

## **CHAPTER 26**

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**Part 1**

**Short Title, Purpose and Community Development Objectives**

**§1. Short Title<sup>1</sup>**

This ordinance<sup>2</sup> shall be known as the Bloomfield Borough Zoning Ordinance.<sup>3</sup> (Ord. 131, 7/8/1975, Art. I, §1.01)

**§2. Purpose**

The fundamental purpose of this ordinance<sup>4</sup> is to promote the safety, health, morals, convenience and general welfare; to encourage the most appropriate use of land throughout the Borough; to conserve and stabilize the value of property; to prevent overcrowding of land and buildings; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate open spaces for light and air; to facilitate adequate provision of streets and highways, water, sewerage, drainage and other public facilities; to conserve life, property and natural resources; to protect the historic heritage of the Borough; and to conserve the expenditure of funds earmarked for public improvements. (Ord. 131, 7/8/1975, Art. I, §1.02)

**§3. Community Development Objectives**

This zoning ordinance<sup>5</sup> is to render a legal basis and framework to the Future Land Use Plan established as a result of the planning studies undertaken by the Bloomfield Borough Planning Commission. In order to properly guide future growth, improve existing development, and enable the most economical provision of municipal services within the Borough of Bloomfield, the following development goals are hereby established:

- A. Eliminate hazardous and detrimental land uses while encouraging beneficial and compatible uses;
- B. Maintain a desirable residential environment with adequate recreational, commercial, and industrial supporting areas;
- C. Protect and conserve open spaces; and

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1 This heading and those of Sections 1 to 170 of this chapter (except Section 161) are part of Ordinance 131 as enacted.

2 Sections 1 to 170 of this chapter.

3 Section 1.05 of Ordinance 131 repealed all conflicting or inconsistent ordinances and parts of ordinances to the extent necessary to give this ordinance full force and effect. Section 1.07 provided that the ordinance be in force and take effect immediately upon adoption - the public welfare demanding it.

4 Sections 1 to 170 of this chapter.

5 Sections 1 to 170 of this chapter.

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D. In general, avoid the problems inherent in random and inconsistent development.

(Ord. 131, 7/8/1975, Art. I, §1.03)

### **§4. Conflicting Regulations**

In their interpretation and application, the provisions of this ordinance<sup>6</sup> shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern. (Ord. 131, 7/8/1975, Art. I, §1.04)

### **§5. Validity**

If any section, clause, provision or portion of this ordinance<sup>7</sup> shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this ordinance which is not in itself invalid or unconstitutional. (Ord. 131, 7/8/1975, Art. I, §1.06)

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<sup>6</sup> Sections 1 to 170 of this chapter.

<sup>7</sup> Sections 1 to 170 of this chapter.

**Part 2**

**Definitions**

**§11. General Interpretation**

For the purpose of this ordinance the terms and words listed in this section<sup>9</sup> shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary. (Ord. 131, 7/8/1975, Art. II, §2.01)

**§12. Rules of Interpretation**

For the purpose of this ordinance<sup>10</sup> the following rules of interpretation shall apply:

Words in the present tense include the future tense.

Words in the singular case include the plural and words in the plural case include the singular.

The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used, to be occupied, or offered for occupancy."

The term "such as" shall be considered as introducing a typical, or illustrative, designation of items, and shall not be interpreted as constituting a complete list.

(Ord. 131, 7/8/1975, Art. II, §2.02)

**§13. Terms Defined**

**Accessory Use or Building** — a subordinate use or building, the purpose of which is customarily incidental to that of the main use or building and on the same lot.

**Alterations** — as applied to a building or structure, means a change or rearrangement in the structural parts in the existing facilities or an enlargement, whether by extension of a side or by increasing in height or by moves from one location or position to another.

**Building** — any structure having a roof supported by columns, piers or walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

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8 Sections 1 to 170 of this chapter.

9 This article, Sections 11 to 13 of this chapter.

10 Sections 1 to 170 of this chapter. Inadvertent omissions in the typing of the original ordinance are enclosed within brackets throughout this chapter.



**Building Area** — the total areas of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings,

**Building Height** — the vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling to the top story, in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

**Building Line** — a line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered or projected section of a building, the vertical plane which coincides with the most projected surface. All yard requirements are measured to the building line.

**Certificate of Occupancy** — a certificate issued and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure of a new building or upon a change or conversion of the structure or use of a building which certifies that all requirements and regulations as provided herein and within all other applicable requirements have been complied with.

**Co-location**—the mounting of one or more Commercial Communication Antennas, on an existing Commercial Communication Tower, or on any structure that already supports at least one Commercial Communication Antenna.

**Commercial Communication Antenna**—all Wireless Communications Facilities that are not Commercial Communication Towers, including but not limited to, all types of antennas, small cell structures, and accompanying equipment. Commercial Communication Antennas shall not include Wireless Support Structures or any related equipment that is mounted to the ground or at ground-level.

**Commercial Communication Tower**—any structure that is constructed primarily for the purpose of supporting one or more Antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles. DAS hub facilities are considered to be Commercial Communication Towers.

**Distributed Antenna Systems (DAS)**—network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

**Development Plan** — the provisions for the development of a planned residential development, including a plat of subdivision; all covenants relating to use, location and bulk of buildings and other structures; intensity of use or density of development; streets, ways and parking facilities; common open space; and public facilities.

**Dwelling Unit** — one or more rooms providing living and sanitary facilities for one family, including equipment for cooking or provisions for same.

**Dwelling, Single-Family** — a detached building designed for or occupied exclusively by one family.

**Dwelling, Two-Family** — a building designed for or occupied exclusively by two families living independently of each other.

**Dwelling, Multiple-Family** — a building designed for or occupied exclusively by three or more families living independently of each other.

**Family** — a single individual, doing his own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons, doing their own cooking and living together upon the premises as a separate housekeeping unit, in a domestic relationship based upon birth, marriage or other domestic bond.

**FCC**—Federal Communications Commission.

**Flood** — Whenever a body of water drastically exceeds its normal confinements.

**Flood Plains** — a relatively flat or lowland area adjoining a river, stream or watercourse which is subject to partial or complete inundation; an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

**Floodway** — the designated area of a flood plain required to carry and discharge floodwaters of a given magnitude.

**Floodway Fringe Area** — area bordering on floodway.

**Floor Area** — a total enclosed area in the horizontal plane of a structure, measured from the faces of the exterior walls.

**Garage, Private** — a building or space used as an accessory to the main building which provides [for] the storage of motor vehicles of the families residing upon the premises and in which no occupation, business or service for profit is carried on.

**Habitable Floor Area** — the sum of the gross horizontal interior areas of all rooms used for habitation, such as living room, dining room, kitchen or bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bath rooms, closets or unheated areas such as enclosed porches or rooms without at least one window or skylight opening onto an outside yard or court. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than seven feet and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the habitable floor area.

**Height of a Commercial Communication Tower** - the vertical distance measured from the ground level, including any base pad, to the highest point on a Commercial Communication Tower, including Commercial Communication Antennas mounted on the Commercial Communication Tower and any other appurtenances.

**Hotel** — a building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use.

**Home Occupation** — an accessory use of a service nature customarily conducted on a residential property by the residents thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The conducting of a clinic, hospital, barber shop, beauty parlor, tea room, tourist home, animal hospital or any similar use which, in the opinion of the Zoning Hearing Board, would create a traffic problem shall not be deemed to be a home occupation.

**Junk Yard** — any area and/or structure used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles primarily not in running condition.

**Lot** — a piece, parcel or plot of land occupied or designed to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are arranged and designed to be used in connection with such buildings.

**Lot Area** — an area of land which is determined by the limits of the lot lines bounding that area.

**Lot, Corner** — a parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

**Lot Coverage** — the percentage of lot area covered by the total building area.

**Lot Depth** — a mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

**Lot Width** — the mean horizontal distance between the side lot lines, measured at right angles to its depth. Required lot width shall be measured at the most forward allowable building line or setback line; however, the mean lot width shall not be less than the required lot width.

**Mobile Home, Independent Dwelling Unit** — a mobile home with wheels or other means of transportation removed and the unit firmly affixed to a permanent foundation which is located on a lot in accordance with the controls, regulations, and standards set forth for the district in which these structures are to be located.

**Mobile Home** — a transportable, single-family dwelling designed for permanent occupancy, office or place of assembly contained in 1 unit, or 2 units designed to be joined into 1 integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like not to include mobile dwelling units.

**Travel Trailer** — a vehicular, portable structure built on a chassis (pick-up camper, connected bus, tent-trailer, tent or similar device) designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

**Mobile Home Lot** — a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

**Mobile Home Court or Park** — any site, lot or tract of land upon which two or more authorized mobile homes are parked permanently or temporarily, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such mobile home court or park.

**Mobile Home Subdivision** — an area designed exclusively for mobile homes and mobile dwelling units where lots are not rented but sold.

**Motel** — a building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges, auto courts and other similar designations, but shall not be construed to include mobile or immobile trailers or homes.

**Nonconforming Structure** — a structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**Nonconforming Use** — a use, whether of land or of a structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance or amendment to its location by reason of an annexation.

**Parking Space** — an off-street space available for the parking of a motor vehicle and which, in this ordinance, is held to be an area 10 feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

**Planned Residential Development** — an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created under the provisions of the zoning ordinance.

**Principal Building** — a building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

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**Professional Office** — the office of a member of a recognized profession, as herein after indicated, when conducted on a residential property shall be conducted by a member or members of the residential family entirely within a residential building and shall include only the offices of doctors, ministers, architects, professional engineers, lawyers and such similar professional occupations which may be so designated by the Zoning Hearing Board, upon finding by such Board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone in which it is located to a greater extent than for the professional activities listed herein. The issuance of a State or local license or regulation of any gainful occupation need not be deemed indicative of professional standing.

**Public Sewer** — a municipal sanitary sewer system or comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Resources.

**Public Water** — a municipal water supply system, or a comparable common water facility approved by the Pennsylvania Department of Environmental Resources.

**Related Equipment**—any piece of equipment related to, incidental to, or necessary for, the operation of a Commercial Communication Tower or Commercial Communication Antenna. By way of illustration, not limitation, Related Equipment includes generators and base stations.

**Setback** — the setback of a building from a particular lot line is the horizontal distance from such lot line to the part of the building nearest such lot line.

**Sign** — any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge or insignia of any public, quasi-public, civic, charitable or religious group.

**Sign, Commercial** — any sign owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs or any sign advertising a commodity not sold or produced on the premises. This shall include "billboards" and off-premises signs indicating the direction to a particular place.

**Sign Area** — the area defined by the frame or edge of a sign. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed four-sided (straight sides) geometric shape which most closely outlines the said sign,

**Site Plan** — a preliminary plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights of way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Zoning Hearing Board must be submitted in unusual or special cases.

**Special Exception** — a use in one or more districts for which the Zoning Hearing Board may grant a special use permit pursuant to the provisions of this ordinance<sup>11</sup>

**Stealth Technology**—camouflaging methods applied to Commercial Communication Towers, Antennas and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

**Story** — A "story" is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split-level" story shall be considered a second story if its floor level is six feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two feet below the top plate shall be counted as a story; and if less than two feet below the top plate, it shall be counted as a half story, A basement shall be counted as a story if it averages more than five feet above grade.

**Street** — any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or other way, whether public or private, used or intended to be used by vehicular traffic or pedestrians.

**Street Line** — The street line is the line determining the limit of the street or highway right-of-way, either existing or contemplated. Where a definite right-of-way width has not been established, the "street line" shall be assumed to be a point 25 feet from the center line of the existing street.

**Structure** — any man-made object having an ascertainable stationary location on or in land or water, whether or not fixed to the land.

**Substantially Change or Substantial Change** - A modification to an existing wireless communications facility that falls under the provisions of the Pennsylvania Wireless Broadband Collocation Act and/or the FCC's October 2014 Report and Order

**Swimming Pool** — a body of water in an artificial or semi-artificial receptacle or other container 18 inches or more in depth, used or intended to be used for public, semi-public or private swimming by adults or children.

**Use** — the specific purpose for which land or a building is designed, arranged in

**Variance** — a modification of the regulations of this ordinance granted by the Zoning Hearing Board on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to the provisions of this ordinance and Section 912 of Act 247, "Pennsylvania Municipalities Planning Code," as amended.

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<sup>11</sup> See Section 167(B) of this chapter.  
12/1/2016

**Vehicle Service Facilities** — a building or lot or part thereof used for the service or maintenance of motor vehicles, including automobile filling stations, repair shops and body shops.

**WBCA** - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 *et. seq.*)

**Wireless Communications Facility (WCF)** - the antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services. WCF is a general term that includes both Commercial Communication Antennas and Commercial Communication Towers.

**Wireless Communications Facility Applicant (Applicant)**—any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other land or property.

**Wireless Support Structure**—a freestanding structure, such as a Commercial Communication Tower or any other support structure that is used to support the placement or installation of a wireless communications facility if approved by the Borough.

**Yard, Front** — an open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of that lot. The depth of the front yard shall be measured at right angles to the street line.

**Yard, Rear** — a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of any building. The depth of a rear yard shall be measured at right angles to the rear line of the lot or, if the lot is not rectangular, then in the general direction of its side lot lines.

**Yard, Side** — an open, unoccupied space between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard or, in the absence of either such yard, to the street or rear lot line as the case may be. The width of a side yard shall be measured at right angles to the side line of the lot.

**Zoning Permit** — a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this ordinance for the zone in which it is located or is to be located.

(Ord. 131, 7/8/1975, Art. II, §203; as amended by Ord. 145, 3/24/1980, §1; as amended by Ord. 323, 11/1/2016, §1)

## Part 3

### Establishment of Zoning Districts and Map

#### §21. List of Districts

For the purpose of this ordinance<sup>12</sup> the territory of Bloomfield Borough is hereby divided into the following districts:

- A. O-S Open Space
- B. A-1 Agriculture
- C. R-1 Residential
- D. R-2 Residential
- E. H-1 Historic
- F. C-1 Commercial
- G. I-1 Industrial

(Ord. 131, 7/8/1975, Art, III, §3.01)

#### §22. Zoning Map

The boundaries of the above districts are delineated on a map entitled "Bloomfield Borough Zoning Map" which accompanies and which, with all explanatory matter thereon, is hereby made a part of this ordinance.<sup>13</sup> (Ord. 131, 7/8/1975, Art, III, §3,02; as amended by Ord. 145, 3/24/1980, §1; by Ord. 162, 12/4/1984, §1; by Ord. 178, 6/7/1988, §1; and by Ord. 298, 12/6/2011, §1; as amended by Ord. 340, 12/4/2018, §1)

#### §23. Interpretation of District Boundaries

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

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines;

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<sup>12</sup> Sections 1 to 170 of this chapter.

<sup>13</sup> Descriptions of the changes made in the Zoning Map can be found in Sections 26 through 32 hereof.



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- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.<sup>14</sup>
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in circumstances not covered by subsections A through E above, the Zoning Hearing Board shall interpret the district boundaries.

(Ord. 131, 7/8/1975, Art. III, §3.03)

### **§24. Application of District Regulations**

The regulations set by this ordinance<sup>15</sup> within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all regulations herein specified for the district in which it is located. No residential lot shall have erected upon it more than one principal building.
- B. No building or structure shall hereafter be erected or altered:
  - (1) To exceed the height,
  - (2) To accommodate or house a greater number of families, except as a Special Exception
  - (3) To occupy a greater percentage of lot area, or

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<sup>14</sup> Editor's Note: The Zoning Map can be found at the end of this chapter.

<sup>15</sup> Sections 1 to 170 of this chapter; see especially Sections 41 to 106.

- (4) To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner contrary to the provisions of this ordinance.
- C. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
- D. Where an existing building line is established on at least 50% of the properties in a block in which the proposed building or addition is located or within 200 feet immediately adjacent to the proposed building or addition, the required minimum setback may be increased or decreased to conform with such established building lines.

