

SHREWSBURY BOROUGH ZONING ORDINANCE

YORK COUNTY, PENNSYLVANIA

**ORDINANCE NO. 2023-2, OCTOBER 11, 2023,
AMENDED AND RESTATED TO INCLUDE ORDINANCE NO. 2008-01,
ORIGINAL ZONING ORDINANCE, 1984-1 OF FEBRUARY 1, 1984.**

TABLE OF CONTENTS

PAGE

PART I	SHORT TITLE, PURPOSE, AND DEFINITIONS	
SECTION 100	SHORT TITLE.....	I - 1
SECTION 101	PURPOSE.....	I - 1
SECTION 102	DEFINITIONS.....	I - 2
PART II	DISTRICT REGULATIONS	
SECTION 200	DISTRICTS AND BOUNDARIES	II - 1
SECTION 201	USE REGULATIONS	II - 1
SECTION 202	RESIDENTIAL DISTRICT (R)	II - 2
SECTION 203	RESIDENTIAL ONE FAMILY DISTRICT (R-O)	II - 4
SECTION 204	RESIDENTIAL AGRICULTURAL DISTRICT (R-A).....	II - 5
SECTION 205	VILLAGE DISTRICT (V).....	II - 7
SECTION 206	COMMERCIAL DISTRICT (C)	II - 9
SECTION 207	INDUSTRIAL DISTRICT (I).....	II-11
PART III	GENERAL PROVISIONS	
SECTION 300	ACCESSORY USES AND STRUCTURES.....	III - 1
SECTION 301	OUTDOOR SIGNS	III - 4
SECTION 302	UNENCLOSED STORAGE	III - 9
SECTION 303	PARKING	III - 10
SECTION 304	LOADING	III - 12
SECTION 305	DRIVEWAYS	III - 13
SECTION 306	STACKING LANE REQUIREMENTS	III - 13
SECTION 307	SCREENS AND BUFFERS	III - 14
SECTION 308	ILLUMINATION.....	III - 16
SECTION 309	DEMOLITION	III - 16
SECTION 310	MINIMUM HABITABLE FLOOR AREA	III - 17
SECTION 311	OUTDOOR SWIMMING POOL REQUIREMENTS	III - 17
SECTION 312	DRAINAGE.....	III - 17
SECTION 313	GRADING	III - 17
SECTION 314	GARAGE AND YARD SALES	III - 18
PART IV	MODIFICATIONS AND NONCONFORMITIES	
SECTION 400	SETBACK MODIFICATIONS	IV - 1
SECTION 401	LOT WIDTH MODIFICATIONS	IV - 2
SECTION 402	HEIGHT MODIFICATIONS.....	IV - 2
SECTION 403	BUILDINGS UNDER CONSTRUCTION	IV - 2
SECTION 404	DIVISION OF BUILT-ON LOTS	IV - 2
SECTION 405	STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN.....	IV - 2

TABLE OF CONTENTS

PAGE

SECTION 406	LOTS OF RECORD	IV - 3
SECTION 407	NONCONFORMITIES	IV - 3

PART V ZONING HEARING BOARD

SECTION 500	POWERS AND DUTIES.....	V - 1
SECTION 501	PUBLIC HEARINGS	V - 3
SECTION 502	VARIANCES	V - 5
SECTION 503	SPECIAL EXCEPTIONS	V - 6
SECTION 504	CHALLENGE TO VALIDITY OF ORDINANCE ON SUBSTANTIVE GROUNDS	V - 8
SECTION 505	TIME LIMITATIONS; APPEALS.....	V - 9

