

Chapter 27

ZONING

Part 1
SHORT TITLE, PURPOSE AND DEFINITIONS

§ 27-101. Short Title. [Ord. 1999-1, 1/3/2000, § 100]

This chapter shall be known as the "Hallam Borough Zoning Ordinance."

§ 27-102. Purpose. [Ord. 1999-1, 1/3/2000, § 101]

1. Purpose of Chapter. The regulations in this chapter have been promulgated with the purpose of promoting, protecting and facilitating:

- A. Coordinated and practical community development.
- B. Proper density of population.
- C. Adequate water and sewerage.
- D. Adequate schools, parks and other public grounds and buildings.
- E. Adequate light and air.
- F. Adequate transportation, parking and loading space.
- G. The public health, safety and general welfare.

These regulations are also designed to prevent:

- H. Overcrowding of land.
 - I. Blight.
 - J. Danger and congestion in travel and transportation.
 - K. Injury or loss of health, life or property from fire, flood, subsidence, panic or other dangers.
2. Community Development Objectives. This chapter is enacted as part of the overall plan for the orderly growth and development of Hallam Borough. As such, this chapter is based upon the expressed or implied community development objectives as contained in the Hallam Borough Comprehensive Plan.

§ 27-103. Definitions. [Ord. 1999-1, 1/3/2000, § 102; as amended by Ord. 2004-1, 2/9/2004, § 1]

- 1. Word Usage. Words and phrases will be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this section.
- 2. Language Interpretation. In this chapter when consistent with the context:
 - A. Words in the present tense imply also the future tense.
 - B. The singular includes the plural.

- C. The male gender includes the female gender.
 - D. The work "person" includes a partnership or corporation as well as an individual.
 - E. The term "shall" or "must" is always mandatory.
3. Specific Words and Phrases. The following words and phrases shall have the particular meaning assigned by this section in the appropriate Sections of this chapter:

ADULT BOOK STORE — An establishment open to the general public in which the principal business and/or 20% or more of the occupied sales or display area offers for sale, for rent or lease, for loan or for view upon the premises, pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape or similar visual representations distinguished or characterized by an emphasis on sexual content or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct or offers for sale sexual devices.

ADULT THEATER — A building or a room within a building open to the general public, used for presenting motion picture film, video tape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

ALLEY — A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS — As applied to a building or structure, any change or rearrangement in the floor area or use configurations or an enlargement, whether by extending on a side or by increasing in height or the moving from one location or position to another.

ALTERATIONS (HISTORIC ZONE) — As applied to a building or structure in the Historic Zone, any change or rearrangement in the face of a building, particularly a face that is visible from a roadway, or an enlargement, whether by extending on a face or by increasing in height, or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL — Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

ANIMAL HOSPITAL — A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl.

AVENUE — See "street."

BASEMENT — A story having part, but not more than 1/2, of its height below the average level of the adjoining ground.

BED-AND-BREAKFAST — An owner occupied single-family detached dwelling where between one and five rooms are rented to overnight guests on a daily basis for periods of less than one week. Breakfast may be offered only to registered overnight guests.

BUILDING — Any roofed structure or edifice designed or intended for use as an enclosure, a shelter or for protection of persons, animals or property.

- A. **DETACHED** — A building which has no party wall.
- B. **SEMI-DETACHED** — A building which has only one party wall in common with another building.
- C. **ATTACHED** — A building which has two or more party walls in common with another building.

BUILDING AREA — The total area of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings.

BUILDING COVERAGE (MAXIMUM) — A percentage which when multiplied by the lot area will determine the permitted area that can be developed or covered by buildings.

BUILDING HEIGHT — The total overall height of a building measured from the basement floor or grade level (if not basement exists) to the highest point of the roof.

BUILDING LINE — A straight line formed by the appropriate wall of the principal building or structure, projected the full width of the lot. When the building or structure is other than rectangular, the building line shall be established by that portion of the building or structure farthest from the appropriate lot line.

CAR WASH — See "commercial automobile washing establishment."

CARTWAY — See "roadway."

CELLAR — A story partly underground and having than 1/2 of its clear height below the average level of the adjoining ground.

CHILD DAY-CARE CENTER — A facility licensed by the Commonwealth of Pennsylvania that provides a wide range of formal day care services outside of a residence to children who are not relatives of the care giver.

CLUB — An organization catering exclusively to members and their guests or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided that they are not operated for profit, provided that there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such "club." "Clubs" shall include, but not be limited to, service and political organizations and labor unions, as well as social and athletic clubs.

COMMERCIAL AUTOMOBILE WASHING ESTABLISHMENT — A commercial facility for the washing of motor vehicles measuring less than 300 inches in length and 96 inches in height.

- A. Access must be on an arterial street or collector street as designated in the Borough Comprehensive Plan.
- B. Public water and sewer facilities shall be utilized and private onlot recycled water systems are required.
- C. Subject property shall maintain a maximum impervious area of 80%.

- D. Trash receptacles shall be provided and must be maintained to prevent the scattering of any litter.
- E. Only biodegradable and environmentally safe soaps and other phosphate free chemicals may be used onsite.
- F. Onlot traffic circulation channels and parking areas shall be marked by clearly visible lines on pavement.
- G. Absolutely no water from the operation shall flow onto sidewalks or streets.
- H. Any car wash that is located within 200 feet of an existing residence shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- I. Each washing bay shall provide a minimum 100-foot onsite stacking lane which precedes the washing process.
- J. A post-washing drying area shall be provided for no less than three vehicles.

CONVALESCENT OR NURSING HOME — Any structure containing sleeping rooms where persons are housed or lodged and furnished with meals and nursing care.

DISTANCE BETWEEN BUILDINGS — The required distance between facings or building walls measured at the narrowest point.

DOMICILIARY CARE UNIT — A building or structure designed for living quarters for one or more families, which in addition to providing living quarters for one or more families provides, on a State or federally licensed basis, twenty-four-hour supervised protective living arrangements by the families residing therein for not more than three persons 18 years of age and above who are disabled physically, mentally, emotionally or as a result of old age and are unrelated to the family providing the care.

DRIVE-IN BUSINESS — A commercial establishment, including a drive-in eating establishment, offering articles or services which are either purchased or consumed on the premises and which has a greater area devoted to the purchase and consumption of such articles and services on the outside rather than on the inside of the building.

DRIVEWAY — A minor vehicular right-of-way providing access between a streets and a parking area or garage within a lot or property. A residential driveway may not serve more than two units, except when it allows access to a common parking area.

DWELLING — A building or structure designed for living quarters for one or more families, including mobile homes which are attached to the ground, but not including rooming houses, convalescent homes, motels, hotels and tourist homes or other accommodations used for transient occupancy.

A. **SINGLE-FAMILY** — A building designed and with utilities and facilities exclusively as a residence for one family.

- (1) **SINGLE-FAMILY, ATTACHED ROW** — A building containing one dwelling unit and having two party walls in common with other buildings

(such as a row house or townhouse). The "end-unit" for each row of dwelling units shall be a single-family semidetached dwelling unit.

- (2) SINGLE-FAMILY, DETACHED — A building containing one dwelling unit and having two side yards.
 - (3) SINGLE-FAMILY, SEMI-DETACHED — A building containing one dwelling unit, having one side yard and one party wall in common with another building.
- B. TWO-FAMILY — A building designed and with utilities and facilities exclusively as a residence for two families.
- (1) TWO-FAMILY, DETACHED — A building containing two dwelling units, with one dwelling unit arranged vertically over the other or horizontally beside the other and having two side yards. Each set of two dwelling is on a separate lot.
 - (2) TWO-FAMILY, SEMI-DETACHED — A building containing two dwelling units, with one dwelling unit arranged over the other, having one side yard and one party wall in common with another building. Each set of two dwelling units is on a separate lot.
- C. MULTIFAMILY — A building designed and with utilities and facilities as a residence for three or more families.
- (1) DWELLING, MULTIFAMILY — A building containing three or more dwelling units in a vertical or horizontal arrangement. All dwelling units are on the same lot.

DWELLING UNIT — A building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having separate cooking facilities.

DWELLING, GROUP — A group of two or more single-family, two family or multifamily dwellings occupying a lot in one ownership.

EASEMENT — A limited right of use granted in private land for a public or quasi-public purpose.

FAMILY — One or more persons who live in one dwelling unit and maintain a common household. May consist of a single person or two or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodging or rooming house.

FLOOR AREA, HABITABLE — The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

HOME GARDEN — An area where fruit, vegetables and/or flowers are grown, principally for home use.

HOME OCCUPATION OR PROFESSION - LEVEL ONE —

A. This use is defined as follows:

- (1) Day care providers who provide services for three or fewer children.
- (2) Home craft and/or (excluding motor vehicle repair and other items not fully confined within the structures on the property) businesses involving no onsite sales or deliveries larger than parcel size.
- (3) "Addresses of conveniences" for contractors, etc., who do not receive deliveries larger than parcel size or meet employees or clients at their address.
- (4) Home office type occupations such as data transcription, etc., that are operated solely by an occupant of that property and do not involve clients visiting the premises.
- (5) Home products distributors such as Avon, Amway and Tupperware, etc., so long as there would be no onsite sales or warehousing exceeding 15% of total floor space on the property.

B. Prohibitions on this type of use shall include:

- (1) Noise, dust, fumes, smoke, etc., that are detectable outside the property.
- (2) Motor vehicles more than 9,000 pounds GVW and a limit of one commercial vehicle.
- (3) Signs of any type.
- (4) Any exterior evidence of the trade within.
- (5) Nonresident employees working at the home or property at issue, including nonresident family members.

Additionally, this use shall be required to obtain from the Permit Officer, every five years, a use certificate. This certificate will not be issued until the Permit Officer has inspected the premises to ascertain compliance with the above requirements. Without this certificate, the use must be abandoned.

HOME OCCUPATION OR PROFESSION - LEVEL TWO — A special type of accessory se. It is an occupation or profession which:

- A. Is carried on only in a dwelling unit or in a structure accessory to a dwelling unit.
- B. Is carried on by a member of the family residing in the dwelling unit and no more than two nonresidents.
- C. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

HOSPITAL — A place for the diagnosis, treatment or other care of humans and

having facilities for inpatient care.

HOT TUB/SPA — A non-inflatable outdoor structure containing water and intended for recreational use.

IMPERVIOUS SURFACE — A surface impenetrable to surface water including, but not limited to, concrete, bituminous paving and buildings and structures.

IMPERVIOUS SURFACE COVERAGE (MAXIMUM) — A percentage which when multiplied by the lot area will determine the permitted area which may be covered with an impervious surface (e.g., buildings, driveway, parking areas, sidewalks).

INDUSTRIAL PARK — An industrial park is an industrial area:

- A. Organized and laid out in accordance with a land development plan, in accordance with the requirements of the Hallam Borough Subdivision and Land Development Ordinance [Chapter 22], for a community of industries, including the servicing of these industries; and
- B. Designed to ensure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks and use requirements.

JUNKYARD — Any establishment or place, on public or private property, where a person stores or accumulates wrecked, abandoned or junked motor vehicles, machinery or equipment, scrap metal or materials. Any tract of land used for such purposes, regardless of ownership, shall be considered a separate "junkyard."

KENNEL — Any building or buildings and/or land used for the Boarding, breeding or training of four or more dogs, cats, fowl or other small domestic animals at least four months of age and kept for purposes of profit, show, hunting or as pets, but not to include riding stables or cases involving animals raised for agricultural purposes.

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the right of the landowner or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this chapter.

LOADING SPACE — An off-street space or area suitable for the loading or unloading of goods and having direct usable access to a street or alley.

LOT — A parcel of land considered as a unit (A) for a principal use and/or (B) from the standpoint of ownership. It may be vacant, devoted to a certain use, occupied by a structure or occupied by a group of structures that are united by a common interest or use. Each separately deeded property shall be considered a separate lot.

LOT AREA — The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT WIDTH — The required distance between the side property lines measured along the street line.

MASSAGE ESTABLISHMENT (ADULT) — A commercial establishment whose

business emphasis is the administration of sexually oriented massage to patrons by employees.