(Ord. 131, 7/8/1975, Art. III, §3.04; as amended by Ord. 145, 3/24/1980, §3)

**§25. District Application to Newly Annexed Territory to the Borough**

Newly annexed territory to the Borough shall automatically be construed to be located within the A-I Agriculture District, subject to application for amendment and public hearing, unless otherwise indicated in the approved petition for annexation. (Ord. 131, 7/8/1975; Art. III, §3.05)

**§26. Territory Added to O-S Open Space Districts**

- A. From an R-2 Residential — Medium Density District to an O-S Open Space District located to the South of the Bloomfield-Centre Elementary School between the Bloomfield-Centre Elementary School on the north; the Darlington (parcel# 20.86.4-243) and Bailor (parcel# 20.86.6-35) properties on the east; the Bailor, Barnett Community Association, Keller and Greany properties (parcel# 20.86.4-244) on the south and Gusler Alley on the west, being the Bloomfield-Centre Athletic Field and being the remainder of the Bloomfield-Centre Elementary School property containing 4.65 acres, more or less.

(Ord. 162, 12/4/1984, §1(B))

**§27. Territory Added to A-I Agriculture Districts**

(Reserved to accommodate future ordinances)

**§28. Territory Added to R-I Residential Districts**

- A. 2 parcels to the rear and south of Black Alley (12 ft right of way) from (C-1) to (R-1) bounded on the north by the property now or formerly of Virginia McNellie, 235 W. Main St (parcel #20, 086.04-071) and the property now or formerly of Phillip & Marilyn Eckert, 233 W. Main St (parcel #20, 086.04-072); on the east by the property now or formerly of Daniel T. Paul (parcel #20, 086.04-073); on the west by the property now or formerly of Gloria J. Diehl (parcel #20, 086.04-068); and on the south by the property now or formerly of Kevin Morrison (parcel #20, 86.04-060.031) and the property now or formerly of Gregory L. & Fiona K. Fadness (parcel #20, 086.04-060.032). (Ord. 340, 12/4/2018, §3)

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### **§29. Territory Added to R-2 Residential Districts**

- A. North side of East Main Street from No. 40 to 108
- B. South side of East Main Street from No. 39 to 55
- C. West side of South Carlisle Street No. 286
- D. South side of West High Street from 101 to 121

(Ord. 145, 3/24/1980, §2)

### **§30. Territory Added to H-1 Historic District**

(Reserved to accommodate future ordinances)

### **§31. Territory Added to C-1 Commercial Districts**

- A. West side of South Carlisle Street - Tressler Service Station property (parcel# 20.86.4-190) (Ord.145, 3/24/1980, §2)
- B. From an R-2 Residential - Medium Density District to a C-1 Commercial District located on the south side of McClure Street between Printers Alley on the west, the Darlington property (parcel# 20.86.4-243) on the east and the athletic field on the south, being the Bloomfield-Centre Elementary School and surrounding cartilage (parcel# 20.86.4-242) (Ord. 162, 12/4/1984, §1).
- C. From OS Open Space (Conservation) to C-1 Commercial on the west side of South Carlisle Street known as the Swenson Fuels property (parcel# 20.86.4-193) bounded on the north by the Little Juniata Creek; on the east by South Carlisle Street and the County of Perry (parcel# 20.86.4-175); on the south by the County of Perry; and on the west by the County of Perry containing 2.549 acres, more or less (Ord. 193, 10/6/1992).
- D. From OS Open Space (Conservation) to C-1 Commercial on the east side of South Carlisle Street known as Hockenberry Landscaping property (parcel# 20.86.4-200), part of the David Cupp property (parcel# 50.86.4-245), part of the Jay F. Ebersole property (parcel #50.86.4-248) and part of the Borough Garage property (parcel# 20.86.4-244), bounded on the north by the Little Juniata Creek; on the east by Barnett Woods Road; on the south by the Bloomfield Borough boundary line and other Hockenberry property (parcel# 20.86.4-199); and on the west by other Hockenberry property and South Carlisle Street, containing 3.5 acres, more or less. (Ord. 193, 10/6/1992)

- E. From OS Open Space (Conservation) to C-1 Commercial at the southwest corner of East McClure Street and Barnett Road, known as the Darlington Lumber Company property (parcel# 20.86.4-243), bounded on the north by East McClure Street; on the east by Barnett Road; on the south by property of Frank Bailor (parcel# 20.86.4-242) ; and on the east by property of the Borough of Bloomfield, containing 3/4 of an acre, more or less. (Ord. 193, 10/6/1992)
- F. From R-1 Residential to C-1 Commercial:
- (1) On the east side of South Carlisle Street, known as the Hockenberry Landscaping and Gifts and Fitness Garden property (parcel# 20.86.4-199) and part of the Jay F. Ebersole property (parcel# 50.96.4-248), bounded on the north by Hockenberry Landscaping (parcel# 20.86.4-200); on the east by David Cupp property (parcel# 50.86.4-245); on the south by SR 34; and on the west by South Carlisle Street, containing one acre, more or less. (Ord. 193, 10/6/1992)
  - (2) On the West side of S. Carlisle St, tract beginning at an IP on the southeast corner bordering the property of Leroy Weller (parcel# 20.86.4-192), proceeding west to an IP bordering the property of William L. Woomer (parcel# 20.86.4-177), then proceeding NW to an IP bordering the property of now or formerly of Robert I. Stahley (parcel# 20.86.4-183), then, proceeding NW to an IP bordering the property of Robert I. Hench (parcel# 20.86.4-184), then proceeding NE to an IP bordering the property of The First National Bank of Mifflintown (parcel# 20.86.4-191.1), then returning to the starting IP of Leroy Weller. (Ord. 298, 12/06/2011, §3)
- G. From R-2 Residential to C-1 Commercial:
- (1) On the south side of West Main Street, bounded on the north by West Main Street; on the east by Church Street; on the south by Clouser property (parcel# 20.86.4-117); and on the west by the Spellman property (parcel# 20.86.4-133); the property being known as the Boyer Funeral Home property (parcel# 20.86.4-134).
  - (2) On the west side of Church Street, bounded on the north by the Boyer Funeral Home property; on the east by Church Street; on the south by the United of PA property (parcel# 20.86.4-116) and the north side of West McClure Street; and on the west by St. Bernard's Catholic Church (parcel# 20.86.4-118); the property being known as the Clouser property.
  - (3) On the west side of Church Street, bounded on the north by the Clouser property; on the east by South Church Street; on the south by West McClure Street and on the west by the Clouser property; being known as the United of PA property.

(Ord. 202, 7/5/1995)

H. From OS Open Space to C-1 Commercial:

- (1) Tract 1: beginning at a point in the eastern side of Carlisle Street at lands now or formerly of Mrs. B. Keller (parcel# 20.86.4-208); thence along lands now or formerly of Mrs. B. F. Keller, north 71 3/4 degrees east, a distance of 203 feet to an iron pin; thence along lands now or formerly of the School House Lot (parcel# 20.86.4-242) and lands now or formerly of Harry Keller (parcel# 20.86.4-205), south 14 1/4 degrees east, a distance of 66.5 feet to an iron pin; thence along lands now or formerly of Harry Keller, north 75 3/4 degrees east, a distance of 179 feet to an iron pin; thence along same, south 14 1/4 degrees east, a distance of 76 feet to an iron pin; thence along same, north 80 1/4 degrees east, a distance of 112 feet to a point; thence along lands now or formerly of Snyder & Seeds, south 81 1/4 degrees east, a distance of 248 feet to a point; thence along same, south 74 1/4 degrees, east a distance of 220 feet to a point in the center of Barnett Road; thence along the center line of Barnett Road, South 20 3/4 degrees east, a distance of 82 feet to a point; thence along lands now or formerly of the Borough of Bloomfield north 71 3/4 degrees west, a distance of 271 feet to a point; thence along same, north 85 degrees west, a distance of 205 feet to a point; thence along same, south 86 1/2 degrees west, a distance of 77 feet to a point; thence along same, south 78 1/2 degrees west, a distance of 85 feet to a point; being a part of those same two pieces, parcels or tracts of land conveyed unto William L. Woomer, a married man, by deed of Marvin W. Mikel and Catherine S. Mikel, husband and wife, dated July 16, 1998, and recorded July 22, 1998, in the office of the Recorder of Deeds of Perry County to Record Book 1111 at Page 144, previously known as Tax Parcel #020,086.04-207.000 and taxed in the name of William L. Woomer.
- (2) Tract 2: beginning at a post on the southwest corner of land now or formerly of being the high school or grade school lot of Bloomfield Borough; thence by said lot, north 71 1/2 degrees east, a distance of 288 feet to an iron pin; thence by lands now or formerly of Hampton, Snyder and Seeds, south 12 degrees east, a distance of 160 feet to a post at lands now or formerly of the S. R. & W. Railroad Company (parcel# 20.86.4-205); thence by lands now or formerly of said Railroad Company, south 85 degrees west, a distance of 100 feet to a post; thence by lands now or formerly of Magee and Umholtz, north 12 degrees west, a distance of 76 feet to a post; thence by same, south 71 1/2 degrees west, a distance of 188 feet to a post at the east side of a north and south borough alley if extended; thence by the extension of the extended line of said alley, north 16 degrees west, a distance of 51 1/2 feet to a post; the place of beginning, containing 27,768 square feet and having erected thereon a metal implement shed.

(Ord. 253, 5/2/2006)

### **§32. Territory Added to I-1 Industrial Districts**

- A. From an O-S Open Space to an I-1 Industrial District located on the West side of Barnett Woods Road between the Frank Bailor — Barnett Community Association and Harold Greaney properties (parcel# 20.86.4-242) on the North and the David L. Cupp property (parcel# 20.86.4-245), on the South and properties of Country Homes Development Company, Inc. (parcel# 20.86.4-202), and the William Woomer property known as W & K Ford-Mercury, Inc. (parcel# 20.86.4-203), on the West, and being known as the Bloomfield Municipal Authority sewer plant and Bloomfield Borough storage yard (parcel# 20.86.4-244).

(Ord. 162, 12/4/1984, §1-C)

### **§33. Delineating the Boundaries of Zoning Districts**

From an I-1 Industrial District to an A-1 Agriculture District located to the west of Apple Street and bounded on the North by the Wright property (parcel# 20.86.4-83); on the East by Apple Street; on the South by the cemetery (parcel# 20.86.4-86) and on the west by property of Thebes and being formerly known as the AMP property (parcel# 20.86.4-84--). (Ord. 178, 6/7/1988, §1)

**Part 4**

**O-S Open Space District**

**§41. Intended Purpose**

The O-S Open Space District is intended to achieve the preservation of open spaces, water supply sources, woodland, marshland, wildlife, scenic areas, areas of steep slope, and other natural resources; to reduce the hazards to public safety and health from floods, water pollution and soil erosion; and to protect the natural environment from ill-conceived development. (Ord. 131, 7/8/1975, Art. IV, §4.01)

**§42. Permitted Uses**

- A. Agricultural uses such as general farming, pasture, grazing, horticulture, truck farming, and tree farming and forestry.
- B. Public and private recreational uses and activities such as parks, playfields, playgrounds, day camps, picnic grounds, golf courses, hiking and bike trails, trap and skeet ranges, and hunting and fishing areas.
- C. Public and private conservation areas and activities such as wildlife and nature preserves, game farms, fish hatcheries, zoos, botanical gardens and arboretums.
- D. Uses which in the opinion of the Planning Commission are of the same general character of those above and which will not be detrimental to the intended purpose of the district.
- E. Customary accessory uses and activities incidental to any principal permitted use.
- F. The following special exception uses, upon the issuing of a permit by the Zoning Hearing Board as provided in Section 14.07-B of this ordinance<sup>17</sup>:
  - 1. Single-family residence provided that public water and sewer facilities are available and further provided that no building shall be located in the flood-hazard area as defined by the U.S. [Army] Corps of Engineers of May 17, 1973, or as subsequently defined thereby.
  - 2. Buildings and structures which are accessory to permitted principal uses provided that no building or structure shall be located in the flood-hazard area as defined by the U.S. [Army] Corps of Engineers on May 17, 1973, or as subsequently defined thereby.

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<sup>17</sup> Section 167(B) of this chapter.

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- 3. County buildings and structures which are accessory thereto, provided that public water and sewer facilities are available and provided further that no building shall be located in the flood-hazard area as defined by the U.S. [Army] Corps of Engineers of May 17, 1973, or as subsequently defined thereby. [Ord. 178]

(Ord. 131, 7/8/1975, Art. IV, §4.02; as amended by Ord. 178, 6/6/1988, §2)

**§43. Lot Area, Building Height and Yard Requirements**

- A. Lot Requirements.
  - (1) Permitted principal uses - no minimum requirements
  - (2) Uses by special exception - Single-family residences and buildings and structures which are accessory to permitted principal uses shall have a lot width, lot area and setbacks of not less than the dimensions shown on the following table:

Minimum Lot Area	Lot Requirements		Setback Requirements			
	Minimum Lot Width	Maximum Lot Coverage	Front	One Side	Total Sides	Rear
one acre	200 feet	20%	50 ft.	25 ft.	50 ft.	50 ft.

- B. Building Height. No building or structure, when permitted by special exception, shall exceed two stories or 35 feet in height.

Ord. 131, 7/8/1975, Art. IV, §4.03)

**§44. Off-Street Parking Requirements**

- A. Off-street parking shall be provided in accordance with Section 12.07 of this ordinance.<sup>18</sup>
- B. Off-street parking area shall be constructed of firm pervious materials. (Ord. 131, 7/8/1975, Art. IV, §4.04)

<sup>18</sup> Section 127 of this chapter.



**§45. Limitations on Signs**

Only those signs referring or relating to uses conducted on the premises shall be permitted. All signs shall be maintained in accordance with Section 12.08 of this ordinance.<sup>19</sup> (Ord. 131, 7/8/1975, Art. IV, §4.05)

**§46. Special Requirements**

- A. Certification by an Engineer or Architect. A document certified by a Registered engineer or architect stating that any building or structure and any site improvement will not create a permanent adverse environmental condition shall be submitted to the Zoning Officer prior to the issuance of a zoning permit in the case of site improvements or shall accompany the application for a special exception in the case [of] construction of a building or structure.
  
- B. Review by Perry County Soil Conservation District. A copy of all plans for new construction and site improvements shall be submitted to the County Soil Conservation District for review. Comments resulting from said review shall accompany the application for a zoning permit and/or a special exception.

(Ord. 131, 7/8/1975, Art. IV, §4.06)

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<sup>19</sup> Section 128 of this chapter.

**Part 5**

**A-1 Agriculture District**

**§51. Intended Purpose**

The A-1 Agriculture District is intended to provide areas for agricultural activity and encourage the optimum use of natural and human resources related thereto, and to protect agriculture activity from intensive uses which are incompatible with it because of the needs and methods of farming. (Ord. 131, 7/8/1975, Art. V, §5.01)

**§52. Permitted Uses**

- A. All general and specialized farming activities
- B. Veterinarian services, animal hospital services, kennels and stables
- C. Sales facilities limited to the sale of products grown, produced and/or prepared on the premises
- D. Non-farm single-family dwelling provided that such dwelling is located on a separate lot whether such dwelling be offered for sale or rent; and further provided that such lot whether sold or deeded as a gift be recorded with the Perry County Recorder of Deeds; and such lot shall be in compliance with the Bloomfield Subdivision and Land Development Ordinance.<sup>20</sup> The procurement of a zoning permit for such dwelling shall be contingent on evidence of Planning Commission approval of the lot and evidence of a recorded deed for the lot.
- E. Farm dwellings including facilities for permanently employed persons and families who receive housing in lieu of all or part of their wages
- F. Customary accessory uses and buildings incidental to any principal permitted use, including signs subject to the provisions of Section 12.08 of this ordinance<sup>21</sup>
- G. Uses which, in the opinion of the Planning Commission, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district
- H. The following special exception uses, upon the issuance of a permit by the Zoning Hearing Board as provided in Section 14.07-B of this ordinance<sup>22</sup>.

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20 See Chapter 21.  
 21 Section 128 of this chapter  
 22 Section 167(B) of this chapter

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- I. Planned residential development as provided in Article XI of this ordinance.<sup>23</sup>

(Ord. 131, 7/8/1975, Art. V, §5.02)

**§53. Lot Area, Building Height and Yard Requirements**

- A. Lot Requirements. A lot width, lot area and setbacks of not less than the dimensions shown on the following table shall be provided for every principal building erected or altered for any use permitted in this district:

Lot Requirements			Setback Requirements			
Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front	One Side	Total Sides	Rear
2 acres	200 feet	100%	50ft.	25ft. 100 ft.*	50ft.	50ft.