PART VI STANDARDS FOR SPECIAL EXCEPTION USES

SECTION 600	REQUIREMENT OF SPECIFIC STANDARDS	VI - 1
SECTION 601	ADULT BOOKSTORE, ADULT THEATER, MASSAGE ESTABLISHMENT, TATTOO PARLOR AND/OR BODY PIERCING ESTABLISHMENT	VI - 1
SECTION 602	APARTMENT IN CONJUNCTION WITH COMMERCIAL ESTABLISHMENT	VI - 2
SECTION 603	CAMPGROUND	VI - 2
SECTION 604	CEMETERY	VI - 3
SECTION 605	CLUB ROOM, CLUB GROUNDS, MEETING HALL	VI - 3
SECTION 606	CONVALESCENT HOME, NURSING HOME, HOSPITAL	VI - 3
SECTION 607	EATING ESTABLISHMENT.....	VI - 4
SECTION 608	EXPANSION OR ALTERATION OF A NONCONFORMITY	VI - 4
SECTION 609	FINANCIAL INSTITUTION	VI - 5
SECTION 610	GASOLINE STATION	VI - 5
SECTION 611	ACCESSORY COMMERCIAL USES.....	VI - 6
SECTION 612	HOME OCCUPATION, BUSINESS OR PROFESSION	VI - 6
SECTION 613	HOTEL, MOTEL.....	VI - 7
SECTION 614	HOUSE OF WORSHIP	VI - 8
SECTION 615	FUNERAL HOME	VI - 8
SECTION 616	KENNEL, ANIMAL HOSPITAL.....	VI - 8
SECTION 617	MOBILE HOME PARK	VI - 9
SECTION 618	MULTI-FAMILY CONVERSION.....	VI - 10
SECTION 619	MULTI-FAMILY DWELLING	VI - 10
SECTION 620	OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT	VI - 11
SECTION 621	PLANNED RESIDENTIAL DEVELOPMENT	VI - 11
SECTION 622	PRIVATE AIRPORT AND LANDING STRIP	VI - 11

TABLE OF CONTENTS

PAGE

SECTION 623	PUBLIC BUILDING AND FACILITIES	VI - 12
SECTION 624	PUBLIC UTILITY BUILDING	VI - 12
SECTION 625	RETAIL STORE OR PERSONAL SERVICE BUSINESS	VI - 12
SECTION 626	ROOMING HOUSE	VI - 13
SECTION 627	COMMERCIAL CENTER	VI - 13
SECTION 628	TRANSPORTATION (PASSENGER) TERMINAL	VI - 14
SECTION 629	BED AND BREAKFAST FACILITY	VI - 14
SECTION 630	CONGREGATE HOUSING FACILITY FOR OLDER PERSONS	VI - 14
SECTION 631	FIREWORKS SALES	VI - 15
SECTION 632	SHORT-TERM RENTALS	VI - 16
SECTION 633	MINI-STORAGE/SELF STORAGE	VI - 21

PART VII

ADMINISTRATION

SECTION 700	PERMITS	VII - 1
SECTION 701	ZONING OFFICER - POWERS & DUTIES	VII - 2
SECTION 702	APPEALS	VII - 3
SECTION 703	ERRONEOUS PERMIT	VII - 4
SECTION 704	VIOLATIONS; ENFORCEMENT	VII - 4
SECTION 705	CAUSES OF ACTION	VII - 4
SECTION 706	ENFORCEMENT REMEDIES	VII - 5
SECTION 707	FEES	VII - 5
SECTION 708	AMENDMENTS	VII - 5
SECTION 709	LANDOWNER CURATIVE AMENDMENTS	VII - 6
SECTION 710	MUNICIPAL CURATIVE AMENDMENTS	VII - 6

PART VIII

PLANNED RESIDENTIAL DEVELOPMENT

SECTION 801	PURPOSE	VIII - 1
SECTION 802	DEFINITIONS	VIII - 1
SECTION 803	ELIGIBILITY	VIII - 2
SECTION 804	DEVELOPMENT STANDARDS	VIII - 3
SECTION 805	APPLICATION FOR TENTATIVE APPROVAL	VIII - 11
SECTION 806	PUBLIC HEARINGS	VIII - 5
SECTION 807	THE FINDINGS	VIII - 15
SECTION 808	STATUS OF PLAN AFTER TENTATIVE APPROVAL	VIII - 16
SECTION 809	APPLICATION FOR FINAL APPROVAL	VIII - 17
SECTION 810	ADMINISTRATION AND REVIEW	VIII - 21

TABLE OF CONTENTS

PAGE

PART IX	INTERPRETATION, VALIDITY, REPEALER AND EFFECTIVE DATE	
SECTION 900	INTERPRETATION	IX - 1
SECTION 901	CONFLICTS AND INCONSISTENCIES WITH OTHER ORDINANCES	IX - 1
SECTION 902	VALIDITY	IX - 1
SECTION 903	REPEALER	IX - 1
SECTION 904	EFFECTIVE DATE	IX - 2