MASSAGE ESTABLISHMENT (THERAPEUTIC) — Any establishment or business which provides the services of Swedish, deep tissue or similar types of massage that is certified by NCBTMB (National Certification Board for Therapeutic Massage and Bodywork) or similar associations. This definition includes an athletic club, health club, school gymnasium, reducing salon, beauty salon, tanning salon, spa or similar establishments where massage is offered as an incidental or accessory service. Such establishments are operated by having the following kinds of professionals working on the premises:

- A. Chiropractors.
- B. Medical practitioners.
- C. Trained physical therapists.
- D. Certified massage therapists.

MEDICAL CLINIC — Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

MINI-STORAGE FACILITY — A commercial rental facility, of three or more units, providing for the enclosed storage of household items, manually moved commercial items, recreational vehicles or equipment and classic or antique automobiles where said items are retained for the direct use by their owner who shall have direct access thereto without immediate handling by the proprietor of the facility. Mini-storage units shall not be used as offices, shops or residences and shall not house any items or operations other than dead storage as specified above. No volatile, toxic or hazardous materials shall be stored in such facilities.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one 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 and constructed so that it may be used without a permanent foundation.

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 PARK — A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

MULTIFAMILY CONVERSION — A multifamily dwelling constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building.

NONCONFORMITY —

- A. A use, structure, lot or dimension in conflict with the regulations of this chapter:
- (1) Existing on the effective date of this chapter.
 - (2) Existing at any subsequent amendment of this chapter.
 - (3) Created by variance.
- B. Specifically, the following types of nonconformities are distinguished:
- (1) Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this chapter or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.
 - (2) Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or any amendment theretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation.
 - (3) Nonconforming Lot. A lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zone in which it is located by reasons of such adoption or amendment.

NURSING HOME — A licensed establishment which provides full-time convalescent or chronic care or both, where persons are housed or lodged and furnished with meals and nursing care for hire (also known as a convalescent home).

OPEN AREA (MINIMUM) — A percentage, which when multiplied by the lot area, will determine the required unbuildable area of the lot. However, paved area and all structures which are not buildings are to be considered as part of the required open area.

ORNAMENTAL POND — A decorative, man-made body of water less than 18 inches deep in which swimming is not the primary purpose for its construction.

PARCEL — A package weighing less than 150 pounds and measuring less than 130 united (length, width and height added together) inches.

PARKING GARAGE — A building where passenger vehicles may be stored for short term, daily, overnight, off-street parking.

PARKING LOT — An open lot where passenger vehicles may be stored for short term, daily, overnight, off-street parking.

PARKING SPACE — A paved off-street space available for the parking of one

motor vehicle and having direct usable access to a street or alley.

PORCH — An open, unscreened or unenclosed, roofed or unroofed entryway/sitting area that has no obstructions to visibility at a height of three to seven feet from grade level and will not alter intersection sight distances as per § 22-506(4) of the Hallam Borough Subdivision and Land Development Ordinance [Chapter 22]. Screened porches are considered as an enclosed addition or structure.

PUBLIC — Owned, operated or controlled by a governmental agency (Federal, State or local, including a corporation created by law for the performance of certain specialized governmental functions and the Board of Education).

PUBLIC BUILDING — A building owned and/or operated by a government agency.

PUBLIC SEWER — A municipal sanitary sewer system or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection.

PUBLIC UTILITY BUILDING — A building shown to be necessary, both in use and location for the operation or provision of a public utility.

PUBLIC WATER — A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection.

ROADWAY (CARTWAY) — The portion of a street right-of-way paved or unpaved, intended for vehicular use.

ROOMING HOUSE — A building containing a single dwelling unit and guest rooms, where lodging is provided with or without meals for compensation.

SCREEN PLANTING — A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining zones the structures and uses on the premises on which the screen planting is located.

SETBACK — The required horizontal distance between a setback line and a property or street line.

- A. **SETBACK, FRONT** — The distance between the street right-of-way line and the front setback line projected the full width of the lot.
- B. **SETBACK, REAR** — The distance between the rear lot line and the rear setback line projected the full width of the lot.
- C. **SETBACK, SIDE** — The distance between the side lot line and the side setback line projected from the front yard to the rear yard.

SETBACK LINE — A line within a property and parallel to a property or street right-of-way line which delineates the required minimum distance between a structure and that property or street right-of-way line.

SEXUAL CONDUCT — Ultimate sexual acts, of any nature, actual or simulated, involving a person or person, or a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, anilingus or physical contact with a person's nude or partially denuded genitals, pubic area, perineum, anal region, or, if such person is female, a breast.

SEXUAL DEVICE — Any artificial human penis, vagina or anus or other device primarily designed, promoted or marketed to stimulate or manipulate the human genitals, pubic area, perineum or anal area, including dildos, penisators, vibrators, vibrillators, penis rings and erection enlargement or prolonging creams, jellies or other such chemicals or preparations.

SEXUALLY EXPLICIT NUDITY — The sexually oriented and explicit showing, by any means including, but not limited to, close-up views, poses or depictions in such position or manner which present or expose such areas to the following:

- A. Full or partially developed human female breast with less than a full opaque covering of any portion thereof below the top of the areola or nipple.
- B. The depiction of covered human male genitals in a discernible turgid state.
- C. A lewd exhibition of the human genitals, pubic area, perineum, buttocks or anal region, with less than a fully opaque covering.

SHOPPING CENTER — A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. A shopping center shall be considered as one principal use.

SIGN — A device for visual communication that is used to bring the subject to the attention of the public, but not including lettering or symbols that are an integral part of another structure or flags or other insignia of any government, government agency or of any civic, charitable, religious, fraternal or similar organization.

- A. **SIGN, ADVERTISING** — A sign whose major purpose is for directing attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.
- B. **SIGN, BUSINESS** — A sign directing attention to a business or profession conducted on the same lot or as incidental to a business, to products sold upon the same lot.
- C. **SIGN, DIRECTIONAL** — A sign which directs people to a community, an event of public interest, public uses and buildings, uses and buildings of service and charitable organizations and uses and buildings of commercial nature, provided, that no advertising matter other than identifying name or symbol shall be contained on signs of this type.
- D. **SIGN, FREESTANDING** — A sign supported by uprights or braces placed upon the ground and not attached to a building.
- E. **SIGN, PROJECTING** — A sign which is attached to a building or other structure and extends beyond the line of a building or structure or beyond the surface of that portion of the building or structure to which it is attached.

STORY — That portion of a building, excluding cellars, included between the surface of any floor and the surface of the floor next above it, or if there is not floor above it, then the space between any floor and the ceiling next above it.

STREET — Includes street, avenue, boulevard, road, highway, freeway, land, alley, viaduct and any other ways used or intended to be used by vehicular traffic or

pedestrians, whether public or private.

STREET GRADE — The officially established grade of the street upon which a lot fronts or in its absence the established grade of other street upon which the lot abuts, at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE — A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "right-of-way line."

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

A. **ACCESSORY** — A subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to the use of the principal structure.

B. **PERMANENT** — A structure which cannot readily be removed.

C. **TEMPORARY** — A structure which can readily be removed.

SWIMMING POOL — Any reasonably permanent pool, not located within a completely enclosed building and containing, or normally capable of containing, water to a depth at any point greater than 1 1/2 feet. Farm ponds and/or lakes are not included; provided, that swimming was not the primary purpose for their construction.

USE — The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

A. **ACCESSORY USE** — A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.

B. **PRINCIPAL USE** — The primary use of a lot or structure. There shall be no more than one principal use per lot. This chapter specifically prohibits multiple uses of the same type on one lot.

UTILITY SHED — A small building having a floor area not exceeding 120 square feet and a height of not more than 10 feet, intended primarily for the storage of yard and garden equipment, bicycles and miscellaneous household items incidental to a residence.

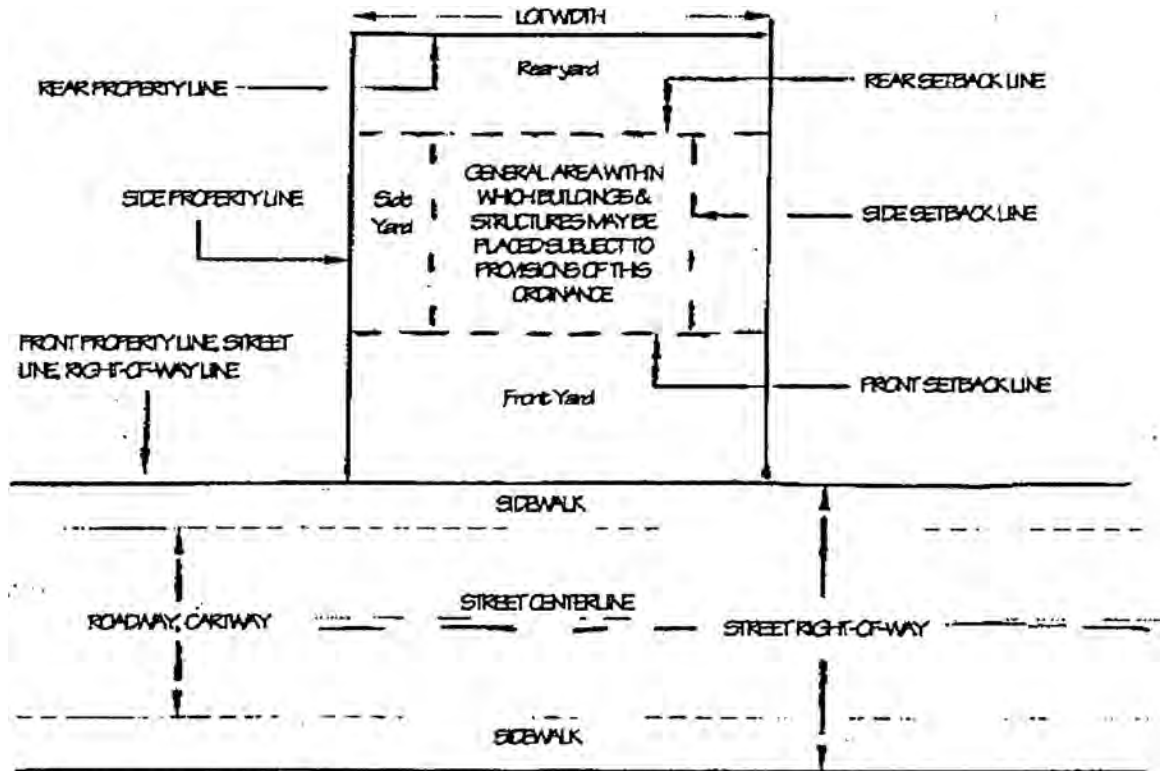
VARIANCE — A modification of any provision of this chapter granted by the Zoning Hearing Board.

YARD — A prescribed open area on a lot, unobstructed from the ground upward except as modified in § 27-402 of this chapter.

A. **FRONT** — An area bounded by the street line, front building line and side property line.

B. **REAR** — An area bounded by the rear property line, rear building line and side property line.

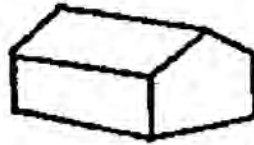
- C. **SIDE** — Areas bounded by side property lines, side building lines and front and rear yards.



