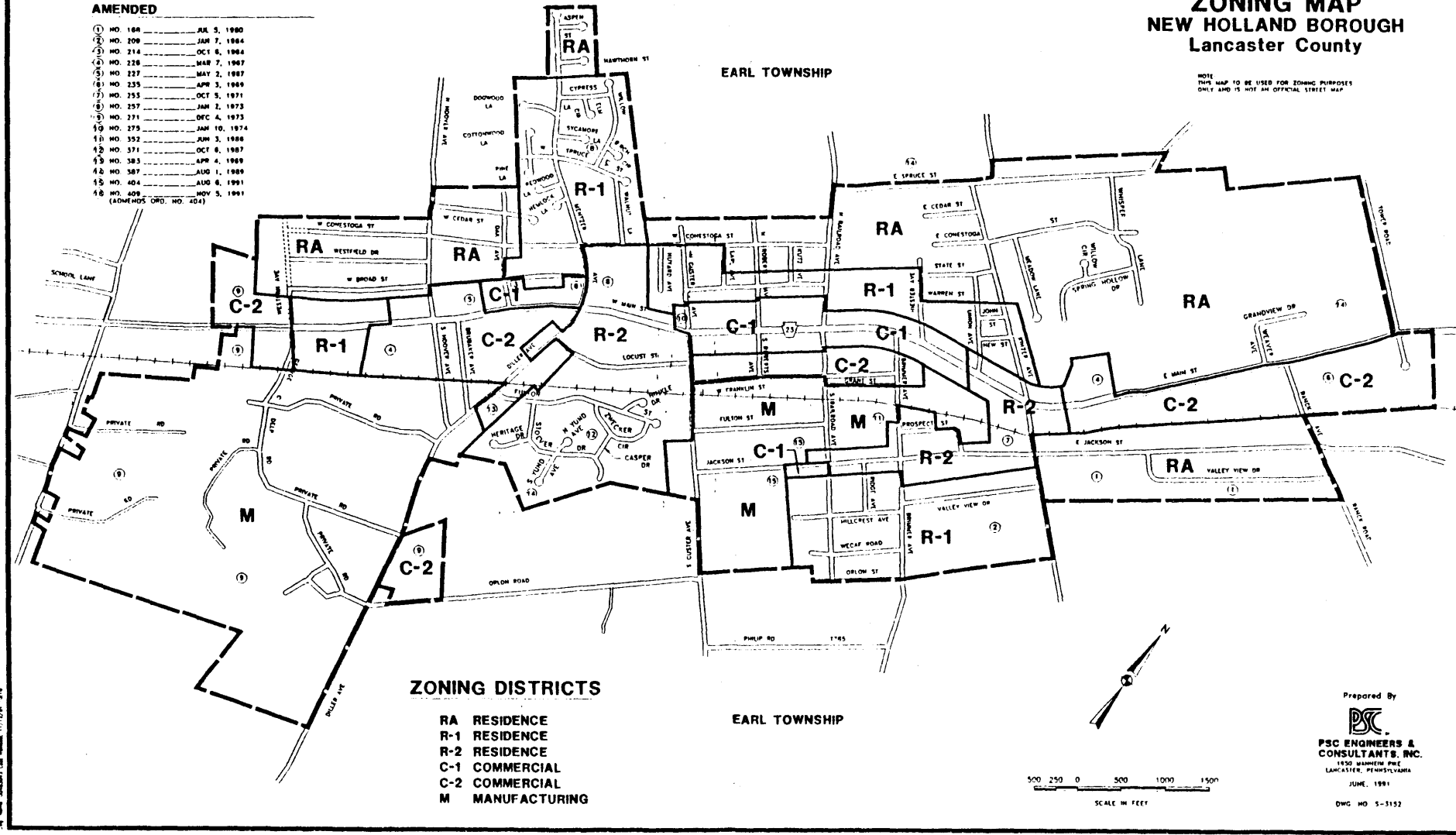
ADOPTED BY BOROUGH COUNCIL
SEPTEMBER 1, 1959

AMENDED

1	MO. 168	AUG 5, 1960
2	MO. 209	JAN 7, 1964
3	MO. 214	OCT 8, 1964
4	MO. 226	MAR 7, 1967
5	MO. 227	MAY 2, 1967
6	MO. 235	APR 3, 1969
7	MO. 255	OCT 5, 1971
8	MO. 257	JAN 2, 1973
9	MO. 271	DEC 4, 1973
10	MO. 275	JAN 10, 1974
11	MO. 352	JUN 3, 1988
12	MO. 371	OCT 8, 1987
13	MO. 383	APR 4, 1989
14	MO. 387	AUG 1, 1989
15	MO. 404	AUG 6, 1991
16	MO. 408	NOV 5, 1991
(ADMINIS. ORD. NO. 404)		

ZONING MAP
NEW HOLLAND BOROUGH
Lancaster County

NOTE
THIS MAP TO BE USED FOR ZONING PURPOSES
ONLY AND IS NOT AN OFFICIAL STREET MAP



ZONING DISTRICTS

- RA RESIDENCE
- R-1 RESIDENCE
- R-2 RESIDENCE
- C-1 COMMERCIAL
- C-2 COMMERCIAL
- M MANUFACTURING

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