ORDINANCE NO. 2023-

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THEIR CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE AND ALL FACILITIES AND SERVICES IN OR ABOUT SUCH BUILDINGS AND STRUCTURES; PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; AND FOR THESE PURPOSES ESTABLISHING DISTRICTS AND BOUNDARIES AND DESIGNATING AND REGULATING RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND PUBLIC USES WITHIN SUCH DISTRICTS AND BOUNDARIES; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF, IN THE BOROUGH OF SHREWSBURY, IN THE COUNTY OF YORK AND STATE OF PENNSYLVANIA.

BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF SHREWSBURY, in the County of York and the Commonwealth of Pennsylvania, as follows:

PART I

SHORT TITLE, PURPOSE, AND DEFINITIONS

SECTION 100 SHORT TITLE

s.100.1 Short Title: This Ordinance shall be known as the "Shrewsbury Borough Zoning Ordinance."

SECTION 101 PURPOSE

s.101.1 Purpose of Ordinance: The regulations in this Ordinance have been promulgated with the purpose of promoting, protecting, and facilitating --

- a) Coordinated and practical community development.
- b) Proper density of population.
- c) Adequate and economical water and sewerage.
- d) Adequate and economical schools, parks and other public grounds and buildings.
- e) Adequate light and air.
- f) Adequate and economical transportation, parking and loading space.

g) The public health, safety and general welfare.

The 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.

s.101.2 Community Development Objectives: This Ordinance is enacted as part of the overall plan for the orderly growth and development of Shrewsbury Borough. As such this Ordinance is based upon the expressed or implied community development objectives as contained in the Shrewsbury Borough Comprehensive Plan.

SECTION 102 DEFINITIONS

s.102.1 Word Usage: Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this section.

s.102.2 Language Interpretation: In this Ordinance when not inconsistent 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 word "person" includes a partnership or corporation as an individual.

e) The term "shall" or "must" is always mandatory.

s.102.3 Specific Words and Phrases: The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

ACCESS DRIVE – A private minor vehicular right-of-way, other than a street, providing access from a street to a property or parking area within a lot. For the purposes of this definition, access drives shall be required for all commercial, industrial, and multi-family uses.

ACCESSORY DWELLING UNITS (IN-LAW QUARTERS) – An accessory dwelling unit (ADU) is a dwelling unit added to, or created within, a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation. An ADU may also be a detached structure located on the same premises as a single-family dwelling. Accessory units may not be subdivided or otherwise segregated in ownership

from the primary structure. ADUs may not be occupied by anyone other than a person related by blood, marriage or adoption to the owner(s) of the primary residence, or persons providing care to the owner(s) of the property.

ACCESSORY SOLAR ENERGY SYSTEMS (ASES) – (often referred to as residential solar, but does not rule out commercial installations) – An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power, the majority of which is for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground or roof-mounted solar arrays or modules, or solar related equipment, and is intended to primarily reduce on-site consumption of utility power or fuels.

ACCESSORY USE – A use customarily incidental and subordinate to the principal use of building and located on the same lot with the principal use or building.

ADULT BOOKSTORE – Any establishment which has a substantial or significant portion of its stock placing an emphasis on sexual activities or display of uncovered male and female genital areas, and which may also include places where sexual paraphernalia is sold and where coin-operated adult films such as peep shows are available. Material offered for sale or viewing would include books, magazines, films or other audio or visual representation.

ADULT THEATER – A building or any room within a building which in a year's time, devotes substantial time to showing either films or live performances involving sexual activities.

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 total floor area, 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, 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.

BASEMENT – A part of a building that is wholly or partly below the average level of the adjoining ground.

BED AND BREAKFAST FACILITY – A building, which otherwise has the appearance and character of a single-family dwelling, but which provides overnight accommodations to transient visitors and has rooms for rent on a nightly basis for periods no longer than thirty (30) consecutive days and which may serve breakfast to guests, but serves no other meal.

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

Detached – A building which has no party wall.

Semi-detached – A building which has only one-party wall in common.

Attached – A building which has two or more party walls in common.

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 – The permitted percentage of lot area that can be developed or covered by buildings.