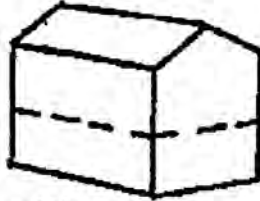
Sketch Plan Depicting Selected Zoning Terms

Sketches of Residential Dwelling Types

SINGLE FAMILY

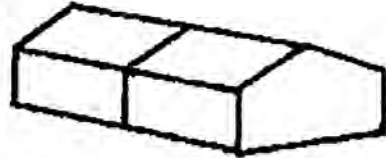


(No party wall)
(One family)



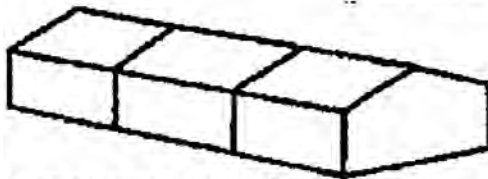
(No party wall)
(Two families)

TWO FAMILY

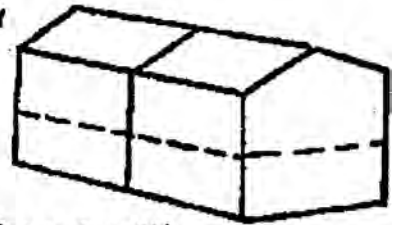


(One party wall)
(Two families)

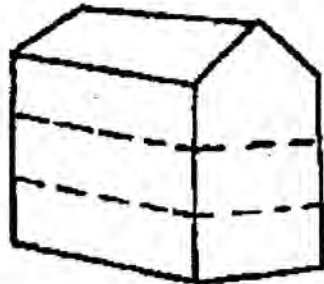
MULTIPLE OR MULTI-FAMILY



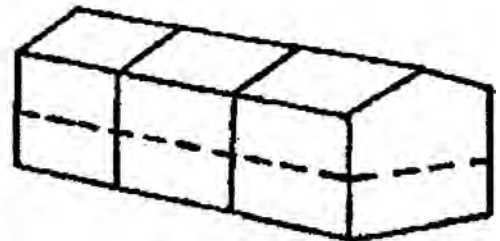
(Two or more party walls)
(Three or more families)



(One party wall)
(Four families)



(Three or more stories)
(Three or more families)



(Two or more party walls)
(Six or more families)

Part 2
ZONE REGULATIONS

§ 27-201. Zones and Boundaries. [Ord. 1991-1, 1/3/2000, § 200; as amended by Ord. 2004-1, 2/9/2004, § 1]

1. Establishment of Zones. The Borough of Hallam is divided into zones enumerated below and shown on the map entitled "Zoning Map of Hallam Borough," which map is part of this chapter:
 - A. R-T Residential Town.
 - B. R-O Residential Outlying.
 - C. MU Mixed Use. **[Amended by Ord. No. 2016-6, 11/14/2016]**
 - D. I Industrial.
 - E. H Historic.
 - F. Re/M Recreational/Municipal.
2. Boundaries of Zones. Where uncertainty exists as to the boundaries of the zones as shown on the Zoning Map, the following rules shall apply:
 - A. Boundaries indicated as approximately following the center line of streets, highways or alleys shall be construed to follow such center lines.
 - B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - C. Boundaries indicated as approximately following Borough limits shall be construed as following Borough limits.
 - D. Boundaries indicated as approximately following the center line of streams, rivers or other bodies of water shall be construed to follow such center lines.
 - E. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (D) shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
 - F. Where physical features existing on the ground are at a variance with those shown on the Official Zoning Map or in circumstances not covered by subsections (A) through (E), the Zoning Hearing Board shall interpret the zone boundaries.

§ 27-202. Use Regulations. [Ord. 1999-1, 1/3/2000, § 201]

1. Uses Permitted. The uses permitted in the zones established by this chapter and the permitted extent of these uses are as shown in §§ 27-203 through 27-207. The uses shown as permitted in each zone are the only uses permitted in that zone. Unless otherwise noted, the use or dimensional standards are the requirements for each use. However:

- A. Additional general provisions are set forth in Part 3.
 - B. Modifications to the use or dimensional requirements are set forth in Part 4.
 - C. General standards for variances and special exceptions are set forth in Part 5.
 - D. Standards for special exception uses are set forth in Part 6.
2. All Other Uses. Any use not specifically allowed elsewhere in this chapter shall be allowed by special exception in the zone or zones where, and to the extent that, similar uses are permitted or allowed by special exception, provided that said use meets the requirements for a special exception and does not constitute a public or private nuisance.
 3. Accessory Uses and Structures. Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this chapter and shall be further subject to the requirements for accessory uses and structures as set forth in § 27-301.
 4. Use With Nuisance Effect. In no case is a use permitted which by reason of noise, dust, odor, appearance, excessive vehicular traffic or other objectionable factor creates a nuisance, hazard or other substantial adverse effect upon the reasonable enjoyment of the surrounding property.

§ 27-203. Residential Town Zone (R-T). [Ord. 1999-1, 1/3/2000, § 202]

1. Purpose. The purpose of the R-T Zone is to improve and maintain the character of the old, established residential areas within the Borough, to provide for the public health and to prevent the overcrowding of land through the application of maximum housing densities, to exclude any activities not compatible with residential development.
2. Uses by Right. Only one of the following principal uses are permitted by right on any given lot in the R-T Zone:
 - A. Single-family dwelling.
 - B. Two-family dwelling with both dwelling units located on a single lot.
 - C. Two-family dwelling with each dwelling unit having a separate lot.
 - D. Parks and other open space.
3. Secondary Uses Permitted by Right. The following are secondary uses permitted in conjunction with any one principal use:
 - A. Home gardens.
 - B. Home Occupation - Level One.
4. Uses by Special Exception. Only one of the following principal uses are permitted as special exceptions on any given lot when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Parts 5 and 6 of this chapter:

- A. Rooming house.
 - B. Multifamily dwelling(s) with individual dwelling units located on a single lot (e.g., garden apartments) as well as three or more single-family units on a single lot or two or more two-family units on a single lot or any combination of structures thereof.
 - C. Multifamily dwelling with individual dwelling units located on separate lots (e.g., townhouses or row houses).
 - D. (Reserved)¹
 - E. Public building and facilities.
 - F. Convalescent home, hospital.
 - G. House of worship.
 - H. Club room, club grounds, meeting hall.
 - I. Public utility building.
 - J. Parking lot or garage.
 - K. Medical and/or dental clinic.
 - L. Mini-storage facility of less than five units.
5. Secondary Uses by Special Exception. The following use is permitted as a special exception on any given lot when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Parts 5 and 6 of this chapter.
- A. Home Occupation or Profession - Level 2.
6. Lot Area and Width. **[Amended by Ord. No. 2016-2, 1/28/2016]**
- A. Single-Family Detached Dwelling: minimum lot area, 7,500 square feet; minimum lot width, 50 feet (e.g., a lot of 50 feet by 150 feet).
 - B. Two-Family Dwelling on a Single Lot: minimum lot area, 4,000 square feet per dwelling unit; minimum lot width, 40 feet per dwelling unit (e.g., a duplex lot of 80 feet by 100 feet).
 - C. Two-Family Dwelling (Semidetached) on Separate Lots: minimum lot area, 7,000 square feet each lot; minimum lot width, 50 feet (e.g., 50 feet by 140 feet each lot).
 - D. Parks and Other Open Space: minimum lot area, 40,000 square feet (e.g., 200 feet by 200 feet).
 - E. Special Exception Principal Uses: as set forth in specific standards found in Part 6 of the Chapter. If no minimum lot area is specified for a particular use,

1. Editor's Note: Former Subsection 4D, regarding multifamily conversions, was repealed Ord. No. 2016-6, 11/14/2016.

then the Zoning Hearing Board shall determine whether the proposed minimum lot size is adequate for the intended use.

7. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:
 - A. Front setback: 25 feet, subject to §§ 27-401(1) and (2).
 - B. Each side setback: 10 feet.
 - C. Rear setback for the principal structure: 30 feet.
8. Building Height. The height limit for a principal building shall be 2 1/2 stories, but not over 35 feet, except that the height limit may be extended to 3 1/2 stories but not over 45 feet if each yard is increased in width one foot for each additional foot of height over 35 feet. The height limit for accessory buildings shall be two stories but not over 25 feet.
9. Building Coverage. Not more than 30% of the lot area may be covered by buildings, including accessory buildings.
10. Open Area. Not less than 70% of the lot area shall be devoted to open area as defined in this chapter.
11. Impervious Surface Coverage. Not more than 50% of the lot area may be covered with an impervious surface and no more than 25% of the front yard, including driveways, may be covered with an impervious surface.
12. Required Utilities. Each principal use shall be required to use public water and sewer service.

§ 27-204. Residential Outlying Zone (R-O). [Ord. 1999-1, 1/3/2000, § 203]

1. Purpose. The purpose of the R-O Zone is to improve and maintain the character of the newer residential areas within the Borough, to provide for the orderly expansion of residential development, to provide for the public health and to prevent the overcrowding of land through the application of maximum housing densities, to provide standards which will encourage the installation of public facilities and the preservation of open space, to exclude any activities not compatible with residential development.
2. Uses by Right. Only one of the following principal uses are permitted by right on any given lot in the R-O Zone:
 - A. Single-family dwelling.
 - B. Two-family dwelling with both dwelling units located on a single lot.
 - C. Two-family dwelling with each dwelling unit having a separate lot.
 - D. Farm buildings.
 - E. Crops, pasture.
 - F. Parks and other open space.

3. Secondary Uses Permitted by Right. The following are secondary uses permitted in conjunction with any one principal use:
 - A. Home gardens.
 - B. Home Occupation - Level One.
4. Uses by Special Exception. Only one of the following principal uses are permitted as special exceptions on any given lot when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Parts 5 and 6 of this chapter:
 - A. (Reserved)²
 - B. (Reserved)
 - C. (Reserved)
 - D. Public building and facilities.
 - E. Convalescent home, hospital.
 - F. House of worship.
 - G. Club room, club grounds, meeting hall.
 - H. Public utility building.
 - I. Parking lot or garage.
 - J. Medical and/or dental clinic.
 - K. Greenhouse, nursery.
 - L. Mobile home park.
 - M. Mini-storage facility of less than five units.
5. Secondary Uses by Special Exception. The following use is permitted as a special exception on any given lot when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Parts 5 and 6 of this chapter:
 - A. Home Occupation or Profession - Level 2.
6. Lot Area. Lot area not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

2. Editor's Note: Former Subsection 4A, B, and C, regarding multifamily conversions and certain multifamily dwellings, were repealed by Ord. No. 2016-2, 1/28/2016.

Use	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer
All uses except two-family dwellings	10,000 square feet	12,000 square feet	20,000 square feet
Two-family dwellings	7,000 square feet per dwelling unit	12,000 square feet per dwelling unit	20,000 square feet per dwelling unit

7. Lot Width. Lot width not less than the following dimensions shall be provided for principal uses hereafter established in this zone:

Use	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer
All uses except two-family dwellings	70 feet	80 feet	100 feet
Two-family dwellings	50 feet per dwelling unit	80 feet per dwelling unit	100 feet per dwelling unit

8. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:

- A. Front setback: 25 feet, subject to §§ 27-401(1) and (2).
- B. Each side setback: 10 feet.
- C. Rear setback for the principal structure: 30 feet.

9. Building Height. The height limit for a principal building shall be 2 1/2 stories, but not over 35 feet, except that the height limit may be extended to 3 1/2 stories, but not over 45 feet if each yard is increased in width one foot for each additional foot of height over 35 feet. The height limit for accessory buildings shall be two stories, but not over 25 feet. There shall be no height limitation for farm buildings.

10. Building Coverage. Not more than 30% of the lot area may be covered by buildings, including accessory buildings.

11. Open Area. Not less than 70% of the lot area shall be devoted to open area as defined in this chapter.

12. Impervious Surface Coverage. Not more than 50% of the lot area may be covered with an impervious surface and no more than 25% of the front yard, including driveways may be covered with an impervious surface.

13. Required Utilities. Each principal use shall be required to use public water and sewer service if capacity is available and that it is feasible to have the service extended to serve the principal use.

§ 27-205. Mixed Use Zone (MU). [Ord. 1999-1, 1/3/2000, § 204; amended by Ord. No. 2016-2, 1/28/2016; Ord. No. 2016-6, 11/14/2016]

1. Purpose. The purpose of this zone is to provide reasonable standards for the development of commercial uses which serve the day-to-day shopping needs of the local residents.
2. Use by Right. Only one of the following principal uses are permitted by right on any given lot in the MU Zone: **[Amended by Ord. No. 2016-6, 11/14/2016]**
 - A. Residential uses:
 - (1) a. Single-family detached dwelling;
 - (2) Single-family semidetached dwelling;
 - (3) Two-family detached dwelling (over/under or side-by-side on one lot);
 - (4) Apartment house (three or more units in a single building, provided that they are preexisting at the time of the ordinance revision);
 - (5) Apartment in conjunction with commercial establishment.
 - B. Rooming house.
 - C. Apartment in conjunction with commercial establishment.
 - D. House of worship.
 - E. Club room, meeting hall.
 - F. Public utility building.
 - G. Parking lot or garage.
 - H. Business, medical or professional office.
 - I. Funeral home.
 - J. Financial institution.
 - K. Commercial school.
 - L. Retail store or personal service shop.
 - M. Eating establishment.
 - N. Recreational establishment.
 - O. Motel, hotel.
 - P. Coin-operated laundry, dry-cleaning establishment.
 - Q. Tavern.
 - R. Outdoor sales or service.
 - S. Vehicle sales or service.
 - T. Greenhouse.