\* Side yard requirement for buildings sheltering animals when such building is adjacent to a residential district.

- B. Building Height. No building shall exceed three stories or 45 feet in height, unless authorized as a special exception.

(Ord. 131, 7/8/1975, Art. V, §5.03)

**§54. Off-Street Parking Requirements**

Off-street parking shall be provided in accordance with Section 12.07 of this ordinance.<sup>24</sup> (Ord. 131, 7/8/1975, Art. V, §5.04)

**§55. Limitations on Signs**

Only those signs referring or relating to uses conducted on the premises shall be permitted. All signs shall be maintained in accordance with Section 12.08 of this ordinance.<sup>25</sup> (Ord. 131, 7/8/1975, Art. V, §5.05)

<sup>23</sup> Sections 111 to 113 of this chapter.  
<sup>24</sup> Section 127 of this chapter.  
<sup>25</sup> Section 128 of this chapter.

**§56. Special Considerations**

Where either or both on-lot water and sewer facilities are to be utilized in connection with non-farm uses, the minimum lot area requirement specified herein may be increased in accordance with recommendations of the Department of Environmental Resources upon that agency's approval of the on-lot utility system(s). (Ord. 131, 7/8/1975, Art, V, §5,06)

**Part 6**

**R-1 Residential Districts**

**§61. Intended Purpose**

The R-1 Residential Districts are composed of low-density residential areas of the Borough, plus certain open areas where similar residential development appears likely to occur. The regulations for these districts are designated to stabilize and protect the essential characteristics of the area, protect the amenities of certain areas of the Borough where the pattern has already been established with single-family development on relatively large lots and promote and encourage a suitable environment for family life. To these ends, development is restricted to conventional low-density single-family detached dwellings and related land uses.

(Ord. 131, 7/8/1975, Art. VI, §6.01)

**§62. Permitted Uses**

- A. Single-family detached dwelling units
- B. Public nursery, kindergarten, elementary and high schools
- C. Churches and similar places of religious worship
- D. Public parks, playgrounds and open space
- E. General gardening and the growing of trees and nursery stock; not including roadside displays or commercial signs
- F. Customary accessory uses and buildings incidental to any permitted uses, including:
  - (1) Private garages
  - (2) Garden houses, tool houses, playhouses or greenhouses not used for commercial purposes
  - (3) Signs, as provided for in this ordinance (Section 12.08)<sup>26</sup>
- G. The following special exception uses, subject to the issuance of a permit by the Zoning Hearing Board as provided for in this ordinance (Section 14.07-B):<sup>27</sup>

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<sup>26</sup> Section 128 of this chapter.  
<sup>27</sup> Section 167(B) of this chapter.

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- (1) Private nursery, elementary and high schools and institutions of higher education; providing, however, that the lot upon which located contains a minimum of 10 acres plus 500 square feet of land area per pupil
- (2) Professional offices and home occupations, providing that there is no external evidence of such use except an announcement sign not over two square feet in the area, that not more than 25% of the total floor area is used for such purposes and that not more than two persons other than members of the immediate family are employed
- (3) Recreational areas (not to include swimming pools) and structures operated by membership clubs for the benefit of their members and not for gain, providing that the residential character of the neighborhood be preserved so as to in no way give the impression of a commercial use
- (4) Golf courses and country clubs
- (5) Cemeteries
- (6) Necessary public utility structures and buildings providing that they do not include materials storage, storage for trucks, repair facilities or housing quarters for repair crews
- (7) Private swimming pools as an accessory use to a dwelling (see Section 12.12)<sup>28</sup>

(Ord. 131, 7/8/1975, Art. VI, §6.02)

### **§63. Lot Area, Building Height and Yard Requirements**

A. Lot Regulations. A lot width, lot area and setbacks of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal nonresidential building hereafter erected or altered for any use permitted in this district:

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<sup>28</sup> See Section 132(C) of this chapter.

	Lot Requirements			Setback Requirements			
	Min. Lot Area (square feet)	Min. Lo Width	Max. Lot Cover-age (%)	Front	One Side	Total Sides	Rear
Public utilities		None		30'	30'	60'	30'
Single-family dwelling	10,000	75'	25	30'	10'	20'	25'
All others	20,000	100'	25	30'	15'	30'	25'

B. Building Height. No building shall exceed two and 2-1/2 stories or 35 feet in height unless authorized as a special exception.

(Ord. 131, 7/8/1975, Art. VI, §6.03)

**§64. Minimum Off-Street Parking Requirements**

Off-street parking shall be provided in accordance with the provisions of this ordinance (Section 12.07).<sup>29</sup> (Ord. 131, 7/8/1975, Art. VI, §6.04)

**§65. Habitable Floor Area**

A. The minimum habitable floor area of any new dwelling unit hereafter utilized shall be 700 square feet.

(Ord. 131, 7/8/1975, Art. VI, §6.05)

<sup>29</sup> Section 127 of this chapter.

**Part 7**

**R-2 Residential District**

**§71. Intended Purpose**

The R-2 Residential Districts are composed of certain medium-density residential areas of the Borough representing a compatible mingling of one- and two-family dwellings, plus certain open areas where similar residential development appears likely to occur. The regulations for these districts are designed to stabilize and protect the essential characteristics of the districts and promote and encourage a suitable environment for family life. To these ends, development is limited to medium-density concentration, permitting primarily single and two-family dwellings.

(Ord. 131, 7/8/1975, Art. VII, §7.01)

**§72. Permitted Uses**

- A. Single-family detached dwellings
- B. Two-family attached or semi-detached dwellings
- C. Multi-family dwellings
- D. Customary accessory uses and buildings incidental to any of the above permitted uses, including those specified in the R-1 Residential Districts<sup>30</sup>
- E. The following special exception uses, upon the issuance of a permit by the Zoning Hearing Board as provided in this ordinance (Section 12.09):<sup>31</sup>
  - (1) Conversion apartment dwellings, subject to the limitations of minimum lot and habitable floor requirements (Section 14.13)<sup>32</sup>
  - (2) Hospitals, clinics and nursing homes, providing that care of drug addicts, chronic alcoholics or persons suffering from insanity or from diseases requiring isolation are not included
  - (3) Professional offices and home occupations, subject to the regulations prescribed in the R-1 Residential Districts<sup>33</sup>
  - (4) Funeral homes
  - (5) Rooming houses and tourist homes

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<sup>30</sup> See Section 62(f) of this chapter.

<sup>31</sup> Section 167(B) of this chapter.

<sup>32</sup> This reference seems to relate to Section 12.09 (Section 129 of this chapter).

<sup>33</sup> See Section 62(G-2) of this chapter.



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(Ord. 131, 7/8/1975, Art. VII, §7.02; as amended by Ord. 145, 3/24/1980, §4)

**§73. Lot Area, Building Height and Yard Requirements**

- A. Lot Regulations. A lot width, lot area and setback of not less than the dimensions shown on the following table shall be provided for every dwelling unit and/or principal nonresidential building hereafter erected or altered for any use permitted in the districts:

Type of Use	Lot Requirements			Setback Requirements			
	Mini- mum Lot Area (sq. ft.)	Mini- mum Lot Width	Maxi- mum Cover- age	Front	One Side	Total Sides	Rear
Single And two family units	6,000	60'	35%	25'	8'	20'	20'
Multiple family units	10,000	100'	40%	25'	20'	40'	25'
Non- dwelling use	20,000	200'	40%	25'	20'	40'	25'

- (1) The minimum lot area per dwelling unit shall be not less than indicated below:

No. of Dwelling Units Permitted	Lot Area per Dwelling Unit (sq. ft.)
1	6,000
2	3,000
3 or more	1,600

B, Building Height

- (1) No principal building shall exceed 2-1/2 stories or 35 feet in height; and no accessory building shall exceed one [1] story or 15 feet in height, unless authorized as a special exception.
- (2) Multiple-family dwellings and apartment dwelling structures may exceed 35 feet in height when authorized as a special exception, providing that for every 10 feet in excess of 35 feet or portion thereof there shall be added to

each side setback an additional five feet and providing the height does not exceed the fire-fighting capacity of the Borough Fire Department.

(Ord. 131, 7/8/1975, Art. VII, §7.03)

**§74. Minimum Off-Street Parking Requirements**

Off-street parking shall be provided in accordance with this ordinance (Section 12.07).<sup>34</sup>  
(Ord. 131, 7/8/1975, Art. VII, §7.04)

**§75. Habitable Floor Area**

- A. The minimum habitable floor area of any new dwelling unit hereafter utilized shall be 700 square feet except as noted below.
- B. Multiple-family and apartment dwelling units in buildings containing four or more dwelling units shall have a floor area of not less than that listed below and in no case shall the floor area ratio (total floor area divided by the lot area) exceed 2.0. Providing further that there shall be not less than 525 square feet of land area per dwelling unit.

Floor Area	No. of Bedrooms per Dwelling Unit
500 sq. ft.	0
600 sq. ft.	1
800 sq. ft.	2
1,000 sq. ft.	3

(Ord. 131, 7/8/1975, Art. VII, §7.05)

<sup>34</sup> Section 127 of this chapter.

**Part 8****H-1 Historic District****§81. Intended Purpose**

The H-1 Historic District is intended to be maintained as an originally planned environment of historic and architecturally significant structures and open spaces which will be an economic and aesthetic [asset] to the local and regional community. This district is intended to stabilize and improve the existing values inherent in the already built environment and encourage upkeep of existing and development of new properties in keeping therewith. It is further intended to promote the use of properties for residential and compatible trade and service activities. (Ord. 131, 7/8/1975, Art. VIII, §8.01)

**§82. Permitted Uses**

- A. Single-family detached dwellings
- B. Two-family detached and single-family semi-detached dwellings
- C. Single-family attached dwellings (townhouses)
- D. Churches and similar places of worship
- E. Government offices
- F. Libraries and community activity buildings
- G. Any retail business whose principal activity is the sale of new merchandise in an enclosed building, excepting uses such as the following which tend to detract from or interfere with a high intensity of pedestrian shopping activity: automobile sales, boat sales, mobile home sales, motorcycle sales
- H. Retail sales in which both a workshop and a retail outlet or showroom are required (such as plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, photographic reproducing, radio and home appliance and similar establishments of no more objectionable character), subject to the following provision: Not more than 25% of the total usable floor area of the establishment shall be used for servicing, repairing, manufacturing, or processing activities.
- I. Restaurants, tea rooms, cafes and other establishments serving food and beverages, except those having the character of a "drive-in" type
- J. Personal services such as barber shops, laundromats and dry cleaning pickup stations

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- K. Enclosed theaters, assembly halls, concert halls, and similar places of assembly or entertainment
- L. Professional offices and banking facilities
- M. Public accommodations such as hotels, rooming houses and tourist homes
- N. Customary accessory buildings and uses, except outdoor storage, incident to any principal permitted use, including advertising signs subject to the provisions of Section 12.08 of this ordinance;<sup>35</sup> providing, however, that such signs shall not detract from the general intended purpose of this district.
- O. Uses which, in the opinion of the Planning Commission, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district
- P. The following special exception uses, upon the issuance of a permit by the Zoning Hearing Board as provided in Section 14.07-B of this ordinance:<sup>36</sup>
  - (1) Conversion dwellings
  - (2) Home occupations
  - (3) Multi-family dwellings such as garden apartments
  - (4) Private schools such as nursery schools and business colleges
  - (5) Building heights in excess of those indicated in Section 8.03 below.

(Ord. 131, 7/8/1975, Art. VIII, §8.02)

### **§83. Lot Area, Building Height and Yard Requirements**

- A. Lot Requirements. A lot width, lot area and setbacks of not less than the dimensions shown on the following table shall be provided for every principal building erected or altered for any use permitted in this district:

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<sup>35</sup> Section 128 of this chapter.

<sup>36</sup> Section 167(B) of this chapter.

Type of Use	Mini-Mum Lot Area (sq. ft.)	Lot Requirements		Front (ft.)	Setback Requirements		
		Mini-mum Lot Width (feet)	Max-mum Lot Cover-age		One Side (ft.)	Total Sides (ft.)	Rear (ft.)
Residen-tial	32,500	25	75%	10	10	20	15
Commer-cial	6,500	50	50%	10	not re-quired	15	
Other non-residen-tial	6,500	50	75%	10	10	20	15

- B. Building Height. No building shall exceed three stories or 45 feet in height, unless authorized as a special exception.

(Ord. 131, 7/8/1975, Art. VIII, §8.03)

**§84. [Minimum] Off-Street Parking, Loading and Unloading Requirements.<sup>37</sup>**

- A. Off-street parking shall be provided in accordance with Section 12.07 of this ordinance.<sup>38</sup>
- B. Each business establishment shall provide adequate loading and unloading space for each 4,000 square feet of floor area or fraction thereof in each building. Such space or spaces shall be not less than 400 square feet in area with a dimension of 10 feet by 40 feet per space with a fourteen-foot height clearance and shall be exclusive of any public right of way or off-street parking area.

(Ord. 131, 7/8/1975, Art. VIII, §8.04)

**§85. Limitations of Signs.**

Only those signs referring or relating to the uses conducted on the premises or to the materials or products made, sold or displayed on the premises and [which] will not detract from the character of this district shall be permitted and further provided that all signs and advertising structures shall be maintained in accordance with Section 12.08 of this ordinance.<sup>39</sup> (Ord. 131, 7/8/1975, Art. VIII, §8.05)

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37 As enacted, this heading contained the word "Maximum."  
38 Section 127 of this chapter  
39 Section 128 of this chapter.

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### **§86. Special Requirements**

- A. **Building Permits.** No building or structure shall hereafter be erected, altered or restored, razed or demolished within the H-1 Historic District, until a building permit shall have been authorized by the Borough Council upon the recommendation of the Planning Commission as to exterior architectural features including signs. In authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or arranging of all or a part of any building within the H-1 Historic District, the Board shall consider the following matters:
- (1) The effect of the proposed change upon the general historic and architectural nature of the area
  - (2) The appropriateness of exterior architectural features which can be seen from a public street
  - (3) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the area.

(Ord. 131, 7/8/1975, Art. VIII, §8.06; as amended by Ord. 141, 3/24/1980, §5)

## Part 9

### C-1 Commercial Districts

#### §91. Intended Purpose

These districts are intended to serve the neighborhood retail marketing function of the entire Borough and surrounding trade area and the needs of transient highway travelers who may require automobile service, food and lodging. This district is intended for a wide range of shopping and service functions which can provide adequate comparison shopping activities. (Ord. 131, 7/8/1975, Art. IX, §9.01)

#### §92. Permitted Uses

- A. Any retail business whose principal activity is the sale of new merchandise in an enclosed building
- B. Retail sales in which both a workshop and a retail outlet or showroom are required (such as plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, photographic reproducing, radio and home appliance and similar establishments of no more objectionable character)
- C. Restaurants, tea rooms, cafes and other establishments serving food and beverages including "drive-in" type
- D. Enclosed theaters, assembly halls, concert halls, and similar places of assembly or entertainment
- E. Motels and hotels
- F. Vehicle service facilities, providing that the following standards and conditions are complied with:
  - (1) A set of plans, specifications and plot plans are submitted to the Zoning Hearing Board showing all structures, pumps, storage tanks, parking areas and driveways for ingress and egress.
  - (2) All pumps shall be located outside of buildings and on private property and in no case within 20 feet of any street line, and subject to such conditions and safeguards as the Board may impose with respect to, among other matters, the location and adequacy of entrances and exits.
  - (3) All automobile parts, dismantled vehicles and similar articles are stored within a building; all fuel, oil or similar substances are stored at least 35 feet from any street or lot line.

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- (4) In no event shall a permit be granted for such a use located within 500 feet of a school, hospital, infirmary, church, museum, club or place of public assembly having a capacity of over 100 persons; a garage or filling station shall not be deemed nonconforming through the subsequent erection of the above uses.
- G, Sales offices and sales lots for the retail sales of new and/or used automobiles, trucks, boats, farm equipment and mobile homes
- H. Customary accessory uses and buildings incidental to any of the above uses, including signs as specified in Section 12.08 of this ordinance<sup>40</sup>
- I. Uses which, in the opinion of the Planning Commission, are of the same general character as those listed as permitted uses in the H-1 District and which will not be detrimental to the intended purpose of these districts.
- J. The following special exception uses, upon the issuance of a permit by the Zoning Hearing Board in accordance with Section 14.09 of this ordinance<sup>41</sup>
- (1) Commercial amusement centers, including drive-in theaters, bowling alleys, miniature golf courses, golf driving ranges, amusement parks and similar uses
  - (2) Animal hospitals, but not including kennels
  - (3) Wholesaling and warehousing establishments
  - (4) Public utility buildings and structures
  - (5) Monument sales, mortuaries and funeral homes
  - (6) Building heights in excess of those indicated in Section 9.03(B).

(Ord. 131, 7/8/1975, Art. IX, §9.02)

### **§93. Lot Area, Building Height and Yard Requirements**

- A. Lot Requirements. A lot width, lot area and setbacks of not less than the dimensions shown on the following table shall be provided for every principal building erected or altered for any use permitted in this district:

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<sup>40</sup> Section 128 of this chapter.

<sup>41</sup> This refers to Section 14.02 and/or 14.07 (Sections 162 and 167 of this chapter).



Lot Requirements			Setback Requirement			
Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front	One Side	Total Sides	Rear
None	None	50%	30ft	20ft 50ft.*	40ft	30ft

\* Side yard requirement when abutting residential district.

- B. Building Height. No building shall exceed three stories or 45 feet in height, unless authorized as a special exception.

(Ord. 131, 7/8/1975, Art. IX, §9.03)

**§94. Minimum Off-Street Parking, Loading and Unloading Requirements**

- A. Off-street parking shall be provided in accordance with Section 12.07 of this ordinance.<sup>42</sup>
- B. Space shall be provided exclusive of street rights of way and public parking areas for the loading and unloading of delivery vehicles.

(Ord. 131, 7/8/1975, Art. IX, §9.04)

**§95. Limitations of Signs**

Only those signs referring or relating to the uses conducted on the premises or to the materials or products made, sold or displayed on the premises shall be permitted and further provided that all signs and advertising structures shall be maintained in accordance with Section 12.08 of this ordinance.<sup>43</sup>(Ord. 131, 7/8/1975, Art. IX, §9.05)

**§96. General Requirements**

Where C-1 Districts abut any residential district, a landscaped strip of not less than 20 feet in width shall be planted and maintained with appropriate vegetative landscaping materials. Such vegetative planting, including any architectural screens, fences, or masonry walls, shall be planted and maintained at not less than five feet in height, except on corner lots where a clear sight area as defined in Section 12.06.<sup>44</sup> (Ord. 131, 7/8/1975, Art. IX, §9.06)

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<sup>42</sup> Section 127 of this chapter.  
<sup>43</sup> Section 128 of this chapter.  
<sup>44</sup> Section 126 of this chapter.

**Part 10**

**I-1 Industrial District**

**§101. Intended Purpose**

The I-1 Industrial Districts are designed to accommodate wholesale activities, warehouse and industrial operations whose external, physical effects are restricted to the area of the districts and in no manner affect in a detrimental way any of the surrounding districts. (Ord. 131, 7/8/1975, Art. X, §10.01)

**§102. Permitted Uses**

- A. Special trade contractors and building material wholesales, providing that all materials and storage are completely enclosed within a building or similar shelter
- B. Industrial parks
- C. Utilities and communications, such as: electrical receiving or transforming stations, radio or television broadcasting stations and gas service buildings and yards
- D. Warehousing, refrigerated and general storage
- E. Local and suburban transit and passenger transportation facilities, trucking transportation terminals, maintenance and service facilities
- F. Laundries, laundry services and cleaning and dyeing plants
- G. Industrial plants manufacturing, processing or assembling the following:
  - (1) Agricultural products
  - (2) Food and kindred products
  - (3) Furniture and fixtures
  - (4) Printing, publishing and paperboard products
  - (5) Biological products, drugs, medicinal chemicals and pharmaceutical preparation
  - (6) Electrical machinery, equipment and supplies, electronic components and accessories

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- (7) Professional, scientific and controlling instruments, photographic and optical goods
  - (8) Any uses which are charged with the principal function of research, such as industrial research, scientific research and business research
  - (9) Any other manufacturing plant and uses having performance characteristics similar to those listed in this district in that they emit a minimum of noise, vibration, smoke, glare, electromagnetic or atomic radiation and odor. There shall be no emission of dust, dirt nor toxic or offensive odors or gases.
- H. Customary accessory uses and buildings incidental to any of the above permitted uses
- I. Uses which in the opinion of the Zoning Hearing Board, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district
- J. The following special exception uses, upon the issuance of a permit by the Zoning Hearing Board as provided in Section 14.04 of this ordinance<sup>45</sup>
- (1) Building heights in excess of those indicated in Section 10.03(B)

(Ord.131, 7/8/1975, Art. X, §10.02)

**§103. Lot Area, Building Height and Yard Requirements**

- A. Lot Requirements. A lot width, lot area and setbacks of not less than the dimensions shown on the following table shall be provided for every principal building hereafter erected or altered for any use permitted in this district:

Minimum Lot Area	Lot Requirements		Setback Requirements			
	Minimum Lot Width	Maximum Lot Coverage	Front	One Side	Total Sides	Rear
None	None	50%	30ft.	20ft. 50 ft.*	40ft.	30ft.

\* Side yard requirement when abutting residential districts.

<sup>45</sup> This seems rather to refer to Sections 14.02 and/or 14.07 (Sections 162 and/or 167 of this chapter).

- B. Building Height. No building shall exceed three stories or 45 feet in height, unless authorized as a special exception.

(Ord. 131, 7/8/1975, Art. X, §10.03)

**§104. Minimum Off-Street Parking and Loading Requirements**

- A. Off-street parking shall be provided in accordance with this ordinance (Section 12.07).<sup>46</sup>
- B. On the same premises with every building or structure or part thereof involving the receipt or distribution of materials or products, there shall be provided adequate space for standing, loading and unloading. All such spaces shall conform to a dimension of not less than 10 feet by 40 feet or 400 square feet in area, with a clearance of not less than 14 feet in height. Spaces required shall be determined by the table below and shall be located exclusive of any public right of way or required parking area.

<b>Gross Floor Area (sq. ft.)</b>	<b>Spaces Required</b>
Up to 2,000	None
2,000 to 10,000	One (1) space
10,001 to 50,000	One (1) space plus one (1) additional space for each 20,000 square feet or fraction thereof in excess of 10,000 square feet
50,001 and over	Three (3) spaces plus one (1) additional space for each 40,000 square feet or fraction thereof in excess of 50,001 square feet

(Ord. 131, 7/8/1975, Art. X, §10.04)

**§105. Limitations on Signs**

Only those signs referring or relating to the uses conducted on the premises or to the materials or products made, sold or displayed on the premises shall be permitted and further provided all signs and advertising structures shall be maintained in accordance with Section 12.08 of this ordinance.<sup>47</sup>  
(Ord. 131, 7/8/1975, Art. X, §10.05)

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<sup>46</sup> Section 127 of this chapter.  
<sup>47</sup> Section 128 of this chapter.

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### **§106. General Requirements**

Where I-I Districts abut any nonresidential use district, a landscaped strip of not less than 20 feet in width shall be planted and maintained with appropriate vegetative landscaping materials. Such vegetative planting, including any architectural screens or fences shall be planted five feet in height, except on corner lots where a clear sight area defined in Section 12.06 shall be maintained.<sup>48</sup> (Ord. 131, 7/8/1975, Art. X, §10.06)

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<sup>48</sup> See Section 126 of this chapter.

## Part 11

### Planned Residential Development

#### §111. Statement of Intent

- A. The intent of this article<sup>49</sup> is to provide, in the case of planned projects of 10 acres or more, an added degree of flexibility in the placement, bulk and interrelationship of the buildings and uses within the planned project and the implementation of new design concepts, while at the same time maintaining the overall intensity of use, density of population and amounts of light, air, access and open space as specified by this ordinance<sup>50</sup> for the district in which the proposed project is to be located.
- B. The housing type, minimum lot area, yard, height and accessory uses shall be determined by the requirements and procedure set out below, which shall prevail over conflicting requirements of this ordinance or the regulations governing the subdivision of land.<sup>51</sup>

(Ord. 131, 7/8/1975, Art. XI, §11.01)

#### §112. Procedure

- A. An application for a permit authorizing a special exception use must be made with the Zoning Hearing Board in three copies. This application shall contain at least the following:
- (1) A legal description of the property under consideration, which also shows that the property is at least 10 acres in area
  - (2) A fully dimensioned map of the land, including topographic information at a contour interval of not less than two feet
  - (3) A site plan showing the location of all existing and proposed principal and accessory buildings and structures, parking lots, buffer strips, plantings, streets, public ways and curb cuts
  - (4) Proposed reservations for parks, parkways, playgrounds, school sites and other open spaces, with an indication of the form of organization proposed to own and maintain the common open space
  - (5) A vicinity map showing the location of the site in relation to the surrounding neighborhood

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<sup>49</sup> Sections 111 to 113 of this chapter. <sup>50</sup> Sections 1 to 170 of this chapter. <sup>51</sup> See Chapter 21.

<sup>50</sup> Sections 1 to 170 of this chapter.

<sup>51</sup> See Chapter 21.

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- (6) Architectural sketches, at an appropriate scale, showing building height, bulk, interior layout and proposed use
  - (7) The feasibility of proposals for the disposition of sanitary waste and storm water
  - (8) The substance of covenants, grants of easement or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities
  - (9) The required modifications in the land use regulations otherwise applicable to the subject property
  - (10) A schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed if the development plans call for development over a period of years. This schedule must be updated annually on the anniversary of its approval until the development is completed and accepted.
  - (11) A written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the Comprehensive Plan for the development of the Borough.
- B. The Zoning Hearing Board shall refer the application to the Borough Planning Commission and the County planning agency for study and recommendation. The County and Borough planning agencies shall be required to report to the Borough Zoning Hearing Board within 30 days or forfeit the right to review. The Borough Zoning Hearing Board shall hold a public hearing within 60 days after the filing of the application for tentative approval in the manner prescribed in Article XIV for the enactment of an amendment to the Zoning Ordinance.<sup>52</sup> The Zoning Hearing Board may continue the hearing from time to time; provided, however, that, in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.
- C. After a study of the application and within 30 days following the conclusion of the public hearings, the Zoning Hearing Board shall make a written report by certified mail to the applicant. Said report will grant tentative approval of the development plan as submitted, grant tentative approval subject to specified conditions not included in the development plan as submitted or deny tentative approval to the development plan. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. If tentative approval is granted subject to

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<sup>52</sup> Sections 161 to 170 of this chapter; see especially Sections 167(D) and 170(A-3).

conditions, the landowner may, within 30 days after receiving a copy of the official written report, notify the Zoning Hearing Board of his refusal to accept all said conditions.

[If the landowner does not, within said period, notify the Zoning Hearing Board of his refusal to accept all said conditions,] tentative approval of the development plan, with all said conditions, shall stand as granted.

The granting or denial of tentative approval by official written communication shall include conclusions and findings of fact related to the proposal and the reasons for the grant, with or without conditions, or the denial. Also contained in the communication shall be a statement of the respects in which the development plan is or is not in the public interest, including conclusions on the following:

- (1) In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Borough.
- (2) The extent to which the development plan departs from zoning and subdivision regulations<sup>53</sup> otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest,
- (3) The purpose, location and amount of the common open space in the planned residential development; the reliability of the proposals for maintenance and conservation of the common open space; and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
- (4) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services; provide adequate control over vehicular traffic; and further the amenities of light and air, recreation and visual enjoyment.
- (5) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.
- (6) In the case of a development plan which proposed development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

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<sup>53</sup> See Chapter 21



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(7) The time period within which an application for final approval shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. The time so established shall not be less than three months and, in the case of the phased development, not less than 12 months for applications for each part of the plan.

D. The official written communication shall be certified by the secretary of the Zoning Hearing Board and filed in his office. Where tentative approval has been granted, the same shall be noted on the Zoning Map. Tentative approval shall not qualify a plat of the planned residential development for recording, development or the issuance of any building permits. A plan which has received tentative approval shall not be modified, revoked nor otherwise impaired by action of the Borough if the time periods for submission of final application specified in said written communication are being fulfilled without the consent of the applicant.

In the event tentative approval was granted, but prior to final approval, and applicant elects to abandon said plan and notifies the Zoning Hearing Board in writing or fails to file for final approval within the specified times, the tentative approval shall be deemed to be revoked; and all the area in the development plan which has not received final approval shall be subject to the Zoning Ordinance as otherwise applicable thereto and the same shall be noted on the Zoning Map and in the records of the secretary of the Zoning Hearing Board.

E. The application for final approval may be for all the land included in the plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Zoning Hearing Board within the time or times specified by the tentative approval. The application for final approval shall meet all requirements and contain all enclosures specified for the final plan of a subdivision with the Bloomfield Borough Subdivision Ordinance.<sup>54</sup> A public hearing on an application for final approval of the development plan or part thereof shall not be required, provided the development or part thereof submitted for final approval is in compliance with the development conditions attached thereto.

(1) When the final application has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, the Zoning Hearing Board shall, within 30 days of such filing, grant final approval to said plan.

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<sup>54</sup> See Chapter 21.

- (2) When the final application contains variations from the plan given tentative approval, the Zoning Hearing Board may refuse to grant final approval and shall, within 30 days of the filing, so advise the applicant of said refusal, setting forth the reasons why one or more of the variations are not in the public interest. In the event of such refusal, the applicant may either: refile his application without objected variations or request a public hearing on his application for final approval. Either action shall be taken within the time which the applicant was entitled to apply for final approval or within 30 additional days if the said time already passed when the applicant was advised of the denial. If no action is taken by the applicant, the plan is deemed to have been abandoned. If a public hearing is requested, it shall be conducted in the same manner prescribed for tentative approval;<sup>55</sup> but the written communication shall either grant or deny final approval while in the form and contain the findings required for an application for tentative approval..
- F. A development plan or any part thereof which has received final approval shall be certified by the Zoning Hearing Board and filed within 90 days with the Perry County Recorder of Deeds. Should the plan not be recorded within such period, the action of the Zoning Hearing Board shall become null and void. No development [plan] shall take place until the plan has been re corded; and from that point of time, no modification of the provisions of said plan or part thereof as finally approved shall be made without the consent of the landowner.
- G. In the event a plan or section thereof has been given final approval and the landowner decides to abandon said plan or section and shall so notify the Zoning Hearing Board or shall fail to develop the plan according to the an nually updated schedule, no development or further development shall take place on the property included in the plan until said property is resubdi- vided and reclassified by enactment of an amendment to the Bloomfield Borough Zoning Ordinance.<sup>56</sup>
- H. Any decision of the Zoning Hearing Board under this articles<sup>57</sup> granting or denying tentative or final approval of a development plan shall be subject to appeal to court in the same manner and within the same time limitation provided for zoning appeals.<sup>58</sup>

(Ord. 131, 7/8/1975, Art. XI, §11.02)

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<sup>55</sup> See subsection B of this section

<sup>56</sup> This ordinance, Sections 1 to 170 of this chapter.

<sup>57</sup> Sections 111 to 113 of this chapter.

<sup>58</sup> See Section 167(D-5) of this chapter.