- U. Child day-care center.
 - V. Domiciliary care unit.
 - W. Nursing home.
 - X. Mini-storage facility of less than five units.
 - Y. Therapeutic massage establishment.
 - Z. Light manufacturing or storage uses that do not cause dust, smoke, fumes, gas or offensive odors beyond the boundaries of the lot; do not cause vibration beyond the boundaries of the lot; do not cause noise exceeding that of street traffic at the front, side and rear lot lines, and do not cause glare observable beyond the boundaries of the lot.
3. Uses by Special Exception. Only one of the following principal uses are permitted as special exceptions on any given lot when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Parts 5 and 6 of this chapter:
- A. Residential uses:
 - (1) Multifamily conversion.
 - (2) Level two home occupation in single-family detached dwelling only or in structure accessory to a single-family detached dwelling on the same lot.
 - B. Public building and facilities.
 - C. Transportation (passenger) terminal.
 - D. Gasoline station.
 - E. Adult bookstores and adult theaters.
 - F. Massage establishments (adult).
 - G. Mini-storage facilities of five or more units.
4. Lot Area and Width. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:
- A. Minimum lot area: 8,000 square feet.
 - B. Minimum lot width: 70 feet.
5. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:
- A. Front setback: 25 feet, subject to § 27-401(1).
 - B. Each side setback: 10 feet.
 - C. Rear setback for a principal structure: 20 feet.

6. Building Height. The principal building height limit shall be three stories but in no case more than 35 feet. The height limit for an accessory building shall be two stories but not over 25 feet.
7. Building Coverage. Not more than 60% of the lot area shall be devoted to buildings, including accessory buildings.
8. Open Area. Not less than 40% of the lot area shall be devoted to open area as defined in this chapter.
9. Impervious Surface Coverage. Not more than 80% of the lot area may be covered with an impervious surface.
10. Required Utilities. Each principal use shall be required to use public water and sewer service.
11. Parking. Parking shall be in accordance with § 27-304 of this chapter, but shall not be more than 25% of the front yard, including driveways.

§ 27-206. Industrial Zone (I). [Ord. 1999-1, 1/3/2000, § 205]

1. Purpose. The purpose of this zone is to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate development, contribute to the soundness of the economic base of the Borough and otherwise further the purposes of this chapter. In promoting these and the general purposes of this chapter, the specific intent of this zone is:
 - A. To encourage the development of and continued use of land for industrial purposes.
 - B. To prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in the zone.
 - C. To establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces and the provision of facilities and operation of industries to minimize air pollution, noise, glare, heat, vibration and fire and safety hazards.
2. Uses by Right. Only one of the following principal uses are permitted by right on any given lot in the I Zone:
 - A. Public building and facilities.
 - B. Public utility building.
 - C. Parking lot or garage.
 - D. Enclosed, large service establishment, i.e., with over 5,000 square feet of gross floor area (e.g., laundry, large appliance or equipment repair shop).
 - E. Animal hospital, kennel.
 - F. Research laboratory.
 - G. Light Manufacturing.

- (1) Manufacturing and storage use that does not:
 - (a) Cause dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot.
 - (b) Cause vibration beyond the boundaries of the lot.
 - (c) Cause noise exceeding that of street traffic at the front lot line.
 - (d) Cause glare observable from beyond the boundaries of the lot.
 - (2) This includes such uses as:
 - (a) Printing and publishing.
 - (b) Soft drink packaging.
 - (c) Lace manufacture, sewing apparel.
 - (d) Assembly of electronic apparatus.
 - (e) Instrument making, tool and die making, cabinetmaking.
 - (f) Electroplating metals, molding plastics.
- H. General Manufacturing. Manufacturing use which does not constitute an unusual fire or explosion hazard and does not create a nuisance by reason of smoke, odor, dust, noise or glare. Examples of permitted uses are:
- (1) Food, except meat-packing.
 - (2) Furniture.
 - (3) Textiles, leather, rubber, paper.
 - (4) Fabricated metals, machinery.
 - (5) Stone, clay and glass, except quarries.
- I. Industrial park.
- J. Caretaker or watchman dwelling as an accessory use.
- K. Crops.
- L. Livestock.
- M. Greenhouse, nursery.
- N. Business to business sales, such as wholesale distribution operations or industrial supply houses.
- O. Mini-storage facility.
- P. All uses allowed in the Mixed Use Zone by right. [**Amended Ord. No. 2016-6, 11/14/2016**]

3. Uses by Special Exceptions. Only one of the following principal uses are permitted as special exceptions on any given lot when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Parts 5 and 6 of this chapter:
 - A. Manufacturing other than the specifically permitted uses in subsection (2).
 - B. Junkyard, automobile dismantling plant.
 - C. Heavy storage service (e.g., warehouse, building material yard).
 - D. Truck or motor freight terminal.
4. Lot Area and Width. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:
 - A. Minimum lot area: 15,000 square feet.
 - B. Minimum lot width: 100 feet.
5. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:
 - A. Front setback: 30 feet, subject to § 27-401(1).
 - B. Each side setback: 20 feet.
 - C. Rear setback: 30 feet.
6. Building Height. The building height limit shall be three stories, but not more than 35 feet. The height limit for an accessory building shall be two stories, but not over 25 feet.
7. Building Coverage. Not more than 60% of the lot area may be covered by buildings, including accessory buildings.
8. Open Area. Not less than 40% of the lot area shall be devoted to open area as defined in this chapter.
9. Impervious Surface Coverage. Not more than 80% of the lot area may be covered with an impervious surface.
10. Required Utilities. Each principal use shall be required to use public water and sewer service if capacity is available and that it is feasible to have the service extended to serve the principal use.

See § 27-307 for screening and buffering requirements.

§ 27-207. Historic Zone (H). [Ord. 1999-1, 1/3/2000, § 206]

1. Purpose. The purpose of this zone is to encourage the preservation of locally important architectural, historical, archeological and/or cultural elements of the man-made landscape as a living part of the community. In promoting this and the general purpose of this chapter the specific intent of this zone is:

- A. To protect sites of historic and patriotic value.
 - B. To promote responsible design within the historic zone.
2. Abrogation and Greater Restrictions. This section is intended to create an overlay zone within which all applications for building permits for either the purpose of alteration or demolition will be directed to the Hallam Borough Council for review and comment, as to the effect of the proposed action on the historic-architectural character of the zone. Notwithstanding, all of the regulations of the underlying zone shall remain in full force and effect.
 3. Permitted Uses. In the H-Zone, the development and/or use of any land will be permitted provided that the development or uses adhere to all the requirements of the underlying zone.
 4. Approval by the Zoning Enforcement Officer. In addition to meeting the normal requirements for obtaining a building permit, all applications for alteration and/or demolition of a building or structure shall be forwarded to the Hallam Borough Planning Commission so that a meeting between the Hallam Borough Council and the applicant can be arranged. The meeting will deal with:
 - A. Building harmony, which is the relationship between the proposed alteration and the texture, size and material of the present structure or building.
 - B. Structural effect, which is the architectural historic character of the property.

After notification that the above meeting has occurred or after a period not to exceed 30 days, whichever comes first, the Zoning Officer may proceed in manner similar to the rules in effect in the underlying zone to issue the permit.

§ 27-208. Recreational/Municipal Zone (Re/M). [Ord. 1999-1, 1/3/2000, § 207]

1. Purpose. The purpose of this zone is to provide an area for community activities such as sports, picnics, family gatherings, playground activities and community entertainment. Additionally, when determined to be necessary by the Borough Council, areas of this zone may be used for such purposes as are required for the efficient delivery of government services to the citizens of the Borough.
2. Uses by Right. The following uses are permitted by right in the Re/M Zone:
 - A. Playing fields such as, but not limited to, those used for baseball, football, horseshoes and field hockey.
 - B. Paved playing areas or courts for sports as, but not limited to, tennis, basketball and shuffleboard.
 - C. Pavilion or stage type structures, whether constructed as an all season facility or not, provided, that such facilities are reasonably available for any community activity.
 - D. Municipal government uses of any type.
3. Lot Area and Width. Lot area and lot width not less than the following dimensions

shall be provided for each principal use hereafter established in this zone:

- A. Minimum lot area: 15,000 square feet.
 - B. Minimum lot width: 100 feet.
4. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:
 - A. Front setback: 30 feet, subject to § 27-401(1).
 - B. Each side setback: 20 feet.
 - C. Rear Setback: 30 feet.
 5. Building Height. The building height limit shall be three stories, but not more than 35 feet. The height limit for an accessory building shall be two stories, but not over 25 feet.
 6. Building Coverage. Not more than 20% of the lot area may be covered by buildings, including accessory buildings.
 7. Open Area. Not less than 80% of the lot area shall be devoted to open area as defined in this chapter.
 8. Impervious Surface Coverage. Not more than 50% of the lot area may be covered with an impervious surface.
 9. Required Utilities. Each principal use shall be required to use public water and sewer service if capacity is available and that it is feasible to have the service extended to serve the principal use, provided, that the use requires these utilities.

See § 27-307 for screening and buffering requirements.

Part 3
GENERAL PROVISIONS

§ 27-301. Accessory Uses and Structures. [Ord. 1999-1, 1/3/2000, § 300]

1. Attached Structures. A permanent roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.
2. Unattached Structures. Utility shed (see § 27-103, Definitions, for allowable size) are permitted in rear yards but shall not be located closer than 10 feet to any side property line and not closer than five feet to a rear property line. Other permanent roofed accessory structures and swimming pools are permitted in rear yards but shall not be located closer than 10 feet to any side or rear property line. For all other requirements, an unattached structure is considered a part of the principal building.
3. Fences and Walls. No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this chapter) shall be erected to a height of more than three feet in a front yard area and more than eight feet in any other yard area unless authorized by special exception. No fence may be erected within any right-of-way lines. No fence may be hazardous to contact below a height of six feet above ground level. Barbed wire, razor wire and similar fencing materials are allowed only by special exception in the R-O, R-T and Mixed Use Zones.

See § 27-401(2) for related restrictions. [Amended by Ord. No. 2016-6, 11/14/2016]

§ 27-302. Outdoor Signs. [Ord. 1999-1, 1/3/2000, § 301]

1. Signs Permitted and Extent of Use.
 - A. Drive-in Business. For a drive-in business, business signs are permitted as long as their number does not exceed two per street frontage and their combined area does not exceed 50 square feet per street frontage.
 - B. Other Uses. For other uses, one sign is permitted on each street frontage of a lot for each occupancy or purpose and an additional sign for each occupancy or purpose is permitted for every 200 feet of street frontage or fraction thereof which exceeds 1/2 that frontage in accordance with subsection (E). However, for business signs, any number of signs are permitted as long as their total area does not exceed the maximum under subsection (E).
 - C. All Uses. For all uses, an advertising and a business sign must be at least 60 feet apart and no sign exceeding 30 square feet in area may be located within 75 feet of a residential zone.
 - D. Determination of Size. The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs the space between such letters, figures and designs shall be included.
 - E. Type, Location and Size of Sign.

Type of Sign	Where Permitted	Maximum Size
Traffic	any zone	—
Home Occupation or Home Profession - Level 2	Where use is permitted	2 square feet
Trespassing	any zone	2 square feet
Utility	any zone	2 square feet
Real estate for sale, for rent, sold and rented	any zone	6 square feet
Work sign of builders, painters and other artisans while performing work on the premises	any zone	6 square feet
Directional	any zone	6 square feet
Identification and information of churches, schools and other nonprofit institutions	any zone	12 square feet
Apartment development, subdivision	Where use is permitted	12 square feet
Temporary sign for sale of agricultural and horticultural products and for construction projects	any zone	12 square feet
Business	any zone but R-T and R-O	32 square feet
Business	R-T and R-O	16 square feet
Advertising	any zone but R-t and R-O	150 square feet
Political campaign	any zone	6 square feet

2. Setback of Signs (Signs). No portion of a sign may be closer to a street right-of-way line than 15 feet, unless attached to and flush with a building or structure.
3. Bunting and Pennants. Bunting and pennants are permitted only to announce the opening of a new business or industry or in connection with a civic event and must be removed after seven days.
4. Projection of Signs. No sign may project:

- A. Over a public sidewalk area.
 - B. Over a public highway or street unless specifically authorized by other Borough or State regulations.
 - C. More than 25 feet above the ground except for an attached sign which may project 10 feet above the roof of a building providing the sign so placed does not project more than 35 feet from the ground to the highest part of the sign.
5. Illumination of Signs.
- A. Flashing and intermittent lights illuminating signs of a commercial nature or directing one to a commercial enterprise are not permitted within the Borough.
 - B. A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any adjacent residence or so it does not obstruct the vision of motorists.
 - C. Signs which are illuminated in the colors red, green or amber either by colored bulbs or tubing or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of 200 feet of a highway traffic light or similar safety device or from the center of any street intersection.
6. Temporary Signs.
- A. A temporary sign for the sale of agricultural and horticultural products may be erected for a period not exceeding 60 consecutive days. No such temporary sign shall be permitted for more than an aggregate of 120 days per calendar years.
 - B. A temporary sign for a construction project may be erected and maintained for as long as the project is under construction, but not to exceed 12 months.
 - C. A temporary sign such as those advertising activities of churches and nonprofit organizations may be erected for a period not exceeding 60 days.
 - D. Political campaign signs may be erected for a period not to exceed 30 days.
7. Construction and Maintenance. Sign must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
8. Termination of Enterprise. Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed.