**§113. Planned Development Standards**

- A. Dwelling Units Permitted. The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the R - 1 District regulations.<sup>59</sup> Net development area shall be determined by subtracting the area set aside for churches and school use from the gross development area and deducting 15% of the remainder for streets, regardless of the amount of land actually required for streets. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted. A maximum of 20% of the net developable land area may be developed into multiple dwellings.
- B. Lot Area and Frontage. The minimum lot area and minimum lot frontage of single-family dwelling lots established within the development shall not be less than 5,000 square feet or a frontage of less than 50 feet at the building line and 30 feet at the right-of-way (property) line.
- C. Sewage Treatment Required. The developer shall provide sewage treatment facilities for the planned residential development at his expense. This may be in the form of a package community system approved by the Pennsylvania Department of Environmental Resources or in lieu thereof a payment to the Municipal Authority in sufficient amount to enable said Authority to expand the municipal treatment plant to accommodate the needs of the planned residential development.
- D. Other Requirements. Off-street parking shall be provided in accordance with the minimum requirements set forth in Section 12.07 of this ordinance.<sup>60</sup> Layout and improvement of parking lots and garages shall also conform with this section and other applicable ordinances. Design, arrangement and improvement of streets and driveways shall conform with the ordinance regulating the subdivision of land.<sup>61</sup>

(Ord. 131, 7/8/1975, Art. XI, §11.03)

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<sup>59</sup> See Section 63 of this chapter.  
<sup>60</sup> Section 127 of this chapter.  
<sup>61</sup> See Chapter 21

## Part 12

### Supplementary Regulations

The provisions of this ordinance<sup>62</sup> shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations:<sup>63</sup>

#### **§121. Accessory Buildings**

An accessory building attached to a principal building shall comply in all respects with the yard requirements of this ordinance for the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building, and, if located in a side yard area, shall conform to the side yard requirements with respect to the principal building. Accessory buildings shall not exceed one story or 15 feet in height and may not occupy more than 30% of a required rear yard. (Ord. 131, 7/8/1975, Art. XII, §12.01)

#### **§122. Temporary Structures for Dwelling Purposes**

No cabin, trailer coach, garage, basement or other temporary structure, whether of fixed or mobile nature, may hereafter be erected or established for any dwelling purpose for any length of time unless approval for temporary use is granted by the Zoning Hearing Board. (Ord. 131, 7/8/1975, Art. XII, §12.02)

#### **§123. Water Supply and Sewerage Facilities Required**

In the interest of protecting the public health, safety and welfare, every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for dwelling, commercial or recreational, business or industrial purposes shall be provided with both public water supply and public sanitary sewer. (Ord. 131, 7/8/1975, Art. XII, §12.03)

#### **§124. Exceptions**

A. Public Utility Corporations. The provisions of this ordinance<sup>64</sup> shall not apply to any existing or proposed building, structure, use or extensions thereof used or to be used by public utility corporations if, upon petition of the corporation, the Public Utility Commission shall, after public hearing, decide that the present or proposed location in question is reasonably necessary for the convenience and welfare of the public.

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<sup>62</sup> Sections 1 to 170 of this chapter.

<sup>63</sup> Sections 121 to 136 of this chapter.

<sup>64</sup> Sections 1 to 170 of this chapter.

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- B. Height Exceptions. The height limitations of this ordinance shall not apply to church spires, silos, belfries, cupolas, penthouses and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads and similar features and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as necessary to accomplish the purpose they are to serve and, then, only in accordance with any other governmental regulations.

(Ord. 131, 7/8/1975, Art. XII, §12.04)

### **§125. Required Street Access**

Each principal use hereafter established which involves buildings or structures for human occupancy shall be located and maintained upon a lot which abuts a street or road of at least 50 feet in width for a distance of not less than 30 feet. (Ord. 131, 7/8/1975, Art. XII, §12.05)

### **§126. Visibility at Intersections**

On a corner lot in any residential district, no structure (excluding utility poles or light standards) or planting more than 2-1/2 feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points 25 feet distant from the point of intersection, measured along said street lines. Fences may exceed 2-1/2 feet in height where determined by the Zoning Officer that a visual obstruction will not occur. (Ord. 131, 7/8/1975, Art. XII, §12.06)

### **§127. Off-Street Parking**

Adequate space for off-street parking of motor vehicles shall be provided and maintained for each building, structure or use hereafter erected, altered or established, exclusive of any public right of way, except for driveways. No part of any required front yard shall be used for parking purposes. A minimum of 200 square feet, exclusive of drives, entrances and exits, shall comprise one vehicular parking space. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

#### Minimum Requirements for Parking Areas or Accessory Garages\*

Building Type	Minimum Parking Spaces Required	For Each Dwelling unit
Single and two-family residential dwelling	1	
Multiple dwellings	5	Four (4) dwelling units

<b>Building Type</b>	<b>Minimum Parking Spaces Required</b>	<b>For Each</b>
Boarding or lodging house, tourist home	1	Guest bedroom and resident family
Hotel, motel	1	Guest bedroom plus one (1) space for each 3 employees
Membership clubs	1	Six (6) members
Professional office in a residential building	1	100 sq. ft. net floor space used by such office
Auditorium, stadium, theater, convention hall or similar use	1	Four (4) seats (Note: bench capacity computed at 1 seat for each 20 inches)
Bowling lane	3	Lane
Business center development	1	150 sq. ft. of gross floor area
Funeral home	1	100 sq. ft. of assembly room space
Hospital	1	Three (3) beds
Industrial or wholesale	1	Employee
Offices and office building	1	200 sq. ft. of net floor space
Beauty parlor or barber shop	2	Barber or beautician
Research institute or laboratory	1	150 sq. ft. of net floor space
Public library, gallery, museum	1	200 sq. ft. of net floor space
Elementary and junior high school	1	Faculty member and employee
Senior high school	1	Faculty member, employee and eight (8) students

\* In all districts when the required parking area or number of parking spaces calculated results in the requirement of a fractional space, any fraction under 1/2 may be disregarded and any fraction over 1/2 construed as requiring a full space.

(Ord. 131, 7/8/1975, Art. XII, §12.07)

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### §128. Signs and Advertising Structures

Signs may be erected and maintained only when in compliance with the provisions of this ordinance<sup>65</sup> and any and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices.

- A. General Regulations, All signs and/or advertising structures, where permitted in the Zoning Ordinance, are subject to the following:
- (1) No illuminated or moving signs shall be permitted in residential districts.
  - (2) No illuminated sign may cause a glare into a residential district or street or highway right-of-way.
  - (3) No sign shall be erected which utilizes a beacon or a flashing light which may be mistaken for a traffic signal or have any visible illumination source which would create a traffic or air navigation hazard.
  - (4) No sign shall be erected in such a manner that the top of the sign exceeds the maximum building height restriction in the prevailing zoning district.
  - (5) No sign shall be erected as to obstruct entrance to or exit from a required door, window, fire escape or other required exitway.
  - (6) Temporary signs of painters, mechanics, contractors and the like are permissible in all districts, provided such signs are removed as soon as work is completed on the premises.
  - (7) Temporary signs and banners of a noncommercial nature across right-of-way may be permitted as an exception by the Zoning Hearing Board, provided permission is obtained from the Borough Council, it is erected in a location in which it will not cause a traffic hazard, it meets safety standards, is maintained, and it is removed when its temporary use is completed.
  - (8) Billboards and advertising signboards are expressly prohibited in R-1, R-2, H-1, and C-1 Districts.
- B. Signs in Residential, Agricultural and Conservation Districts. The following types of signs may be permitted in residential, agricultural and conservation districts unless otherwise provided:
- (1) One nameplate, including the telephone number, and one house number sign for each dwelling unit, professional office or home occupation,

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85 Sections 1 to 170 of this chapter, especially this section.

provided it does not exceed four square feet and identifies only name and title of occupant. It shall not extend beyond a vertical plane two feet inside the lot from the street line. If lighted, it will be illuminated without objectionable glare. No displays or change in facade shall indicate from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling. [Ord. 242]

- (2) One real estate sign, provided that it is unlighted and is not closer to a right-of-way than 1/2 the depth of the existing front yard, does not exceed six square feet in area and pertains either to the lease, rental or sale of the premises on which it is maintained.
- (3) One institutional sign, provided it does not exceed 16 feet in area and is not closer to the right-of-way than 1/2 the depth of the existing front yard. If lighted, it will be illuminated without objectionable glare.
- (4) Signs up to two feet square in area on each side, which are necessary for the identification, protection and operation of public utility facilities.

C. Signs in Commercial and Industrial Districts.

- (1) One wall sign to a property, provided it is attached to the wall of a building and projects horizontally not more than 12 inches therefrom, is not less than 10 feet above the sidewalk and occupies not more than 20% of the total area of the front of the principal building. It shall not project more than three feet above the roof line or parapet wall.
- (2) One projecting sign, provided it shall not project beyond a vertical plane two feet inside the lot from the street line.
- (3) Commercial District identification signs — provided they are separate and not attached to any building. Maximum of two such signs for any one general area. Height of signs shall be a maximum of 20 feet, measured from the ground; and the maximum size of the sign portion itself shall not exceed 100 square feet.

(Ord. 131, 7/8/1975, Art. XII, §12.08; as amended by Ord. 242, 7/6/2004, §1)

**§129. Conversion Apartments**

In residential districts, residential structures, existing at the date of the adoption of this ordinance may be converted into apartments, providing that there shall be a minimum of 2,000 square feet of land area per apartment and a minimum of 500 square feet of habitable floor area per apartment. (Ord. 131, 7/8/1975, Art. XII, §12.09)



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### §130. Mobile Home Parks

A mobile home park must conform with the additional extent-of-use and improvement regulations following:

- A. The minimum mobile home park or subdivision tract<sup>66</sup> shall be not less than 10 acres in area.
- B. The lot area and yard requirements for single and two-family dwellings in R-2 Residential Districts (see Section 6.03 of this ordinance)<sup>67</sup> shall apply to the lots within any mobile home park.
- C. All applications for a mobile home park or subdivision shall be accompanied by a plot plan showing location of the site, topography, drainage, number of units, access, road layout, name and address of abutting owners.
- D. Provisions must be made to connect each mobile home unit to public water and sanitary sewer systems and/or to a private system approved by the Department of Environmental Resources.
- E. The Planning Commission may require suitable screen planting, or may restrict the proximity of mobile homes to other improvements to adjoining properties, or may attach such other condition or safeguard to the use of land for a mobile home park as the Commission may deem necessary to protect the general welfare.
- F. Conformance is required to any applicable local and State regulations governing mobile home parks.<sup>68</sup>

(Ord. 131, 7/8/1975, Art. XII, §12.10)

### §131. Buffers

Where a commercial or industrial zone abuts a residential, conservation or agriculture district the following regulations apply:

- A. A fence or hedge acceptable to the Planning Commission may be required to be erected in the commercial or industrial zone to screen from view any highway commercial or manufacturing uses.
- B. A fifty-foot wide space along the side line in a commercial or industrial zone abutting a residential zone may not be used for commercial or manufacturing operations. Twenty feet of this area must be suitably landscaped and maintained as a buffer. The remaining 30 feet may be utilized for parking or

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<sup>66</sup> See Chapter 21,  
<sup>67</sup> This refers rather to Section 7.03 (Section 73 of this chapter).  
<sup>68</sup> See Chapter 13.

as side yard in which case a suitable year-round ground cover shall be maintained.

(Ord. 131, 7/8/1975, Art. XII, §12.11)

**§132. Outdoor Recreation Uses**

- A. **Illumination.** Where an outdoor recreation use adjoins or is in a residential zone and uses lighting, it must be so located and shielded that no objectional glare or illumination is cast upon adjoining residential properties.
- B. **Screens.** Where an outdoor recreational use, other than a golf course, adjoins or is in a residential zone, trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreation use and adjoining residential properties.
- C. **Swimming Pools.** No person shall construct, maintain, install, create or alter a private pool without first having secured a zoning permit. A pool which is removed and reset periodically shall require only one permit good for all time.
  - (1) An application for such a permit accompanied by two sets of plans and specifications, or proper descriptive brochures, shall be made to the Zoning Officer by the owner of the property, or his authorized agent.
  - (2) A permanent pool, portable pool or collapsible pool shall not be constructed, installed, located or maintained within 15 feet of any property line, nor nearer to any street line upon which the residence fronts than the existing setback line of said residence building, but in no case, regardless of building setback line, shall a pool be located less than 40 feet from the front street line and in the case of a corner lot, a pool shall not be constructed any closer to the side street line than to the street at the front of the residence.
  - (3) All permanent swimming pools now existing or hereafter constructed, installed, established or maintained, shall be enclosed by a permanent fence of durable material at least four feet in height but not more than six feet in height and shall be so constructed as not to have openings, mesh or gaps larger than four square inches in any direction, except for doors and gates and if a picket fence is erected or maintained, the horizontal dimension shall not exceed four inches. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with approved locking devices and shall be locked at all times when the permanent swimming pool is not in use. All existing permanent swimming pools shall be fenced in within 180 days after passage of this ordinance.

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- (4) Such fence, wall or other structure as provided in this ordinance shall be constructed of such material and in such manner as to effectively prevent unauthorized access to the pool by children and other persons.
- (5) All portable or collapsible pools unless enclosed by a fence of the type and dimensions hereinabove specified shall be either (1) emptied when not in use or unattended or (2) covered with a suitable strong protective covering securely fastened or locked in place when not in use or unattended.
- (6) [The] provisions of this ordinance regulating fencing shall not apply to pools having sides extending four feet above grade, provided that the stairs, or other means of access to the pool, are removed or closed with a gate as provided in this ordinance at all times when such pool is not in use.
- (7) A dwelling or accessory building may be considered as part of the fence required under this section; however, the height requirements for a fence shall not apply to the said dwelling or accessory building.
- (8) No private pool shall be used in such a manner as to create a nuisance to other property owners in the vicinity.
- (9) All materials used in the construction of private pools shall be water proof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operated in such a manner as to be clean and sanitary at all times.
- (10) Private pools as aforesaid shall not be connected to the sanitary sewer system and all waters from the pool shall be discharged and [in] such manner that another person's property is not damaged or affected by the discharge of the said water. Water may be discharged from a swimming pool into a street, if proper drainage facilities are available and with the permission of the Borough Council.
- (11) The owner or operator of any private pool within the Borough shall allow the Zoning Officer or other authorized official access to any private [property or private] swimming pool appurtenant thereto for the purpose of inspection to ascertain compliance with this ordinance.<sup>69</sup>
- (12) The provisions of this section shall be in addition to any ordinance enacted on the subject of swimming pools by the Board of Health of Perry County.

(Ord. 131, 7/8/1975, Art. XII, §12.12)

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<sup>69</sup> Sections 1 to 170 of this chapter, especially this section.

### §133. Abatement of Noxious Influences

- A. Noise. The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands stated below. The sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to the specifications published by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3 -1944, American Standards Association, Inc., New York, New York; and the American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24. 10 — 1953, American Standards Association, Inc., New York, New York, shall be used.)

Sound pressure levels shall be measured at the property line upon which the emission occurs. The maximum permissible sound pressure levels for smooth and continuous noise shall be as follows: (All of the decibel levels stated below shall apply in each case.)

<b>Frequency Band (Cycles per second)</b>	<b>Maximum Permitted Sound Pressure Level (Decibels)</b>
0-150	67
150 – 300	59
300 – 600	52
600-1,200	46
1,200-2,400	40
2,400-4,800	34
Above 4,800	32

If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given herein.

<b>Type of Operation or Character of Noise</b>	<b>Correction in Decibels</b>
Noise occurs between the hours of 10:00 p.m. and 7:00 a.m.	-3
Noise occurs less than 5% of any one-hour period	+5
Noise is of periodic character (hum, scream, etc.) or impulsive character (hammering, etc.)	-5

<b>Type of Operation or Character of Noise</b>	<b>Correction in Decibels</b>
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(In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse; and impulse peaks shall not exceed the basic standards given above.)	-5
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- B. Smoke, No smoke shall be emitted from any chimney or other source of visible gray opacity greater than No. 1 on the Ringlemann Smoke Chart published by the U. S. Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than four minutes in any 30-minute period.
  
- C. Dust and Particles. The emission of dust, fire, fly ash, fumes, vapors or gases which can cause any damage to human health, animals, vegetation or property or which can cause [soiling at] any point beyond the lot line of the use creating the emission is herewith prohibited.

No emission of liquid or solid particles from any chimney or other source shall exceed three-tenths [0.3] grains per cubic foot of the governing gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air in stack at full load.

- D. Odor. Odorous material released from any operation or activity shall not exceed the odor threshold beyond the lot line, measured either at ground level or habitable elevation.

Odor threshold is defined as the lowest concentration of odorous matter that produces an olfactory response in normal human beings. Odor thresholds shall be measured in accordance with ASTM d 193157 "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" or its equivalent.

- E. Heat. No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or materials more than 1° F.
  
- F. Glare. Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in any residential or commercial district.
  
- G. Vibration. No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28FD$$

where

PV = particle velocity, inches per second

F = vibration frequency, cycles per second

D = single amplitude displacement of the vibration, inches

At any adjacent lot line, PV shall not exceed 0.10 inches per second; except, within any residential district, PV shall not exceed 0.02 inches per second. Where vibration is produced as discrete impulses and such impulses do not exceed a frequency of 100 per minute, then the values in these values may be multiplied by two.

Particle velocity shall be the vector sum of three individual components measured simultaneously in three mutually perpendicular directions.

(Ord. 131, 7/8/1975, Art. XII, §12.13)

#### **§134. Home Occupation Regulations**

- A. Uses Permitted. The term "home occupation" shall include the practice of an occupation subject to these regulations by a resident of the dwelling which is incidental or secondary to the use of the property as a residence.
- B. Permitted Areas. The practice of a home occupation shall be permitted in any dwelling except a multiple dwelling in any zoning district.
- C. Size Restrictions. The practice of a home occupation shall occupy no more than 25% of the total floor area of the practitioner's dwelling unit.
- D. Off-Street Parking Requirements. Three off-street parking spaces in addition to those required by the zoning district shall be required if the practice of the home occupation involves contact with the public or the employment of others.
- E. Personnel Restrictions
  - (1) No person other than a resident may practice the occupation.
  - (2) No more than two persons shall be employed by the practitioner of the occupation to provide secretarial, clerical or other assistance.
- F. Use Restrictions
  - (1) No use shall be conducted in an open area.

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- (2) No storage of materials or products in open areas shall be permitted.
- (3) No retail sales shall be permitted except for home-produced goods.
- (4) No heat or glare shall be perceptible at or beyond the lot boundaries.
- (5) No potentially dangerous effluent from operations shall be discharged.
- (6) No material designed for use as an explosive shall be reproduced or stored on the premises.
- (7) No advertising other than signs permitted in residential zoning districts as restricted by "Sign Regulations," Section 8.11 of this ordinance.<sup>70</sup>
- (8) No conduct of any activity shall be visible from any property line.

(Ord. 131, 7/8/1975, Art. XII, §12.14)

### **§135. Removal of Natural Resources**

- A. **Scope.** The removal of natural resources from any site in the Borough shall be prohibited, unless specifically permitted in a zoning district.
- B. The following activities shall be exempted from this section:
  - (1) Normal lawn preparation and maintenance.
  - (2) Construction or alteration of a street or public utility improvement.
  - (3) Permitted farming operations so long as sound soil conservation practices are observed.
- C. **Construction Restrictions.** The removal of natural resources as a part of site preparation for construction of a building or for grading incidental to such construction shall be permitted provided that a special permit is granted by the Zoning Hearing Board.
- D. **Mining Restrictions.** The removal of natural resources for mining purposes may be permitted for a limited period if a special permit is granted by the Zoning Hearing Board, provided that a bond or escrow fund is established to assure the backfill of the excavation at the established grade existing prior to excavation. The amount of the bond or escrow shall be determined by the Zoning Hearing Board.

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<sup>70</sup> This refers to Section 12.08 (Section 128 of this chapter).

(Ord. 131, 7/8/1975, Art. XII, §12.15)

**§136. Design Standards**

A. Physical Setting and Building Location

- (1) The natural terrain and existing attractive features of the site shall be incorporated into the development when possible.
- (2) Buildings shall not be physically located to unnecessarily concentrate activity in one portion of the lot creating traffic congestion, storm water drainage and/or other possible problems in supplying necessary utilities.

B. Access and Traffic Control. No driveway or street to service a use shall be located within 200 feet from the intersection of any street lines. When any driveway or street shall provide access for more than 100 parking spaces, the approval of the design shall be subject to review by the members of a municipal governing body charged with the administration of streets and public safety. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, and signs.

C. Interior Circulation. The interior circulation of traffic shall be designed so that no driveway or street providing parking spaces shall be used as a through street. If parking spaces are indicated by lines with angles other than 90°, then traffic lanes shall be restricted to one-way with suitable markings permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than 10 feet in width. Areas for loading shall be separate from customer parking areas.

D. Parking and Paved Areas. All parking areas shall be paved with an all-weather surface. A curbing shall be provided to separate parking areas, streets and driveways. If off-street parking provides space for 50 or more cars, then at least 5% of the paved area shall be maintained in planting.

E. Off-Street Parking Design Standards

- (1) Parking spaces shall be clearly delineated by painted lines or markers.
- (2) Stalls shall be provided with bumper guards or wheel stops when necessary for safety or protection of adjacent structures or landscaped area.



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- (3) Surface drainage shall be connected to the existing or proposed drainage system.
- (4) All vehicular entrances and exits to parking areas shall be clearly designated for all conditions.
- (5) Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings.
- (6) If spaces are used during evening hours, appropriate lighting shall be provided.
- (7) All parking shall be located behind required building line, except in zoning districts indicating an improvement setback line which may be used in lieu of the building line.

F. Lighting. All parking areas, driveways and loading areas shall be provided with a lighting system which shall furnish a minimum of thirty-five-foot candles at any point during hours of operation, with lighting standards in parking areas being located not farther than 100 feet apart. All lighting shall be completely shielded from traffic on any public right-of-way and from any residential district.

### G. Outdoor Storage

- (1) Outdoor storage of any type shall not be permitted unless such storage is a part of the normal operations conducted on the premises subject to design and performance standards for the prevailing zoning district.
- (2) Any article or material stored temporarily outside an enclosed building as an incidental part of the primary operation, shall be so screened by opaque ornamental fencing, walls or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level. All organic rubbish or storage shall be contained in air-tight, vermin-proof containers which shall also be screened from public view. All such storage shall be located behind the building setback line.
- (3) Any establishment which furnishes carts or mobile baskets, as an adjunct to shopping, shall provide definite areas within the required parking space areas for storage of said carts. Each designed storage area shall be clearly marked for storage of shopping carts.

(Ord. 131, 7/8/1975, Art. XII, §§ 12, 16)

**§137. Row House Development**

In the case of row houses, side yards (setbacks) shall not be provided on the interior dwelling units, and only one side yard shall be provided for each of the end dwelling units. (Ord. 131, 7/8/1975; as added by Ord. 223, 11/6/2001, §1)

**§138. Wireless Communications Facilities – Purpose & Fact Finding**

(1) The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of Wireless Communications Facilities in Bloomfield Borough (referred to herein as the “Borough”). While the Borough recognizes the importance of Wireless Communications Facilities in providing high quality communications service to its residents and businesses, the Borough also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

(2) By enacting these provisions, the Borough intends to:

- a. Accommodate the need for Wireless Communications Facilities while regulating their location and number so as to ensure the provision of necessary services;
- b. Provide for the managed development of Wireless Communications Facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Borough residents and wireless carriers in accordance with federal and state laws and regulations;
- c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both Commercial Communication Towers and Commercial Communication Antennas in the Borough, including facilities both inside and outside the public rights-of-way;
- d. Address new wireless technologies, including but not limited to, Distributed Antenna Systems, and other Wireless Communications Facilities;
- e. Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish, and by requiring that competing providers of wireless communications services co-locate their Commercial Communication Antenna and related facilities on existing towers;
- f. Promote the health, safety and welfare of the Borough's residents by protecting recognized amenities within the Borough and providing for coordinated development.

(Ord. 323, 11/1/20116, §2)

**§138. Wireless Communications Facilities – General and Technical Requirements**

(1) The following general regulations shall apply to all Wireless Communications Facilities located in the Borough:

- a. Standard of care. Any Wireless Communications Facility shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
- b. Wind. All Wireless Communications Facilities shall be designed to withstand the effects of wind gusts of at least one hundred (100) miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended).
- c. Aviation safety. Wireless Communications Facilities shall comply with all federal and state laws and regulations concerning aviation safety.
- d. Public safety communications. Wireless Communications Facilities shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- e. Non-commercial usage exemption. Borough residents utilizing satellite dishes and antennas for the purpose of maintaining television, phone, radio, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this section of the Zoning Ordinance.
- f. Radio frequency emissions. A Wireless Communications Facility shall not, by itself or in conjunction with other Wireless Communications Facility(ies), generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- g. Historic Buildings or Districts. The siting and construction of any type of Wireless Communications Facility is strictly prohibited in the H-1 Historic District. Furthermore, no WCF shall be located upon a property, and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is included in the official historic structures and/or historic districts list maintained by the Borough.
- h. Insurance. Each Person that owns or operates a Wireless Communications Facility shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Wireless Communications Facility.
- i. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:

- (1) The Wireless Communications Facility shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - (2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.
  - (3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- j. Permit fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Wireless Communications Facility, as well as related inspection, monitoring, and related costs.
  - k. Retention of experts. The Borough may hire any consultant and/or expert necessary to assist the Borough in reviewing and evaluating the application for approval of a Wireless Communications Facility and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The Applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
  - l. Inspection. The Borough reserves the right to inspect any WCF to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
  - m. Financial security. Prior to receipt of a zoning permit for the construction or placement of a Wireless Communications Facility, the Applicant shall provide to the Borough financial security sufficient to guarantee the removal of the Wireless Communications Facility. Said financial security shall remain in place until the Wireless Communications Facility is removed.
  - n. Indemnification. Each person that owns or operates a Wireless Communications Facility shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Wireless Communications Facility. Each person that owns or operates a Wireless Communications Facility shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Wireless Communications Facility. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

- o. Removal. In the event that use of a Wireless Communications Facility is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
  - (1) All abandoned or unused Commercial Communication Antennas and Related Equipment shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough. Abandoned or unused Commercial Communication Towers shall be removed within six (6) months of the cessation of operations.
  - (2) If the Wireless Communications Facility or Related Equipment is not removed within the applicable timeframe specified herein, or within any longer period approved by the Borough, the Wireless Communications Facility and/or Related Equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.
- (2) In addition to the provisions listed in Section 138(A)(1)(a-j), the following shall apply to all Wireless Communications Facilities Located in the Public Rights-of-Way
  - a. Co-location. Proposed Wireless Communications Facility shall be co-located on existing Wireless Support Structures when possible. Commercial Communication Antennas in the ROW shall be co-located on existing poles, such as existing utility poles or light poles. If co-location is not technologically feasible, the Applicant, with the Borough's approval, shall locate its proposed facility on existing poles or freestanding structures that do not already act as Wireless Support Structures.
  - b. Design Requirements:
    - (1) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
    - (2) Wireless Communications Facilities and Related Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
  - c. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Wireless Communications Facilities in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
  - d. Equipment Location. Wireless Communications Facilities and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or

- e. motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:
  - (1) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot;
  - (2) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
  - (3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
  - (4) Any graffiti on any Wireless Support Structures or any Related Equipment shall be removed at the sole expense of the owner.
  - (5) Any proposed underground vault related to Wireless Communications Facilities shall be reviewed and approved by the Borough.
  
- f. Relocation or Removal of Facilities. Within two (2) months following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Wireless Communications Facility in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Wireless Communications Facility when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
  - (1) The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
  - (2) The operations of the Borough or other governmental entity in the Right-of-Way;
  - (3) Vacation of a street or road or the release of a utility easement; or
  - (4) An Emergency as determined by the Borough.
  
- g. Reimbursement for ROW use. In addition to permit fees, every Wireless Communications Facility in the ROW is subject to the Borough's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each Wireless Communications Facility shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above.

B. Specific Regulations Pertaining to Commercial Communication Antennas

(1) In addition to all applicable regulations in Section 138(A), the following shall apply to Commercial Communication Antennas that do not fall under the Pennsylvania Wireless Broadband Collocation Act:

- a. Permitted by Conditional Use. Commercial Communication Antennas shall be located on light poles and traffic lights. If such placement is not possible, Commercial Communication Antennas are permitted by Conditional Use in all zones subject to the restrictions and conditions prescribed below and subject to applicable permitting by the Borough. Any Applicant proposing the construction of a new Commercial Communication Antenna, or the modification of an existing Commercial Communication Antenna, shall first obtain Conditional Use permission from the Borough. New constructions, modifications, and replacements that fall under the WBCA shall not be subject to the Conditional Use process. The Conditional Use application shall demonstrate that the proposed facility complies with all applicable provisions in the Bloomfield Borough Zoning Ordinance.
- b. Prohibited on Certain Structures. No Commercial Communication Antenna shall be located on single-family detached residences, single-family attached residences, or any residential accessory structure.
- c. Stealth Technology. Commercial Communication Antennas shall employ Stealth Technology and shall be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the Applicant shall be subject to the approval of the Borough.
- d. Timing of approval for co-location applications that do not fall under the WBCA. Within thirty (30) calendar days of the date that an application for a Commercial Communication Antenna is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision.
- e. Development Regulations. Commercial Communication Antennas shall be co-located on existing Wireless Support Structures, such as existing buildings or Commercial Communication Towers, subject to the following conditions:
  - (1) The total height of any Wireless Support Structure and mounted WCF shall not exceed twenty (20) feet above the maximum height permitted in the underlying zoning district, unless the Applicant applies for, and subsequently obtains, a variance.
  - (2) In accordance with industry standards, all Applicants must submit documentation to the Borough justifying the total height of the Commercial Communication Antenna. Such documentation shall be analyzed in the context of such justification on an individual basis.
- f. Replacement and Modification.

- (1) To the extent permitted by law, the removal and replacement of Commercial Communication Antennas and/or Related Equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not Substantially Change the overall size of the WCF or the number of Commercial Communication Antennas.
  - (2) Any material modification to a WCF shall require notice to be provided to the Borough, and possible supplemental permit approval to the original permit or authorization.
- (2) The following regulations shall apply to all co-located Commercial Communication Antennas that fall under the Pennsylvania Wireless Broadband Collocation Act and FCC's October 2014 Report and Order.
- a. Permit required. Applicants proposing the modification of an existing Commercial Communication Tower shall obtain a building permit from the Borough. In order to be considered for such permit, the Applicant must submit a permit application to the Borough in accordance with applicable permit policies and procedures.
  - b. Timing of approval for applications that fall under the WBCA. Within thirty (30) calendar days of the date that an application for a Commercial Communication Antenna is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision.
  - c. Permit fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Commercial Communication Antenna or \$1,000, whichever is less.

C. Specific Requirements for All Commercial Communication Towers.

- (1) In addition to the regulations enumerated in Section 138(A)(1), the following regulations shall apply to all Commercial Communication Towers:
  - a. Notice. Upon submission of an application for a Commercial Communication Tower and the scheduling of the public hearing upon the application, the Applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The Applicant shall provide proof of the notification to the Borough.
  - b. Conditional Use Authorization Required. Commercial Communication Tower are permitted by Conditional Use, and at a height necessary to satisfy their function in the Applicant's wireless communications system. No Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The Applicant shall demonstrate that the Commercial Communication Tower is the minimum height necessary for the service area.



- (1) Prior to Council's approval of a Conditional Use authorizing the construction and installation of Commercial Communication Tower, it shall be incumbent upon the Applicant for such Conditional Use approval to prove to the reasonable satisfaction of the Council that the Applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, Commercial Communication Antennas and other similar equipment installed on existing structures, such as utility poles or other available tall structures. The Applicant shall further demonstrate that the proposed Commercial Communication Tower must be located where it is proposed in order to serve the Applicant's service area and that no other viable alternative location exists.
  - (2) The Conditional Use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the Applicant, the power in watts at which the Applicant transmits, and any relevant related tests conducted by the Applicant in determining the need for the proposed site and installation.
  - (3) Where the Commercial Communication Tower is located on a property with another principal use, the Applicant shall present documentation to the Borough Council that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to the facility.
  - (4) The Conditional Use application shall be accompanied by documentation demonstrating that the proposed Commercial Communication Tower complies with all applicable provisions in the Bloomfield Borough Zoning Code.
- c. Engineer Inspection. Prior to the Borough's issuance of a permit authorizing construction and erection of a Commercial Communication Tower, a structural engineer registered in Pennsylvania shall issue to the Borough a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional hearings, or at a minimum, be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.
- d. Visual Appearance. Commercial Communication Towers and their Related Equipment shall employ Stealth Technology. They shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. Borough Council shall consider the type of Stealth Technology chosen by the Applicant in its consideration of the Applicant's Conditional Use application.