§ 27-303. Unenclosed Storage. [Ord. 1999-1, 1/3/2000, § 302]

1. Trailer and Trucks. In a residential zone, recreational vehicles and trailers and trucks with a vehicle rating over one ton shall not be stored for a period in excess of three days in the area between the street line and the line formed by the front wall of the principal building projected the full width of the lot. In the case of corner lots, two front yards exist per § 27-401.
2. Outdoor Stockpiling. In all zones, no outdoor stockpiling of any material or outdoor

storage of trash is permitted in front yards.

3. **Trash or Junk.** Except as provided in other Borough ordinances, the accumulation of trash or junk (including, but not limited to, construction debris or uninspected automobiles) out-of-doors for a period in excess of 15 days is prohibited in all zones.

§ 27-304. Parking. [Ord. 1999-1, 1/3/2000, § 303]

1. **Size of Parking Space.** The parking space must have an area of not less than 200 square feet, exclusive of passageways and driveways appurtenant to the space and giving access to it. Where five or more parking spaces are required the total parking area, including passageways and driveways must average 300 square feet per required parking space.
2. **Spaces Required.** Off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule:

Type of Use	Minimum of One Parking Space for Each
Residential dwelling	One-half dwelling unit (i.e., two spaces per dwelling unit)
Rooming house	Bedroom
Hotel, motel, tourist home	Guest sleeping room
Office building	Three hundred square feet of gross floor area
Retail store or shop	One hundred square feet of gross floor area
Eating establishments	Four seats
Bowling alley	One-half lane (i.e., two spaces per lane)
Other recreational establishments	One hundred square feet of gross floor area
Automobile repair, gasoline station	Four hundred square feet of gross floor area and ground area devoted to repair and service facilities
Other commercial building	Four hundred square feet of gross floor area
Hospital, sanitarium	One-half bed (i.e., 2 spaces per bed)
Auditorium, church, theater and other such places of public assembly	Four seats
Industrial and heavy commercial establishments	Two employees on major shift but at least one space for each 5,000 square feet of gross floor area
Funeral homes	One hundred square feet of gross floor area

Type of Use	Minimum of One Parking Space for Each
Clubs, lodges and other similar places	One hundred square feet of gross floor area
Bed-and-breakfast	Bed
Adult bookstores, movie theaters, etc.	Twenty-five square feet of gross floor area
Adult massage establishment	Massage table
Mini-storage facility	Rental unit

3. Location. The parking area must be on the same or nearby premises. If on nearby premises:
 - A. The nearest point of the parking lot shall not be further than the following distances to the nearest point of the property served, 100 feet in the case of a commercial use, 200 feet in the case of a residential use and 300 feet in the case of industrial use.
 - B. The parking area must remain under the control of the owner or operator of the use to which the parking area is appurtenant.
4. Layout. Parking area must be arranged so there will be no need for motorists to back over:
 - A. Local streets, except in the case of residential uses.
 - B. Major thoroughfares.
5. Parking Area Adjacent to Street. For multifamily and nonresidential uses where a parking area or other area open to movement of vehicles abuts the right-of-way line of a public street, a pipe railing, post and chain barricade, raised curbs or equally effective devices satisfactory to the Borough must line the public right-of-way except at access points so that parked vehicles will not extend into the street right-of-way.
6. Paving. For all uses in residential zones and commercial, industrial and multifamily residential uses in other zones, all required parking areas and all access drives shall be paved with concrete or bituminous paving material.
7. Marking/Painting of Lines. All parking areas greater than 800 square feet shall be marked so as to indicated parking spaces and proper areas of ingress/egress. This section does not apply to single-family residential driveways.

§ 27-305. Loading. [Ord. 1999-1, 1/3/2000, § 304]

Loading spaces must be arranged so that there will be no need for motorists to back over public rights-of-way.

§ 27-306. Driveways. [Ord. 1999-1, 1/3/2000, § 305]

1. Width. Within 10 feet of the street right-of-way, access driveways may not exceed 35 feet in width.
2. Number. The number of driveways may not exceed two per lot on any one street frontage. The Zoning Hearing Board may grant permission by special exception for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists.
3. Offsets. Driveways may not enter a public street:
 - A. Within 40 feet of the street right-of-way line of an intersecting street.
 - B. Within five feet of a fire hydrant.
 - C. Within 25 feet of another access drive on the same property.
4. Sight Distances, Slope, Cuts. A driveway must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of 5% within 25 feet of the street right-of-way line. Where a drive enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed 50% in slope within 25 feet of the point at which the drive intersects the street right-of-way. In any case, the height of the bank must not exceed three feet within 10 feet of the street.

§ 27-307. Screens and Buffers. [Ord. 1999-1, 1/3/2000, § 306]

Where an industrial or recreational/municipal zone abuts a residential zone except for street or alley frontage:

- A. A fence or screen planting acceptable to the Borough Planning Commission is required to be erected in the industrial or recreational/municipal zone to screen from view (in the residential zone) the industrial or recreational/municipal use.
- B. The space along the side lot line in the industrial zone abutting a residential zone for 50 feet in depth may not be used for industrial operations. This area must be suitably landscaped and maintained. However, parking is permitted within the interior 25 feet of the fifty-foot buffer strip.

§ 27-308. Illumination. [Ord. 1999-1, 1/3/2000, § 307]

Where a use involves exterior lighting, the lighting must be so located and shielded that no objectionable illumination or glare is cast upon adjoining properties.

§ 27-309. Demolition. [Ord. 1999-1, 1/3/2000, § 308]

A building permit is required for demolition of any structure and must be completed within three months of the issuance of the permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is complete as aforesaid. All evidences of the structure which was demolished must be removed from the exterior surfaces of the remaining building.

§ 27-310. Minimum Habitable Floor Area. [Ord. 1999-1, 1/3/2000, § 309]

All dwelling units must conform to the minimum habitable floor area following:

- A. Single-family, two-family, townhouse: 800 square feet per dwelling unit.
- B. Other multifamily apartment or multifamily conversion: 500 square feet per dwelling unit.
- C. Bachelor apartment (one person): 300 square feet per dwelling unit.

§ 27-311. Outdoor Swimming Pool Requirements. [Ord. 1999-1, 1/3/2000, § 310]

1. Outdoor in-ground and above ground swimming pools, hot tubs, spas and any open water containing objects of greater than 18 inches in depth being reasonably permanent in nature shall be permitted only in a side or rear yard. They shall be subject to all applicable requirements of State, local or County statutes, ordinances or regulations.
2. All swimming pools must be completely surrounded by a separate fence or wall that has a height of not less than four feet above the ground. An above ground pool wall will not constitute a separate fence or wall.
3. All fences or walls shall be so constructed that a six inch diameter sphere cannot pass through said fence or wall. All gates or doors allowing access to the pool shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when the pool is not in actual use except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
4. No permanent structure or device that would be an aid in scaling the wall or fence shall be permitted adjacent to the wall or fence.

§ 27-312. Drainage. [Ord. 1999-1, 1/3/2000, § 311]

1. Adequate Drainage Required. No principal building may be erected, structurally altered or relocated on land which is not adequately drained at all times.
2. Drainage Upon Street. In order to prevent improper surface water drainage upon streets, each building erected, structurally altered or relocated and its driveways, must be at a grade in satisfactory relationship:
 - A. With the established street grade.
 - B. With the existing street grade where none is established.
3. Drainage Upon Adjoining Properties, Slopes. In order to protect adjoining property owners and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land may be made which would:
 - A. Result in a slope of more than 50% within 20 feet of a property line.
 - B. Alter the existing drainage or topography in any way so as to adversely affect adjoining properties.

In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

4. Obstruction to Drainage Prohibited. The damming, filling or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Borough.

§ 27-313. Building Restriction on Land Subject to Flooding. [Ord. 1999-1, 1/3/2000, § 312]

The laws and ordinances concerning land use and control and other measures designed to reduce flood losses within the Borough shall take precedence over any conflicting regulations, ordinances or codes.

§ 27-314. Electronic Reception Apparatus. [Ord. 1999-1, 1/3/2000, § 313]

On any lot, television receiver dishes and similar apparatus larger than three feet in diameter must be located to the rear of the principal building, unless otherwise permitted by special exception. Such devices shall not be placed in any required setback area and must be appropriately screened or fenced so as not to be an eyesore to neighboring properties. Such devices larger than three feet in diameter shall not be mounted on the roof of any property. Any antennae tower must be located in such a way that its height is less than the distance from the base of the tower to the nearest property line.

**Part 4
MODIFICATIONS AND NONCONFORMITIES**

§ 27-401. Setback Modifications. [Ord. 1999-1, 1/3/2000, § 400]

1. Front Setbacks from Major Thoroughfares. For the purpose of protecting residential use from adverse influences of traffic and for the purpose of protecting major thoroughfares for their traffic functions, building (including residential and nonresidential building) along these thoroughfares must be set back at least 60 feet from the center line of the thoroughfare. Major thoroughfares are or will be any arterial streets and collector streets specified in the Borough Comprehensive Plan and as designated by the Borough Planning Commission.

2. Sight Distance.

A. Proper sight clearance must be maintained at all street intersections. Measured along the center line of the street, there must be a clear sight triangle with sides as follows:

Street	Clear Sign Triangle Side
Arterial Streets	150 feet
Collector Streets	75 feet
Minor Streets	75 feet

B. No building, fence or construction is permitted in this area except as follows:

- (1) Obstructions, fences or plantings less than three feet in height.
- (2) If not obstructing the view of traffic, post columns and trees not exceeding one foot in diameter.

3. Setback on Corner Lots. In the case of corner lots, or lots with road frontage on more than one side, each yard abutting a street shall be considered a front yard, for setback purposes only.

4. Accessory or Appurtenant Structures. The setback regulations do not apply to:

- A. School bus shelters, telephone booths and cornices, eaves, chimneys, steps, canopies and similar extensions, but not including porches or patios whether covered or not.
- B. Open fire escapes added to structures built before the passage of this chapter, but they must be in rear or side yards.
- C. Fences, retaining wall subject to subsection (2).

§ 27-402. Lot Width Modifications. [Ord. 1999-1, 1/3/2000, § 401; as amended by Ord. 2004-1, 2/9/2004, § 1; Ord. No. 2016-6, 11/14/2016]

The minimum lot width for properties abutting a curvilinear street or the turn-around circle of a cul-de-sac street may be calculated at the front setback line rather than the

street line, but in no case shall the lot widths at the street line be less than 40 feet for an R-T Zone, 50 feet for R-O, MU and Re/M Zones and 60 feet for an I Zone as measured as a chordal distance of any such arc as the street line may make.

§ 27-403. Height Modifications. [Ord. 1999-1, 1/3/2000, § 402]

The height regulations do not apply to the following projections, provided that the height of any such projection above its base shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line:

- A. Structures such as chimneys, standpipes, flagpoles, television antennas or radio towers.
- B. Structures on buildings such as clock towers, cupolas, water tanks and other mechanical appurtenances, if such structures, at any level, do not cover more than 25% of the roof on which they are located.
- C. Parapet walls or cornices used solely for ornamental purposes if not in excess of five feet.