- e. Co-location and siting. An application for a new Commercial Communication Tower shall demonstrate that the proposed Commercial Communication Tower cannot be accommodated on an existing or approved structure or building, or sited on land owned by Bloomfield Borough. Borough Council may deny an application to construct a new Commercial Communication Tower if the Applicant has not made a good faith effort to mount the Commercial Communication Antenna(s) on an existing structure or Wireless Support Structure. The Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one half (1/2) of a mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:
- (1) The proposed antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
  - (2) The proposed antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
  - (3) Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - (4) A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- f. Permit Required for Modifications. To the extent permissible under applicable state and federal law, any Applicant proposing the modification of an existing Commercial Communication Tower, which increases the overall height of such WCF, shall first obtain a building permit from the Borough. Non-routine modifications shall be prohibited without such permit.
- g. Gap in Coverage. An Applicant for a Commercial Communication Tower must demonstrate that a significant gap in wireless coverage exists in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Borough's decision on an application for approval of Commercial Communication Tower.
- h. Additional Antennas. As a condition of approval for all Commercial Communication Tower, the Applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate antennas on Commercial Communication Towers where technically and economically feasible. To the extent permissible by law, the owner of a Commercial Communication Tower shall not install any additional antennas without obtaining the prior written approval of the Borough.

- i. **Height.** Any Commercial Communication Tower shall be designed at the minimum functional height. In all Zoning Districts the maximum height of any new Commercial Communication Tower shall be two hundred (200) feet. An existing tower may be modified or extended to a height not to exceed a total height of two hundred fifteen (215) feet, to accommodate the co-location of additional communications antennas. Commercial Communication Towers in the ROW shall not exceed a height equal to that of utility poles and/or light poles within one-tenth (1/10) of a mile from the proposed Commercial Communication Tower site.
- j. **Related Equipment.** Either one single-story wireless communications equipment building not exceeding 500 square feet in area or up to five metal boxes placed on a concrete pad not exceeding 10 feet by 20 feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company sharing Commercial Communication antenna(e) space on the Commercial Communication Tower.
- k. **Signs.** All Commercial Communication Towers shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- l. **Lighting.** No Commercial Communication Tower shall be artificially lighted, except as required by law. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Borough Manager.
- m. **Noise.** Commercial Communication Towers shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Borough Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- n. **Timing of Approval.** Within thirty (30) calendar days of the date that an application for a Commercial Communication Tower is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. All applications for Commercial Communication Towers shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Commercial Communication Towers and the Borough shall advise the Applicant in writing of its decision.
- o. **Non-Conforming Uses.** Non-conforming Commercial Communication Towers which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section.

- p. FCC License. Each person that owns or operates a Commercial Communication Tower over forty (40) feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
  
- (2) In addition to the requirements enumerated in Section 138(A)(1) and Section 138(C)(1), the following regulations shall apply to Commercial Communication Towers located outside the Public Rights-of-Way:
  - a. Development Regulations.
    - (1) Commercial Communication Tower shall not be located within seventy-five (75) feet of, an area in which all utilities are located underground.
    - (2) Commercial Communication Towers are permitted by Conditional Use, outside the public Rights-of-Way in the following zoning districts and may not be located within one hundred (100) feet of the boundary of such applicable zoning district:
      - (a) A-1 Agricultural District
      - (b) I-1 Industrial District
      - (c) OS Open Space (Conservation) District
    - (3) Sole use on a lot. A Commercial Communication Tower shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum size specifications set forth in the Borough Zoning Code.
    - (4) Combined with another use. A Commercial Communication Tower may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
      - (a) The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the WCF.
      - (b) Minimum lot area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Commercial Communication Tower and guy wires, the equipment building, security fence, and buffer planting if the proposed WCF is greater than forty (40) feet in height.

(c) Minimum setbacks. The minimum distance between the base of a Commercial Communication Tower and any adjoining property line or street right-of-way line shall be equal to one hundred percent (100%) of the height of the Commercial Communication Tower or the minimum front yard setback of the underlying zoning district, whichever is greatest. Where the site on which a Commercial Communication Tower is proposed to be located is contiguous to an educational use, child day-care facility, or agriculture or residential use, the minimum distance between the base of a Commercial Communication Tower and any such adjoining uses shall equal two hundred fifty (250) feet, regardless of the height of the Commercial Communication Tower, unless it is demonstrated to the reasonable satisfaction of the Council that in the event of failure the WCF is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.

b. Design Regulations.

- (1) The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology chosen by the Applicant shall be subject to the approval of the Borough.
- (2) To the extent permissible by law, any height extensions to an existing Commercial Communication Tower shall require prior approval of the Borough.
- (3) Any proposed Commercial Communication Tower shall be designed structurally, electrically, and in all respects to accommodate both the Applicant's antennas and comparable antennas for future users.
- (4) Any Commercial Communication Tower over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

c. Surrounding Environs.

- (1) The Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- (2) The Applicant shall submit a soil report to the Borough complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222, as amended, to document and verify the design specifications of the foundation of the Commercial Communication Tower, and anchors for guy wires, if used.

d. Fence/Screen.

- (1) A security fence with a minimum height of ten (10) feet shall completely surround any Commercial Communication Tower greater than forty (40) feet in height, as well as guy wires, or any building housing WCF equipment.
- (2) Landscaping shall be required to screen as much of a newly constructed Commercial Communication Tower as possible. Borough Council may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Council, they achieve the same degree of screening. Existing vegetation shall be preserved to the maximum extent possible.

e. Related Equipment.

- (1) Ground-mounted Related Equipment associated to, or connected with, a Commercial Communication Tower shall be placed underground or screened from public view using Stealth Technologies, as described herein.
- (2) All Related Equipment and associated structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

f. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Commercial Communication Tower. The access road shall be a dust-free all-weather surface for its entire length. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility.

g. Parking. For each Commercial Communication Tower greater than forty (40) feet in height, there shall be two off-street parking spaces.

(3) In addition to the requirements enumerated in Section 138(A)(2) and Section 138(C)(1), the following regulations shall apply to Commercial Communication Towers located in the Public Rights-of-Way.

a. Location and development standards.

- (1) Commercial Communication Towers in the ROW are prohibited in areas in which utilities are located underground.
- (2) Commercial Communication Towers shall not be located in the front façade area of any structure.

(3) Commercial Communication Towers shall be permitted along certain roads throughout the Borough, regardless of the underlying zoning district, provided that they are not situated within fifty (50) feet of an area in which utilities are underground. A listing of such permitted roads is adopted via Resolution of Borough Council and kept on file at the Borough Office.

b. Additional design regulations.

(1) The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the Applicant shall be subject to the approval of the Borough.

(2) Commercial Communication Towers in the ROW shall not exceed a height comparable to that of light poles and/or utility poles located within one-tenth (1/10) of a mile from the proposed site of the Commercial Communication Tower.

(3) To the extent permissible under state and federal law, any height extensions to an existing Commercial Communication Tower shall require prior approval of the Borough, and shall not increase the overall height of the Commercial Communication Tower to more than forty (40) feet.

(4) Any proposed Commercial Communication Tower shall be designed structurally, electrically, and in all respects to accommodate both the Applicant's antennas and comparable antennas for future users.

(Ord. 323, 11/1/2016, §3)

**§138. Wireless Communications Facilities - Miscellaneous Requirements**

A. Police powers. The Borough, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the Borough under applicable federal, state and local laws and regulations.

B. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.

C. Effective Date. This Ordinance shall become effective thirty (30) days after enactment by the Borough Council of Bloomfield Borough.

(Ord. 323, 11/1/2016, §4)

## Part 13

### Nonconforming Buildings, Uses and Lots

#### §141. Continuance

Except as otherwise provided in this section the lawful use of land or building existing at the date of the adoption of this ordinance may be continued, although such use or building does not conform to the regulations specified by this ordinance<sup>71</sup> for the district in which such land or building is located; provided, however, that nonconforming lot shall [not] be further reduced in size. (Ord. 131, 7/8/1975, Art. XIII, §13.01)

#### §142. Abandonment

A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated, and the structure shall not be re-occupied except in conformance with this ordinance.<sup>72</sup> (Ord. 131, 7/8/1975, Art. XIII, §13.02)

#### §143. Restoration

If any nonconforming building shall be destroyed by reason of windstorm, fire, explosion or other natural act or by act of the public enemy to an extent of more than 75% of the building, then such destruction shall be deemed complete destruction and the structure may be rebuilt, restored or repaired to its original limitations without conforming to this ordinance. Any enlargement or addition shall not be allowed except on conformity with the regulations of this ordinance. Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Building Inspector. (Ord. 131, 7/8/1975, Art. XIII, §13.03)

#### §144. Reversion

No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use. (Ord. 131, 7/8/1975, Art. XIII, §13.04)

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<sup>71</sup> Sections 1 to 170 of this chapter.

<sup>72</sup> Sections 1 to 170 of this chapter.



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### **§145. Alterations**

A nonconforming building may be altered or improved, provided that the alteration or improvement does not amount to a substantial increase of a nonconforming use; but if such alterations or improvement involve any increase in lands so used or in the cubic content of the buildings so used, the permit for the alteration or improvement shall be issued only upon special exception granted in accordance with law. In addition, the following criteria shall apply:

- A. The proposed alteration shall be within the lot limits which existed for the property in question at the time of the adoption of this ordinance,
- B. The proposed alteration shall not exceed 25% of the gross floor area occupied by the nonconforming use at the time of the enactment of this ordinance, subject to the approval of the Zoning Hearing Board,
- C. The proposed alteration will not cause an increased detrimental effect on the surrounding neighborhood,

(Ord. 131, 7/8/1975, Art. XIII, §13.05)

### **§146. Construction Approved Prior to Ordinance**

Nothing herein<sup>73</sup> contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three months of the date of such permit and ground-story framework of which, including the second tier of beams, shall have been completed within six months of the date of the permit and which entire building shall be completed according to such plans as filed within one year from the date of this ordinance.<sup>74</sup> (Ord. 131, 7/8/1975, Art. XIII, §13.06)

### **§147. District Changes**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein or created thereby. (Ord. 131, 7/8/1975, Art. XIII, §13.07)

### **§148. Discontinued Nonconforming Use of Open Space**

All nonconforming signs, billboards, junk storage areas and similar nonconforming uses of open land not involving a substantial investment in permanent buildings, when dis-

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<sup>73</sup> In this article, Sections 141 to 149 of this chapter, in particular

<sup>74</sup> See Note 3 of this chapter

continued for a period of six months or damaged to an extent of 60% or more of replacement costs, shall not be continued, repaired or reconstructed. (Ord. 131, 7/8/1975, Art. XIII, §13.08)

**§149. Use of Nonconforming Lots**

- A. Lots of record in existence at the effective date of adoption or amendment of this ordinance which do not meet the lot area or lot width requirements of the prevailing zoning district may be utilized for the permitted uses within said district provided that such lot must be in separate ownership and not form part of a continuous frontage with other lots in the same ownership.
- B. Where two or more abutting lots of record are held in one ownership, either legal or equitable, or subsequently come to be held in one ownership, they shall be considered to be a single lot of record for the purpose of this ordinance; and the provisions of this ordinance shall not thereafter be circumvented or avoided by the willful sale or conveyance of a part or portion of any parcel or parcels.

(Ord. 131, 7/8/1975, Art. XIII, §13.09)

**Part 14**

**Enforcement and Administration**

**§161. Enforcement.<sup>75</sup>**

The provisions of this ordinance<sup>76</sup> shall be administered and enforced by a Zoning Officer appointed by the Borough Council who shall have the power to administer the Zoning Ordinance in accordance with its literal terms, as well as the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

(Ord. 131, 7/8/1975, Art. XIV, §14.01)

**§162. Certificates and Permits**

- A. Zoning Permits. Zoning permits shall hereafter be secured from the Zoning Officer's office prior to the issuance of a building permit for the construction, erection or alteration of structure or sign or part of a structure or upon a change in the use of a structure or land. The fee for said permit shall be included in the building permit fee.
  
- B. Building Permits. For the construction, alteration, demolition or relocation of any structure, a permit must be obtained from the Zoning Officer and/or Perry County COG. A building permit shall become void in 90 days from the date of issuance unless actual construction has begun by the date on the project described therein. The permit application must be accompanied by a site plan, in duplicate, showing as necessary to demonstrate conformity to this ordinance:<sup>77</sup>
  - (1) Lot - the location and dimensions of the lot
  - (2) Streets — names and widths of abutting streets [and] highways
  - (3) Structures and Yards — locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within 100 feet of the proposed structure but off the lot
  - (4) Improvements — proposed off-street parking and loading areas, access drives, with walks; proposed sewerage disposal system
  - (5) Orientation - the North direction must be shown.

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<sup>75</sup> As enacted, this heading read: "Enactment."  
<sup>76</sup> Sections 1 to 170 of this chapter.  
<sup>77</sup> Sections 1 to 170 of this chapter.

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A site plan is not required for projects which are concerned only with maintenance of or repair to existing structures.

A building permit is not required for home maintenance such as:

- (1) Repointing, repairing and replacing of existing masonry.
- (2) Replacing existing plumbing and light fixtures (if not part of complete modernization).
- (3) Wiring modernization.
- (4) Added electrical outlets.
- (5) Outdoor electrical cable and outdoor lights.
- (6) New fences.
- (7) Lawns and landscaping.
- (8) Lawn sprinkler systems.
- (9) New roof.
- (10) New furnace, replacing worn out furnace of same kind.
- (11) Outside and inside painting.
- (12) Plaster repairs.
- (13) Redecorating.
- (14) Repairing and replacing porches and steps.
- (15) Asphalt, asbestos, or aluminum siding placed over existing siding.
- (16) New kitchen cabinets, cupboards and counters.
- (17) Added closets and other built-ins.
- (18) New ceilings.
- (19) New wall surfacing.
- (20) Insulation, weather stripping, storm windows and doors.
- (21) Exterior awnings.

- (22) Repairing or replacing sidewalks or drives.
- (23) Automatic hot water- add built-in vent fans.
- (24) Add or replacing gutter downspouts.
- (25) Added light near house number.
- (26) Pave rear lot parking area - residential.

A building permit is required for improvements which cause an assessment increase, such as:

- (1) Change from single-family to multiple-family use.
  - (2) New basement, replacing no basement or part of basement.
  - (3) Added rumpus room - recreation room.
  - (4) New rooms finished in attic or basement.
  - (5) Any change resulting in larger building, porches, patios, carports, garages, etc.
  - (6) Complete modernization and conversions.
  - (7) Forced air, automatic heating plant replacing hot air gravity or stove.
  - (8) Extra storage, bathroom, porches where none existed.
  - (9) Any additions to existing buildings.
  - (10) New construction — residential, farm buildings, commercial, etc.
  - (11) Placement or exchange of new or existing mobile homes.
  - (12) Placement of a portable structure 25 to 199 sq.ft. – permit with no fee.  
Portable structure 200 sq. ft. or larger – permit w/ scheduled fee.
- C. Special Exceptions. For any use not permitted, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the zoning permit application, the special exception application must show:
- (1) Ground floor plans and elevations of proposed structure
  - (2) Names and addresses of adjoining owners

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Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit within six months of the date of the authorization of the special exception.

- D. Temporary Use Permits. It is recognized that it may be in accordance with the purpose of the ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this ordinance. If such uses are of such a nature and are so located that, at the time of petition, they will:
- (1) In no way exert a detrimental effort [effect] upon the uses of land and activities normally permitted in the zone or
  - (2) Contribute materially to the welfare of the Borough, particularly in a state of emergency, under conditions peculiar to the time and place involved. Then, the Zoning Hearing Board may, subject to all regulations for the issuance of special exception elsewhere specified,<sup>78</sup> direct the Zoning Officer to issue a permit for a period not to exceed six months. Such permit may be extended not more than once for an additional period of six months.
- E. Certificate of Occupancy. It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until a certificate of occupancy has been issued for that premises, certifying that the structure or use complies with the provisions of this ordinance. Such occupancy permits shall be granted or denied within 15 days from the date that a written application is filed with the Zoning Officer. In the event that the issuance of a certificate of occupancy is denied upon application therefore, the Zoning Officer shall notify the Zoning Hearing Board in writing his action and the specific reasons therefore.