§ 27-404. Division on Built-On Lots. [Ord. 1999-1, 1/3/2000, § 403]

No lot may be formed from part of a lot occupied by a building unless each newly created lot will meet all the applicable provisions of this chapter and has been approved pursuant to the Hallam Borough Subdivision and Land Development Ordinance (Chapter 22).

§ 27-405. Status of Subdivision or Land Development Plan. [Ord. 1999-1, 1/3/2000, § 404]

1. From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance (Chapter 22) and while such application is pending approval or disapproval, no enactment or amendment of this chapter shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of this chapter as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in this chapter.
2. When a preliminary or final subdivision or land development plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment to this chapter or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval.

§ 27-406. Lots of Record. [Ord. 1999-1, 1/3/2000, § 405]

On a lot held in single and separate ownership on the effective date of this chapter or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use providing the setback requirements are not less than the minimum specified herein for the zone in which the lot is located.

§ 27-407. Nonconformities. [Ord. 1999-1, 1/3/2000, § 406; as amended by Ord. 2004-1, 2/9/2004, § 1]

1. Continuance.
 - A. Except as otherwise provided in this section, the lawful use of land or building existing at the date of the adoption of this chapter may be continued, although such use of land or building does not conform to the use regulations specified by this chapter for the zone in which such land or building is located.
 - B. Except as otherwise provided in this section, any nonconforming lots or structures existing at the date of the adoption of this chapter may be continued.
2. Expansion or Alteration.
 - A. Upon application for a special exception and in accordance with the provisions of §§ 27-504 and 27-605, the Zoning Hearing Board may approve the expansion or alteration of a use of land or buildings which is not in conformance with the provisions of this chapter.
 - B. A nonconforming lot or structure may be altered or expanded only if such alteration or expansion is in conformance with the provisions of this chapter, however, upon issuance of a special exception, in accordance with the provisions of §§ 27-504 and 27-605, the Zoning Hearing Board may authorize additions or improvements to dimensional nonconformities.
 - C. An alteration of se of a nonconformity does not require a special exception if the change in use is not an expansion of a nonconforming use and does not create any additional impact upon the neighborhood in which it is located or the Borough as a whole, as determined by the Planning Commission.
3. Replacement.
 - A. A nonconforming use may be replaced only by a conforming use.
 - B. A dimensional nonconformity may be replaced only in conformance with the provisions of this chapter.
4. Restoration.
 - A. Any structure damaged or destroyed by reason of windstorm, fire, explosion or other act of God or a public enemy which involves a nonconforming us may be rebuilt and occupied for the same use as before the damage; provided, that the reconstructed building shall not be larger than the damaged building and

that the reconstruction shall restart within one year from the time of damage to the building.

- B. Any nonconforming structure damaged or destroyed by reason of windstorm, fire, explosion or other act of God or a public enemy which is not located in either the one-hundred-year flood zone or any required "clear sight triangle" may be rebuilt and occupied for the same use as before the damage; provided, that the reconstructed building shall not be larger than the damaged building and that the reconstruction shall begin within one year from the time of damage to the building. However, if such a structure is in the flood zone or "clear sight triangle" it shall be allowed to be replaced by an equivalent structure on a given lot, by moving the building footprint out of those areas, even if it encroaches on other setback areas.
5. 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 chapter.
6. Reversion. No nonconformity shall, if once changed to conform to the regulations of this chapter, be changed back again to a nonconformity.
7. Identification and Registration. Nonconforming uses and nonconforming structures shall be identified and registered by the Zoning Officer. The Zoning Officer will also identify why such use or structure is nonconforming.

Part 5
ZONING HEARING BOARD

§ 27-501. Powers and Duties; General. [Ord. 1999-1, 1/3/2000, § 500]

1. **Membership of Board.** The membership of the Board shall consist of 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 Borough Council may appoint by resolution at least one but no more than three residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members. 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.
2. **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 be not 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, if no alternate members are available to be seated and (s)he is appointed as hearing officer by the other members. 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 § 27-502(1). The Board may make, alter and rescind rules and forms for its procedures, 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.
3. **Powers.** The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. **Special Exceptions.** To hear and decide special exceptions upon which the Board is required to pass under this chapter per § 27-504 following.
 - B. **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 chapter.
 - C. **Variances.** To authorize, upon application, in specific cases a variance from the terms of this chapter as per § 27-503 following.
 - D. **Challenge to the Validity of this chapter or Map.** The Board shall hear challenges to the validity of this chapter or Map subject to the Pennsylvania Municipalities Planning Code § 909.1(a)(1). In all such challenges the Board shall take evidence and make a record thereon as provided in § 27-502. 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.

In exercising the powers above, the Board, in conformity with the provisions of this chapter, may reverse, affirm or modify the order, requirement, decision or determination appealed from or requested and may make any other requirement, decision or determination as ought to be made.

4. 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 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 hold all hearings within 60 days of an applicant's request, unless the applicant has agreed, in writing, to an extension of time.

§ 27-502. Public Hearings. [Ord. 1999-1, 1/3/2000, § 501]

1. Notice; Conduct of Meeting. Public notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the Borough Council 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. Additionally, written notice shall be given to all property owners within 100 yards of the nearest property line of the property in question. The Borough Council may establish reasonable fees, based on cost, to be paid to the Borough 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 or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded. The Board or the hearing officer shall not communicate directly or indirectly with any party or their representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.
2. Representation; Statements. Parties to the hearing shall be the applicant, 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 the 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 right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
3. Witnesses. The Chairman or acting Chairman of the Board or the hearing officer

presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

4. **Decision Procedure.** The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provision 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. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings and the Board's decision shall be entered no later than 45 days after the decision of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 45 days from the date of the applicant's request for a hearing, the decision shall be deemed rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Borough shall give public notice of said decision within 10 days in the same manner as provided in subsection (1). Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. 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 no 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 or conditions upon which it was granted or the conditions imposed by this chapter are adhered to.
5. **Records.** The Board or the hearing officer, as the case may be, 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.

§ 27-503. Variances. [Ord. 1999-1, 1/3/2000, § 502]

1. **Filing of Variance.**
 - A. An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of this chapter 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 requested on the form, together with any other

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. Additional information required also includes:

- (1) Ground floor plans and elevations of proposed and existing structures when those structures are the subject of the variance request.
 - (2) Names and addresses of adjoining owners.
- B. Unless a longer time is requested by an applicant and granted by the Zoning Hearing Board at the time of the hearing on the variance, the variance authorized by the Zoning Hearing Board shall expire six months after the date of the granting of the variance, or such other time as extended by the Board at the request of the applicant, unless the applicant files either a preliminary or final subdivision or land development plan within that time. If a timely subdivision or land development plan is filed, then the applicant shall have six months after final approval by Borough Council of said final subdivision or land development plan to obtain a building permit or use certificate. In the event that the final subdivision or land development plan creates multiple lots or uses, than the applicant shall be deemed to have met the time requirements of this subsection upon obtaining a building permit or use certificate for one such lot or use. This subsection is subject to the applicable requirements of the Hallam Borough Code of Ordinances, which sets out the effective life of building permit. In the event that an applicant is unable to meet the time requirements of this subsection, the applicant may apply to the Zoning Hearing Board for an extension of the variance authorization, although the Zoning Hearing Board may, in its discretion, require the applicant to obtain a new variance approval. Nothing in this subsection shall be deemed to alter § 508(4)(ii) of the Pennsylvania Municipalities Planning Code (MPC), which provides protection for approved plans against changes in the ordinance for five years after the approval of said plans and under no circumstances shall the Zoning Hearing Board be permitted to grant extensions for more than five years after the date of the granting of the original variance.
2. Referral to Planning Commission. All applications for a variance shall be referred to the Borough Planning Commission for a report.
 3. Standards for Variances. Where there is unnecessary hardship, the Zoning Hearing Board may grant a variance in the application of the provisions of this chapter provided that 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.
 - (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 this chapter 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 provision of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

- C. The unnecessary hardship 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.

The applicant for a variance shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

- 4. Conditions. In granting any variance, the Board may attach such reasonable conditions and safeguards as it considers necessary to implement purposes of this chapter.

§ 27-504. Special Exceptions. [Ord. 1999-1, 1/3/2000, § 503]

- 1. Filing of Special Exceptions.
 - A. For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must show:
 - (1) Ground floor plans and elevations of proposed and existing structures when those structures are the subject of the special exception request.
 - (2) Names and addresses of adjoining owners.
 - B. Unless a longer time is requested by an applicant and granted by the Zoning Hearing Board at the time of the hearing on the special exception, the special exception authorized by the Zoning Hearing Board shall expire six months after the date of the granting of the special exception or such other time as extended by the Board at the request of the applicant, unless the applicant files either a preliminary or final subdivision or land development plan within that time. If a timely subdivision or land development plan is filed, then the applicant shall have six months after final approval by Borough Council of said final subdivision or land development plan to obtain a building permit or use certificate. In the event that the final subdivision or land development plan creates multiple lots or uses, then the applicant shall be deemed to have met the time requirements of this subsection upon obtaining a building permit or use certificate for one such lot or use. The subsection is subject to the applicable requirements of the Hallam Borough Code of Ordinances, which sets out the effective life of building permits. In the event that an applicant is

unable to meet the time requirements of this subsection, the applicant may apply to the Zoning Hearing Board for an extension of the special exception authorization, although the Zoning Hearing Board may, in its discretion, require the applicant to obtain a new special exception approval. Nothing in this subsection shall be deemed to alter § 508(4)(ii) of the Pennsylvania Municipalities Planning Code (MPC) which provides protection for approved plans against changes in the ordinance for five years after the approval of said plans and under no circumstances shall the Zoning Hearing Board, be permitted to grant extensions for more than five years after the date of the granting of the original special exception.

2. Temporary Special Exceptions. A temporary special exception must be obtained from the Zoning Hearing Board for any nonconformity which is or will be seasonal or is or will be in the public interest. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or new, which:
 - A. Is beneficial to the public health or general welfare.
 - B. Is necessary to promote the proper development of the community.
 - C. Is seasonal in nature.
 - D. The Zoning Hearing Board determines is appropriate under the facts and circumstances of the case.

The temporary special exception 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 special exception without cost to the Borough, unless made permanent upon application to the Zoning Hearing Board.

3. Referral to Planning Commission. All applications for a special exception shall be referred to the Borough Planning Commission for a report.
4. Conditions. The Zoning Hearing Board in passing upon special exception applications, may attach conditions to approval.
5. General Standards. A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:
 - A. The proposed use, including its nature, intensity and location is in harmony with the orderly and appropriate development of the zone.
 - B. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use.
 - C. 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, wall and fences.
 - D. That the use will have proper location with respect to existing or future streets giving access to it and will not create traffic congestion or cause industrial or

commercial traffic to use residential streets.

- E. That the specific standards set forth for each particular use for which a special exception may be granted have been met.

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

6. Specific Standards. In addition to the general standards for all special exceptions as contained in subsection (5), the specific standards for particular uses as listed in Part 6 must be met prior to the granting of a special exception.

Part 6
STANDARDS FOR SPECIAL EXCEPTION USES

§ 27-601. Requirement of Specific Standards. [Ord. 1999-1, 1/3/2000, § 600]

In addition to the general standards for all special exceptions as contained in § 27-504(5) the specific standards for the particular uses allowed by special exception are set forth in this Part. These standards must be met prior to the granting by the Zoning Hearing Board of a special exception for such uses in applicable zones.

§ 27-602. Adult Book Stores and Adult Theaters. [Ord. 1999-1, 1/3/2000, § 601]

The use and occupancy of any land, building or structure as an adult bookstore or an adult theater shall be subject to the following:

- A. An adult bookstore or an adult theater shall be permitted only in a Mixed Use Zone. **[Amended by Ord. No. 2016-6, 11/14/2016]**
- B. No materials, merchandise or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- C. Any building or structure used and occupied as a adult bookstore or adult theater shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise or film shall be visible from outside of the building or structure.
- D. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- E. Each entrance to the premises shall be posted with a notice specifying that persons under the age of 18 years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
- F. No adult bookstore or adult theater shall be permitted to be located within 300 feet of any public or private school, public park or playground or any church or other house of worship.

§ 27-603. Clubs, Club Grounds, Meeting Hall. [Ord. 1999-1, 1/3/2000, § 602]

In an R-T or R-O Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- A. Access must be on an arterial street or collector street as designated in the Borough Comprehensive Plan.
- B. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, planting and open spaces.
- C. The use shall not constitute a public or private nuisance.