(Ord. 131, 7/8/1975, Art. XIV, §14.02; as amended by Ord. 296, July 5, 2011, §2)

### **§163. Variances**

- A. Filing of Variance Application; Expiration. An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of this ordinance<sup>79</sup> inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies given to the Zoning Officer and Borough Planning Commission. The applicant must provide all the information and data that may be required to advise the Board on the variance, whether such information is called for by the official form or not.

<sup>78</sup> See Section 167(B) of this chapter.

<sup>79</sup> Sections 1 to 170 of this chapter.

- B. Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a building permit or use certificate within six months from the date of authorization of the variance.

(Ord. 131, 7/8/1975, Art. XIV, §14.03)

**§164. Appeals**

- A. Filing of Appeal. Any person aggrieved or affected by provisions of this ordinance<sup>80</sup> or decision of the Zoning Officer, may appeal in the manner set forth in Article X of the Pennsylvania Municipalities Planning Code, Act 247, as amended,

(Ord. 131, 7/8/1975, Art. XIV, §14.04)

**§165. Other Matters**

- A. Fees. Borough Council shall set fees annually by resolution, payable in advance, for all applications, permits, or appeals provided for by this ordinance<sup>81</sup> to defray the costs of advertising, processing, inspecting, mailing notices, charges of a stenographer for taking the notes of testimony, and copying applications, permits and occupancy certificates. Permit fees shall not be required for any maintenance operations, such as painting, roof repair, window replacement, installation of siding, replacement of defective structural members or similar maintenance measures.
- B. Penalties. Any person, partnership or corporation who violates the provisions of this ordinance is subject to the penalties following:
  - (1) A fine of not less than \$50 and not more than \$500.
  - (2) In default of payment of this fine, imprisonment for not more than 60 days. A District Magistrate may impose these penalties. The imposition of one penalty for any violation does not excuse the violation or permit it to continue. Each day the prohibited offense continues constitutes a separate offense.
- C. Public Hearings. At public hearings, the applicant as appellant is entitled to the rights set forth in Section 14.07,<sup>82</sup> and must conform to the procedures set forth therein.
- D. Enforcement Remedies. In case any building, structure, or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this ordinance, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, in addition to other remedies may in

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<sup>80</sup> Sections 1 to 170 of this chapter.  
<sup>81</sup> Sections 1 to 170 of this chapter.  
<sup>82</sup> See Section 167(D) of this chapter.

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the name of the Borough [institute any] appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure or land, and to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

- E. Curative Amendments. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 1004 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

(Ord. 131, 7/8/1975, Art. XIV, §14.05; as amended by Ord. 274, 5/5/2009, §1)

### **§166. Zoning Officer**

- A. Appointment and Powers. For the administration of this ordinance,<sup>83</sup> a Zoning Officer, who may not hold any elective office in the Borough, shall be appointed by Borough Council. The Zoning Officer shall administer the Zoning Ordinance 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 the Zoning Ordinance. The Zoning Officer is the enforcement officer for this ordinance. He issues all zoning permits, certificates of occupancy, and at the direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures.
- B. Forms. The Zoning Officer must provide a form or forms prepared by the Borough Solicitor for:
- (1) Zoning permits
  - (2) Special exceptions
  - (3) Certificates of occupancy
  - (4) Variances
  - (5) Appeals
  - (6) Nonconforming uses and nonconforming structures
  - (7) Temporary permits

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<sup>83</sup> Sections 1 to 170 of this chapter.



- C. Transmittal of Papers. Upon receipt of an application for a special exception, variance, temporary use papers, or a notice of appeal, the Zoning Officer must transmit to the secretary of the Zoning Hearing Board and to the Borough Planning Commission, copies of all papers constituting the record upon the special exception, variance, temporary use permit, or appeal.
- D. Action on Zoning Permits. Within 15 days, except for holidays, after receipt of an application for a zoning permit, the Zoning Officer must grant or refuse the permit. If the application conforms to the applicable requirements of the Zoning Permit Ordinance<sup>84</sup> and this ordinance, the Zoning Officer must grant a permit. If the permit is not granted, he must state in writing the grounds of his refusal within 15 days after receipt of the application.
- E. Action on Certificates of Occupancy. Within 15 days, except for holidays, after receipt of an application for a certificate of occupancy, the Zoning Officer must grant or refuse the certificate. In the event that the issuance of a certificate of occupancy is denied upon application therefore, the Zoning Officer must state in writing the grounds of his refusal within 15 days after receipt of the application.
- F. Violations. Upon determining that a violation of any of the provisions of this ordinance exists, the Zoning Officer must serve notice on the person committing or permitting the same that:
- (1) A complaint has been filed with the Zoning Hearing Board, and
  - (2) The Board will hold a hearing on the complaint not more than 30 days following notice.
- Following the hearing, he must take the action necessary to terminate the violation, [which may] include recourse to a court of record.
- G. Records. The Zoning Officer must keep a record of:
- (1) All applications for building permits and use certificates and all actions taken on them together with any conditions imposed by the Zoning Hearing Board.
  - (2) All complaints of violations of provisions of this ordinance and the action taken on them.
  - (3) All plans submitted.
  - (4) Nonconforming uses and nonconforming structures.

All records and plans are available for public inspection.

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<sup>84</sup> See Chapter 5.

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- H. Reports. The Zoning Officer shall prepare a monthly report for the Borough Council summarizing for the period since his last previous report all zoning permits issued and certificates countersigned by him and all complaints of violations and the action taken by him consequent thereon. A copy of each such report shall be filed with the Office of the Chief Assessor of Perry County at the same time it is filed with the Borough Council.

(Ord. 131, 7/8/1975, Art. XIV, §14.06; as amended by Ord. 145, 3/24/1980, §§6 to 10)

### **§167. Zoning Hearing Board**

#### A. General

- (1) Membership of Board. The membership of the Board shall be three residents of the Borough appointed by the Borough Council. Their terms of office shall be three years and shall be so fixed that the term of office of one 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, except that no more than one member of the Board may also be a member of the Planning Commission.
- (2) Removal of Members. 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, taken after the member has received 15 days' advance notice of the intent to take such a vote. A public hearing shall be held in connection with the vote if the member shall request it in writing.
- (3) Organization of Board. 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 not be less than a majority of all the members of the Board, but where two members are disqualified to act in a particular matter, the remaining member may act for the Board. 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 Section 14.07 of this ordinance.<sup>85</sup> 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 and shall submit a report of its activities to the Borough Council once a year.
- (4) Powers. The Zoning Hearing Board has the following powers:
  - (a) Interpretations. To interpret any provision of this ordinance including district boundaries.

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<sup>85</sup> This section.

- (b) Special Exceptions. To hear and decide special exceptions upon which the Board is required to pass under this ordinance as per Section 14.07-B following.
- (c) Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement or interpretation of this ordinance.
- (d) Variances. To authorize, upon application, in specific cases a variance from the terms of the ordinance as per Section 14.07-C following.
- (e) Rehearings. To grant the rehearing of a case if it appears there has been a substantial change in the facts [submitted] as evidence of the case as presented at the initial hearing.
- (f) Validity. The Board shall hear challenges to the validity of this Zoning Ordinance or Map except as indicated in Section 1003 and Subsection (1)(B) of Section 1004 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
- (g) Unified Appeals. Where the Board has jurisdiction over a zoning matter, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any Borough ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall [not] have the power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 14.07-D. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.

In exercising the powers above, the Board, in conformity with the provisions of this ordinance, may reverse, affirm, or modify the order, requirement, decision, or [determination, and make such] order, requirement, decision or determination as ought to be made.

- (5) Board Calendar. Each application or appeal filed in the proper form with the required data, must be numbered serially and be placed upon the calendar of the Board by the secretary. Applications and appeals must be assigned for the hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of the application or appeal. The Board must fix a reasonable time for hearings.

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### B. Special Exceptions

- (1) Referral to Planning Commission. All applications for a special exception must be referred to the Borough Planning Commission for a report.
- (2) Conditions. The Zoning Hearing Board, in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same district.
- (3) Application of Extent-of-Use Regulations. The extent-of-use regulations, as set forth in the use regulations, must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board must impose extent-of-use requirements as necessary to protect the public welfare and the Comprehensive Plan.
- (4) General Standards. The Zoning Hearing Board, before granting a special exception for any use, must find that the use and the operations in connection with it would be in harmony with the orderly and appropriate development of the zone. In particular, the Board must make the findings following, in writing:
  - (a) Use. That the items below are in harmony with the orderly and appropriate development of the zone:
    - 1) Location of the use, including location with respect to the existing or future streets giving access to it.
    - 2) Nature and intensity of the operations involved.
  - (b) Facilities and Services. That adequate water, sewerage, storm drainage, fire and police protection are or can be provided for the use.
  - (c) Buildings, Walls and Fences. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature, and height of buildings, walls, and fences.
  - (d) Traffic. That the use will not create traffic congestion or cause commercial or industrial traffic to use residential streets.

Additional findings or considerations to weigh for particular uses follow in the remainder of this Section 14.07.

- (5) Standards for Alteration or Expansion of Nonconformities. In passing upon a special exception application for the expansion of nonconformities, the Zoning Hearing Board must require the following:

- (a) Expansion Confined to Lot. That expansion of the nonconformity be confined to the lot on which the use is located.
- (b) Access, Parking and Loading. Provisions of access drives, off-street parking and off-street loading consistent with standards required by this ordinance.
- (c) Yards, Height and Building Areas. Provisions of yards, building height and building area consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
- (d) Appearance. That the appearance is harmonious with surrounding properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements and open spaces.
- (e) Buffers and Screens. Buffers and screens as necessary to adequately protect neighboring properties, including, but not limited to fences, walls, planting and open spaces.
- (f) Additional Requirements. Such additional requirements as may be necessary to assure that the proposed alteration or expansion will not impair the use or development of neighboring properties.

C. Variance

- (1) Referral to Planning Commission. All applications for a variance must be referred to the Borough Planning Commission for a report.
- (2) Standards for Variances. Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this ordinance<sup>86</sup> provided the following findings are made where relevant in a given case:
  - (a) There are unique physical circumstances or conditions, including (1) irregularity, narrowness, or shallowness of lot size or shape or (2) exceptional topographical or other physical conditions peculiar to the particular property, and is not due to circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or zone in which the property is located.
  - (b) Because of these physical circumstances or conditions, the property cannot reasonably be used in strict conformity with the provisions of the Zoning Ordinance.

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<sup>86</sup> Sections 1 to 170 of this chapter.

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- (c) The unnecessary hardship is not financial in nature and has not been created by the appellant.
  - (d) The variance, if authorized, will not alter the essential character of the neighborhood or zone 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.
  - (e) 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) Conditions. In granting any variance, the Board may attach such reasonable conditions and safeguards as it considers necessary to implement the purposes of this Zoning Ordinance.
- (4) Temporary Permits — Granting of. The Zoning Hearing Board may grant a temporary permit for a nonconforming use or structure, existing or new, which
- (a) Is beneficial to the public health or general welfare, or
  - (b) Is necessary to promote the proper development of the community, or
  - (c) Is seasonal in nature.

The permit may be issued for a period not exceeding one year, and may be renewed for an aggregate period not exceeding three years. The nonconforming structure or use must be completely removed upon the expiration of the permit without cost of the Borough.

### D. Public Hearings

- (1) Notice; Conduct of Meeting. Notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the Governing Body shall designate by ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. The Governing Body shall establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land.

The hearings shall be conducted by the Board. The decision, or, where no decision is called for, the findings shall be made by the Board. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

The Board 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 communications, reports, staff memoranda, or other materials 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.

- (2) Representation; Statements. 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.

The parties shall have the rights 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.

Statements are to be made in the following order or as the chairman may direct:

- (a) Applicant or appellant
- (b) Zoning Officer and other officials
- (c) Any private citizen.

The applicant or appellant must be given opportunity for rebuttal.

- (3) Witnesses. The chairman or acting chairman of the Board 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.
- (4) Decision Procedure. The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any 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. Where the Board has power to render a decision and the Board fails to render the same within the period required by this subsection, or fails to hold the required hearing within 45 days from the date of the ap-

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plicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless applicant has agreed in writing to an extension of time. Where 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 Borough shall give public notice of said decision within 10 days in the same manner as provided in subsection D(1) above. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

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.

Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the condition upon which it was granted or the conditions imposed by this ordinance are adhered to.

- (5) Zoning Appeals to Court. Zoning appeals shall include appeals from the decision of the Zoning Hearing Board and appeals upon report of the Board in the proceedings to challenge the validity of any ordinance [or] map. Zoning appeals may betaken to court by any party before the Board or any officer or agency of the Borough.

The procedure to be followed in filing appeals to court shall be in accordance with Article X, Pennsylvania Municipalities Planning Code (Act 247) as amended.

- (6) Records. The Board shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

(Ord. 131, 7/8/1975, Art. XIV, §14.07)



**§168. Borough Engineer**

A. Powers and Duties

- (1) Drainage. At the request of the Zoning Officer or the Zoning Hearing Board, the Borough Engineer must review site plans or other data to ascertain that provision for surface water drainage will be adequate.
- (2) Buildings Adjacent to Drainage Channels and Watercourses. The Borough Engineer shall review plans for buildings adjacent to drainage channels or watercourses to ascertain that the buildings will be an adequate distance from the high-water line.
- (3) Zoning Hearing Board Cases. Where the exercise of the above powers and duties involves an application or appeal to the Zoning Hearing Board, the Borough Engineer shall make recommendations to the Board. The approving authority in such cases shall be the Zoning Hearing Board and not the Borough Engineer.

(Ord. 131, 7/8/1975, Art. XIV, §14.08)

**§169. Planning Commission**

A. Powers and Duties

- (1) Zoning Hearing Board Cases. Within 30 days of receiving an application for a special exception or variance from the Zoning Hearing Board, the Borough Planning Commission must give written report on it to the Board.
- (2) Amendments. The Borough Planning Commission may recommend amendments to the regulations and provisions of this Zoning Ordinance<sup>87</sup> to the Borough Council. For a proposed amendment stemming from other sources, the Commission must review it and make a recommendation regarding it to the Borough Council within 30 days after receipt of the proposal. At least 30 days prior to the Borough Council's hearing on the amendment to the ordinance, the Borough Planning Commission shall submit the proposed amendment to the ordinance to the Perry County Planning Commission for recommendation.
- (3) Screens Where C and I Districts Abut R Districts. In reviewing plans for fences or hedges where C or I Districts abut an R District, the Borough Planning Commission must accept or refuse the plans, depending on their adequacy for this purpose.

(Ord. 131, 7/8/1975, Art. XIV, §14.09)

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<sup>87</sup> Sections 1 to 170 of this chapter.

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### §170. Borough Council

#### A. Powers and Duties

- (1) **Zoning Officer - Appointment.** The Borough Council must appoint a Zoning Officer who may not hold any elective office in the Borough, who shall administer this ordinance<sup>88</sup> in accordance with its literal terms. As the enforcement officer for this ordinance, he issues all building permits, use certificates, and at the direction of the Zoning Hearing Board, special exceptions and variances.
- (2) **Zoning Hearing Board — Appointment.** The Borough Council must appoint three residents of the Borough to a Zoning Hearing Board. No member may hold any other Borough office except Planning Commissioner. Only one Planning Commissioner may be appointed to the Board. The Council must designate one member to serve until the first day of January following the effective date [of this ordinance],<sup>89</sup> one member to serve until the first day of the second January thereafter, and one member to serve until the first day of the third January thereafter. Successors must be appointed on the expiration of the respective terms above to serve three years. Appointments to fill vacancies must be only for the unexpired portion of the terms.
- (3) **Amendments.** The Borough Council may from time to time on its own motion, or on petition or on recommendation of the Borough Planning Commission, amend, supplement, or repeal any of the regulations and provisions of this ordinance. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In the case of curative amendments,<sup>90</sup> the Borough Council shall commence a hearing thereon within 60 days of the request. In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough Council shall submit each such amendment to the Borough Planning Commission [at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission] an opportunity to submit recommendations. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further 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.

(Ord. 131, 7/8/1975, Art. XIV, §14.10)

<sup>88</sup> Sections 1 to 170 of this chapter.

<sup>89</sup> See Note 3 of this chapter.

<sup>90</sup> See Section 165(E) of this chapter.