§ 27-604. Convalescent Home, Hospital. [Ord. 1991-1, 1/3/2000, § 603; as

amended by Ord. 2004-1, 2/9/2004, § 1]

In an R-T or R-O Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- A. Lot area: 20,000 square feet.
- B. Lot width: 100 feet minimum.
- C. Setbacks. All buildings shall be located at least 30 feet from all property or street lines.
- D. Access shall be by way of an arterial or collector street as designated by the Borough Comprehensive Plan.
- E. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.
- F. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, planting and open spaces.

§ 27-605. Expansion or Alteration of a Nonconformity. [Ord. 1999-1, 1/3/2000, § 604]

In any zone and subject to the requirements of the zone in which the property is located except as herein modified and provided:

- A. Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this chapter or any amendment thereto creating the nonconformity.
- B. The total of all such expansions or alterations of use shall not exceed an additional 35% of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which said buildings or structures first became nonconformities.
- C. Provision for access drives, off-street parking and off-street loading shall be consistent with standards required by this chapter.
- D. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity is question is located.
- E. Appearance should be 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 conditions of all improvements and open spaces.
- F. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, planting and open spaces.
- G. The expansion shall not create new dimensional nonconformities or further increase

existing dimensional nonconformities.

§ 27-606. Funeral Home. [Ord. 1999-1, 1/3/2000, § 605]

In an R-T Zone and subject to the requirements of that zone except as herein modified and provided:

- A. Access shall be by way of arterial or collector street as designated in the Borough Comprehensive Plan.

§ 27-607. Gasoline Station. [Ord. 1999-1, 1/3/2000, § 606; amended by Ord. No. 2016-6, 11/14/2016]

In a MU Zone and subject to the requirements of that zone except as herein modified and provided:

- A. Buildings must be set back at least 40 feet from the street line.
- B. Fuel pumps must be set back at least 15 feet from the street line.
- C. Access drives must be located as follows:
 - (1) Minimum offset from intersection of street right-of-way lines: 40 feet.
 - (2) Side lot line offset: 10 feet.
 - (3) Minimum width: 12 feet.
 - (4) Maximum width: 35 feet.
 - (5) Minimum separation of drives on same lot: 25 feet.
- D. Except along access drives, a concrete curb eight inches in height must be placed along all street right-of-way lines.
- E. All lights must be diverted toward the gas station and downward on the lot.
- F. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- G. At least 10% of the lot on which the gasoline station is situated must be devoted to natural landscaping.

§ 27-608. Greenhouse, Nursery. [Ord. 1999-1, 1/3/2000, § 607]

In an R-O Zone and subject to the requirements of that zone except as herein modified and provided:

- A. Access must be on an arterial street or collector street as designated in the Borough Comprehensive Plan.
- B. No sale of general hardware, power tools or motorized equipment is permitted and no outdoor display of tools or equipment is permitted.

§ 27-609. Heavy Storage Service. [Ord. 1999-1, 1/3/2000, § 608; amended by Ord. No. 2016-6, 11/14/2016]

In a MU or I Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- A. The area shall be enclosed by a wall or fence, screened from view of adjoining properties whenever outdoor storage is required. No materials may be stored so as to create a fire hazard as determined by the Fire Chief.

§ 27-610. Home Occupations or Profession - Level Two. [Ord. 1999-1, 1/3/2000, § 609; as amended by Ord. 2004-1, 2/9/2004, § 1]

1. Subject to the requirements below, the following home occupations and professions may be authorized only in a dwelling unit or in a structure accessory to a dwelling unit in an R-T or R-O Zone:
 - A. Physician.
 - B. Dentist.
 - C. Clergyman.
 - D. Lawyer.
 - E. Engineer.
 - F. Accountant.
 - G. Architect.
 - H. Teacher.
 - I. Artist.
 - J. Licensed insurance or real estate agent.
 - K. Seamstress.
 - L. Barber.
 - M. Beautician.
 - N. Bed-and-breakfast operator and similar service occupations and professions.
2. Regulations for Permitted Home Occupations and Professions.
 - A. Employees. No more than two nonresidents of the dwelling unit may be employed.
 - B. Coverage. Not more than 30% of the ground floor area of a dwelling unit or accessory structure may be devoted to a home occupation or profession.
 - C. Appearance. The character or external appearance of the dwelling unit must be that of a dwelling. No display or products may be shown so as to be visible from outside the dwelling. A sign not larger than two square feet in area is

permitted. It must be illuminated only by indirect lighting.

- D. Parking. Besides the required parking for the dwelling unit, additional parking located in the rear yard is required as follows:
- (1) One space for the home occupation and one space for each nonresident employee.
 - (2) Two additional spaces for a physician, dentist, barber or beauty shop.

§ 27-611. House of Worship. [Ord. 1999-1, 1/3/2000, § 610]

In an R-T or R-O Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- A. Side Setback - Minimum side setbacks of 25 feet (each) must be provided.
- B. Access shall be by way of arterial or collector street as designated by the Borough Comprehensive Plan.

§ 27-612. Junkyard, Automobile Dismantling Plant. [Ord. 1999-1, 1/3/2000, § 611]

In an I Zone and subject to the requirements of that zone except as herein modified and provided:

- A. Lot area: one acre minimum.
- B. Lot width: 100 feet minimum.
- C. Setbacks: Any area used for this purpose must be at least 30 feet from any property line and 40 feet from any street line.
- D. The area to be used must be completely enclosed with a six-foot high fence so constructed as not to have openings greater than six inches in any direction.
- E. Must comply with any applicable Borough junkyard ordinance and all other applicable State or local statutes, ordinances or regulations.

§ 27-613. Massage Establishments (Adult). [Ord. 1999-1, 1/3/2000, § 612]

The use and occupancy of any land, building or structure as an adult massage establishment shall be subject to the following:

- A. An adult massage establishment shall be permitted only in a Mixed Use Zone. **[Amended by Ord. No. 2016-6, 11/14/2016]**
- B. Any building or structure used or occupied as an adult massage establishment shall be windowless, or have an opaque covering over all windows or doors of any area in which the activity shall be visible from outside the building or structure.
- C. No sign shall be erected upon the premises depicting or giving a visual representation of the type of activity offered therein.
- D. Each entrance to the premises shall be posted with a notice specifying that persons

under the age of 18 years are not permitted to enter therein and warning all other persons that they may be offended upon entry.

- E. In no instance shall the operation of the adult massage establishment for the purpose of sexual arousal be permitted. This includes any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the human body including, but not limited to, the sexual or genital parts.
- F. The masseur/masseuse must be fully clothed at all times.
- G. No adult massage establishment shall be permitted to be located within 300 feet of any public or private school, public park or playground or any church or other house of worship.

§ 27-614. Medical and/or Dental Clinic. [Ord. 1999-1, 1/3/2000, § 613; as amended by Ord. 2004-1, 2/9/2004, § 1; Ord. No. 2016-6, 11/14/2016]

In an R-T, R-O or MU Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- A. Lot area: 20,000 square feet.
- B. Lot width: 100 feet minimum.
- C. Setbacks: In an R-T or R-O Zone, all buildings shall be located at least 30 feet from all property or street lines.
- D. In an R-T or R-O Zone access shall be by way of an arterial or collector street as designated by the Borough Comprehensive Plan.
- E. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.
- F. Appearance should be harmonious with adjoining properties. This feature includes, but is not limited to, landscaping, height control, sign control, building coverage and architectural controls.
- G. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, planting and open spaces.
- H. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted as part of the clinic facility, subject to the following specific conditions:
 - (1) All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.
 - (2) The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.
 - (3) Signs or other evidence advertising or indicating the provision of these

services visible from outside the building are prohibited, except that there may be erected one sign not exceeding two square feet in area attached to the building, any illumination thereof being white, nonflashing and limited to an enclosed lamp design.

§ 27-615. Mini-Storage Facility. [Ord. 1999-1, 1/3/2000, § 614; amended by Ord. No. 2016-6, 11/14/2016]

In an R-T, R-O or MU Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- A. Lot area shall be the standards for the underlying zone.
- B. Lot width shall be the standards for the underlying zone.
- C. Setbacks shall be the standards for the underlying zone.
- D. In an R-T or R-O Zone access shall be by way of an arterial or collector street as designated by the Borough Comprehensive Plan.
- E. Appearance should be harmonious with adjoining properties. This feature includes, but not limited to, landscaping, height control, sign control, building coverage and architectural controls.
- F. Buffers and screens shall be provided as accessory to adequately protect neighboring properties. This includes, but is not limited to, fences, wall, planting and open spaces.
- G. No items including, but not limited to, recreational vehicles, may be stored outdoors.

§ 27-616. Mobile Home Park. [Ord. 1999-1, 1/3/2000, § 615; as amended by Ord. 2004-1, 2/9/2004, § 1]

In and R-O Zone and subject to the requirements of that zone except as herein modified and provided:

- A. The minimum tract area shall be five acres.
- B. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized and each lot must be not less than 5,000 square feet in area and not less than 50 feet wide at the building setback line.
- C. Suitable screen planting shall be required.
- D. A mobile home park and extension thereof shall also comply with all applicable State and/or Borough regulations now in effect or hereafter enacted.

§ 27-617. Multifamily Conversion. [Ord. 1999-1, 1/3/2000, § 616; amended by Ord. No. 2016-2, 1/28/2016; 11/14/2016 by Ord. No. 2016-06]

In an MU Zone and subject to the requirements of the MU Zone except as herein modified and provided:

- A. There shall be a minimum of 7,000 square feet of lot area per dwelling unit.
- B. Public sewer and water required.

§ 27-618. Multifamily Dwelling. [Ord. 1999-1, 1/3/2000, § 617; as amended by Ord. 2004-1, 2/9/2004, § 1; amended by Ord. No. 2016-2, 1/28/2016]

In an R-T Zone and subject to the requirements of the R-T Zone except as herein modified and provided:

- A. In the case of a multifamily dwelling where individual dwelling units are located on a single lot and share with other units a common yard area (e.g. garden apartments) the following shall apply:
 - (1) Lot Area: Two acres minimum.
 - (2) Lot Width: 150 feet minimum at the street line.
 - (3) Density: The maximum density shall be six dwelling units per acre of lot area.
 - (4) Public sewer and public water are required.
 - (5) Distance Between Buildings: Where two or more multifamily dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be 50 feet.
 - (6) All buildings must be set back at least 50 feet from any property line and any street line.
- B. In the case of a multifamily dwelling where individual dwelling units are located on separate lots (for example, townhouses or row houses), the following requirements shall apply:
 - (1) Minimum tract size for subdivision into individual lots shall be one acre.
 - (2) Individual Lot Area: Each lot shall have a minimum area of 4,000 square feet (e.g., 30 feet by 130 feet).
 - (3) Lot Width: Each lot shall have a minimum width at the street line of 30 feet.
 - (4) Density: The maximum density shall be six dwelling units per acre [e.g., 43,560 square feet (1 acre) divided by 6 lots equals 7,260 square feet per lot].
 - (5) Public sewer and water are required.
 - (6) There shall be no more than eight dwelling units attached in one grouping or cluster of lots.
 - (7) Dwelling units on the end of a grouping or cluster of lots shall have a minimum side yard setback of 40 feet, subject to § 27-401(4).

§ 27-619. Parking Lot or Garage. [Ord. 1999-1, 1/3/2000, § 618]

In an R-T or R-O Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- A. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, wall, planting and open spaces.
- B. Not more than 60% of the lot area may be covered with an impervious surface.

§ 27-620. Public Building and Facilities. [Ord. 1999-1, 1/3/2000, § 619; amended by Ord. No. 2016-6, 11/14/2016]

In an R-T, R-O and MU Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- A. Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic, then access should be by way of an arterial or collector street as designated in the Borough Comprehensive Plan.

§ 27-621. Public Utility Building. [Ord. 1999-1, 1/3/2000, § 620]

In an R-T or R-O Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- A. The permitted building shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor or hazardous effect shall be installed.
- B. Unhoused equipment shall be enclosed with a fence or wall not less than six feet in height which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension. In an R-T or R-O Zone such fence must be surrounded by evergreen plantings.
- C. Housed Equipment. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the zone in which the building is located.
- D. Equipment shall not be stored outdoors.

§ 27-622. Rooming House. [Ord. 1999-1, 1/3/2000, § 621]

In an R-T Zone and subject to the requirements of that zone except as herein modified and provided:

- A. There shall be a minimum of 1,000 square feet of lot area per guest room.

§ 27-623. Shopping Center. [Ord. 1999-1, 1/3/2000, § 622; amended by Ord. No. 2016-6, 11/14/2016]

In a MU Zone and subject to the requirements of that zone except as herein modified and provided:

- A. Lot area: one acre minimum.
- B. Lot width: 100 feet minimum.

- C. All buildings must be set back at least 25 feet from any property line and 40 feet from a street line.
- D. Parking must be provided at the minimum ratio of parking area to gross floor area of two to one.
- E. A buffer yard at least 20 feet wide must be provided on the site in all instances where the site adjoins an R-T or R-O Zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

§ 27-624. Transportation (Passenger) Terminal. [Ord. 1999-1, 1/3/2000, § 623; amended by Ord. No. 2016-6, 11/14/2016]

In a MU Zone and subject to the requirements of that zone except as herein modified and provided:

- A. Access shall be by way of an arterial or collector street as designated by the Borough Comprehensive Plan.

§ 27-625. Truck or Motor Freight Terminal. [Ord. 1991-1, 1/3/2000, § 624]

In an I Zone and subject to the requirements of that zone except as herein modified and provided:

- A. Access shall be by way of an arterial or collector street as designated by the Borough Comprehensive Plan.
- B. A buffer yard at least 100 feet wide must be located on the terminal site in all situations where the site adjoins an R-T or R-O zone, This yard shall be naturally landscaped, have no impervious cover and shall not be used for parking, building, loading or storage purposes.
- C. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke).

Part 7
ADMINISTRATION

§ 27-701. Permits. [Ord. 1999-1, 1/3/2000, § 700; as amended by Ord. 2004-1, 2/9/2004, § 1]

1. Building Permits. Where required by either the duly enacted Hallam Borough Building Permit Ordinance [Chapter 4] or this chapter for the erection, enlargement, alteration, moving or demolition of any structure a building permit must be obtained from the Zoning Officer. The permit application must be accompanied by a site plan to demonstrate conformity with this chapter.
 - A. Lot. The location and dimensions of the lot.
 - B. Street. Names and widths of abutting streets and highways.
 - C. Structures and Yards. Locations, dimensions and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structure within 100 feet of the proposed structures but off the lot.
 - D. Improvements. Proposed off-street parking and loading areas, access drives and walks. Proposed sewage disposal system.
2. Use Certificates. A use certificate, certifying compliance with this chapter, must be obtained from the Zoning Officer for any new structure as below or for any change of use of a structure or land as set forth below before such new structure or use or change of use is occupied or established.
 - A. Use of a structure erected, structurally altered or extended or moved after the effective date.
 - B. Use of vacant land except for agricultural purposes.
 - C. Any change in a conforming use of a structure or land.
 - D. Any change from a nonconforming use of a structure or land to a conforming use.
 - E. Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.

The application for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this chapter.

§ 27-702. Zoning Officer - Powers and Duties. [Ord. 1999-1, 1/3/2000, § 701]

1. Appointment and Powers. For the administration of this chapter, a Zoning Officer, who may not hold any elective office in the Borough, shall be appointed by the Borough Council. The Zoning Officer shall administer this chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter. The Zoning Officer is

the enforcement officer for this chapter. He issues all building permits, use certificates and at direction of the Zoning Hearing Board special exceptions and variances. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures.

2. Forms. The Zoning Officer shall provide a form or forms prepared by the Borough Solicitor for:
 - A. Building permits.
 - B. Special exceptions.
 - C. Use Certificates.
 - D. Appeals.
 - E. Variances.
 - F. Registration of nonconforming uses and nonconforming structures.
3. Transmittal of Papers. Upon receipt of an application for a special exception, variance 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 or appeal.
4. Action on Building Permits. Within 15 days, except for holidays, after receipt of an application for a building permit, the Zoning Officer must grant or refuse the permit. If the application conforms to the applicable requirements of the building permit ordinance and this chapter, the Zoning Officer must grant a permit. If the permit is not granted, he must state, in writing, the grounds for his refusal.
5. Action on Use Certificates. Within 15 days, except for holidays, after receipt of an application for a use certificate, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this chapter, he must issue a certificate to that effect. Otherwise, he must state, in writing, the ground for his refusal.
6. Enforcement.
 - A. Upon determining that a violation of any of the provisions of this chapter exists, the Zoning Officer must serve a formal enforcement notice on the person committing or permitting the same that a violation of this chapter exists. The enforcement notice shall also be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel and to any other person requested in writing by the owner of record. The enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom the Borough intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have

not been met, citing in each instance the applicable provisions of the ordinance.

- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board with a prescribed period of time in accordance with the procedures set forth in § 27-703 of this Part.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described. Failure to appeal and request a hearing before the Zoning Hearing Board for a zoning violation will result in the assumption that the violation exists. The filing fee paid by and individual to appeal the Zoning Officers's decision will be refunded if the individual is successful.
- B. Following the notice, the party committing or permitting the violation shall comply with the enforcement notice within the specified time or file and pursue an appeal pursuant to subsection (A).
7. Records. The Zoning Officer must keep a record of:
- A. All applications for building permits, use certificates, special exceptions and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
 - B. All complaints of violations of provisions of this chapter and the action taken on them.
 - C. All plans submitted.
 - D. Nonconforming uses and nonconforming structures.

All such records and plans shall be available for public inspection.

8. Reports. At intervals of not greater than six months, the Zoning Officer must report to the Borough Council:
- A. The number of building permits and use certificates issued.
 - B. The number of complaints of violations received and the action taken on these complaints.

§ 27-703. Appeals. [Ord. 1999-1, 1/3/2000, § 702]

1. Appeal to Zoning Hearing Board. Appeals filed pursuant to § 27-702(6) shall be on a form provided by the Zoning Officer. All such appeals shall be heard pursuant to §§ 27-502(1) and (2) of this chapter.
2. Appeals to Court. Any person aggrieved or affected by provisions of this chapter or decision of the Zoning Hearing Board may appeal in the manner set forth in § X-A of the Pennsylvania Municipalities Planning Code, Act 247 as reenacted and

amended.

§ 27-704. Erroneous Permit. [Ord. 1999-1, 1/3/2000, § 703]

A building permit or other permit or authorization issued or approved in violation of the provisions of this chapter, is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful, except as provided by State law. No action may be taken by a board, agency or employee of the Borough purporting to validate such a violation.

§ 27-705. Violations. [Ord. 1999-1, 1/3/2000, § 704]

1. Failure to secure a use certificate prior to a change in use of land or structure and/or failure to secure a building permit prior to the erection, construction or alteration of any structure or portion thereof shall be a violation of this chapter. It shall also be a violation of this chapter to undertake other deliberate actions which are contrary to the terms of this chapter and any conditions placed upon the approval of special exceptions, variances and conditional uses. Each day that a violation is continued shall constitute a separate offense.
2. Enforcement Notice. Whenever the Zoning Officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or any regulation adopted pursuant thereto, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
 - A. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.
 - B. An enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom the Borough intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - (4) The date before which the steps for compliance must be commenced, not to exceed 30 days from receipt of notice and the date before which the steps must be completed.
 - (5) An outline of remedial action which, if taken, will effect compliance with the provisions of this chapter, or any part thereof, and with any regulations adopted pursuant thereto.
 - (6) A statement indicating that the recipient has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth elsewhere in this chapter.

- (7) A statement indicating that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.
3. Causes of Action. In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter or any other Borough ordinances, code or regulation, Borough Council or any officer of the Borough or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on Borough Council. No such action may be maintained until such notice has been given.
4. Jurisdiction. District justices shall have initial jurisdiction over proceedings brought under § 27-705.

§ 27-706. Enforcement Remedies. [Ord. 1999-1, 1/3/2000, § 705]

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by Hallam Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Hallam Borough Zoning Ordinances shall be paid over to Hallam Borough.
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per-diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Hallam Borough the right to commence any action for enforcement pursuant to the Section.

§ 27-707. Amendments. [Ord. 1999-1, 1/3/2000, § 706; as amended by Ord. 2004-1, 2/9/2004, § 1]

1. The Borough Council may, from time to time, amend, supplement or repeal any of the regulations and provisions of this chapter.
2. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by Hallam Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least 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 the map 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. At least 30 days prior to the hearing on the amendment by the Borough Council, the Borough Planning Commission shall submit the proposed amendment to the County Planning Commission for recommendations.
3. Landowner 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 of development of land in which he has a interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in § 916.1 of the Pennsylvania Municipalities Planning Code, Act 247 as reenacted and amended.
4. Borough Curative Amendments. If Hallam Borough determines that this chapter or any portion thereof is substantially invalid, the Borough shall take the following actions:
 - A. Declare by formal action its zoning ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal Hallam Borough Council shall:
 - (1) By resolution make specific findings setting forth the declared invalidity of this chapter which may include:
 - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity.
 - (b) Reference to a class of use or uses which require revision.
 - (c) Reference to the entire ordinance which required revisions.
 - (2) Begin to prepare and consider a curative amendment to this chapter to correct the declared invalidity.
 - B. Within 180 days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate or reaffirm the validity of this

chapter pursuant to the provisions required by § 609 of the Pennsylvania Municipal Planning Code as reenacted and amended in order to cure the declared invalidity of this chapter.

- C. Upon the initiation of the procedures, as set forth in subsection (A), Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under subsection (3) of this section nor shall the Zoning Hearing Board be required to give a report requested under §§ 909.1 or 916.1 of the Pennsylvania Municipalities Planning Code as reenacted and amended subsequent to the declaration and proposal based upon the grounds identical or similar to those specified in the resolution required by subsection (A). Upon completion of the procedures set forth in subsections (A) and (B) no rights to a cure pursuant to the provisions of §§ 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code as reenacted and amended shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of unamended zoning ordinance for which there has been a curative amendment pursuant to this section.
- D. The Borough having utilized the procedures as set forth in subsections (A) and (B) may not again utilize said procedure for a thirty-six-month period following the date of the enactment of a curative amendment or reaffirmation of the validity of this chapter pursuant to subsections (A) and (B); provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision the Borough may utilize the provisions of this section to prepare a curative amendment to its ordinance to fulfill said duty of obligation.

§ 27-708. Fees. [Ord. 1999-1, 1/3/2000, § 707]

The Borough Council shall set fees by resolution annually for all applications, permits or appeals provided for by this chapter or permitted by law to defray the costs of advertising, mailing notices, processing, inspecting and copying applications, permits and use certificates. The fee schedule shall be available from the Borough Secretary for inspection.

Part 8
INTERPRETATION, VALIDITY, REPEALER, CONFLICTS AND
EFFECTIVE DATE

§ 27-801. Interpretation. [Ord. 1999-1, 1/3/2000, § 800]

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of public health, safety, morals or general welfare.

§ 27-802. Repealer. [Ord. 1999-1, 1/3/2000, § 801]

The existing Zoning Ordinance, adopted September 12, 1977, and entitled "The Hallam Borough Zoning Ordinance" and all supplements and amendments thereto, are hereby repealed. Provided, however, if the present Ordinance is held to be ineffective or invalid by reason of some irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid. Then and in that event, the Zoning Ordinance of 1977, together with its supplements and amendments, would necessarily remain in full force and effect.

§ 27-803. Conflicts and Inconsistencies With Other Ordinances. [Ord. 1999-1, 1/3/2000, § 802]

In the event that any ordinance or part of any ordinance is in conflict with this chapter or is inconsistent with the provisions of this chapter, the ordinance or part thereof which establishes the more stringent standards shall control.

§ 27-804. Validity. [Ord. 1999-1, 1/3/2000, § 803]

Should any Section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole or any part whereof other than the part so declared to be unconstitutional or invalid.

§ 27-805. Effective Date.

1. This chapter shall take effect immediately upon adoption and publication according to law.
2. Initial Zoning Ordinance adopted by the Council of Hallam Borough, York County, Pennsylvania, into an ordinances the 13th day of November, 1967.
3. This amending ordinance adopted by the Council of Hallam Borough, York County, Pennsylvania, into an ordinance the 3rd day of January, 2000.