BUILDING HEIGHT – The total overall height of a building measured from the mean level of the ground surrounding the building to the eave of the roof or the top of the parapet wall.

BUSINESS OFFICE – An office which generally operates on a first-come, first-served basis including advertising agencies, opticians offices, personnel agencies, insurance and bonding agencies, real estate offices, and similar uses.

CAMP GROUND – An area where persons are lodged in tents or other temporary means of shelter and recreational vehicles.

COMMERCIAL CENTER – a group of uses, whether in one or more buildings on one (1) or more properties, planned, designed, and built, as a functioning unit, with off-street parking provided on the property as an integral part of the unit, which uses may include Business Office, Personal Service, Professional Office, Recreational Establishment, or Retail Store or Shop, as those terms are defined herein.

COMMERCIAL FLIGHT OPERATIONS – The carrying of persons or goods for hire, including the conduct of flight instruction for compensation.

COMMERCIAL SCHOOL – A private venture conducted for gain or profit for such special instruction as business, art, music, trades, handicraft, or dancing, including day care centers.

COMMUNICATIONS ANTENNA – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio device or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private resident-mounted satellite dishes, television antennas, or amateur radio equipment including without limitation ham or citizen-band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING – An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty (250) feet.

COMMUNICATIONS TOWER – A structure other than a building, such as a monopole, self-supporting or guyed tower designed and used to support communications antennas.

COMMUNICATIONS TOWER HEIGHT – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

CONGREGATE HOUSING FACILITY FOR OLDER PERSONS – a senior citizens facility with sleeping rooms for independent or assisted living that qualifies under the “Pennsylvania Human Relations Act, 43 PS §951-963” as “Housing for Older Persons” which provides facilities and services specifically designed to meet the physical and social needs of older persons, and which is primarily one bedroom, efficiency and/or single room occupancy quarters, provided however, that each residential unit shall be occupied by at least one person who is fifty-five (55) years of age or older, and provided, further, that in no event shall any residential unit be occupied by anyone less than forty (40) years of age.

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

DAY SPA – A personal service business that provides personal treatments such as facials, skin care, nail care, makeup, sauna, etc. without overnight accommodation. Any massage therapy, if provided, shall be provided by PA State licensed massage therapists only, and in accordance with the Pennsylvania State Board of massage therapy.

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

DOMESTIC ANIMAL – Non-farm animals that are locally available for legal purchase as pets, which shall not include animals kept for agricultural purposes.

DOUBLE FRONTAGE LOT – A lot fronting on two (2) streets other than a corner lot.

DRIVEWAY – A minor vehicular right-of-way providing access between a street and a parking area or garage within a residential lot or property.

DRIVE-IN BUSINESS – A business that accommodates its patrons' automobiles and from which automobiles the occupants may make purchases, transact business, or view motion pictures or other entertainment. A restaurant or other business establishment selling prepared food for immediate consumption shall be deemed a drive-in establishment if: (a) table service is not provided or provided only incidentally to the

primary service of selling food from a counter or window or (b) tables for the consumption of food within the premises are not provided or provided incidentally; or (c) any food is packaged to facilitate its consumption at places other than within the structure and parking or pickup drives are located on the premises.

DWELLING – A separate and self-contained living space of at least five hundred (500) square feet in area, comprised of one (1) or more rooms used for living and sleeping purposes and having its own kitchen with fixed cooking, refrigeration and plumbing facilities, its own sanitation facilities with bath and toilet fixtures, and separate access to the outside or to a common passageway. This chapter categorizes principal Dwellings into the following use types:

1. Apartment – A single Dwelling within a Multi-Family Building or a mixed-use building.
2. Dwelling, Single-Family Detached – One (1) Dwelling in a detached building having open areas on all sides.
3. Dwelling, Single-Family Semi-Detached (Twin) – One (1) Dwelling in a semi-detached building adjacent to another Dwelling, each on their own lot and having open areas on all other sides. This is commonly known as a “Twin.”
4. Dwelling, Single-Family Attached (Rowhouse) – One (1) Dwelling in an attached building adjacent to another Dwelling, with each Dwelling on its own separate lot and having open areas to the front and rear. (In a row, the end units may have open space to one side.) This use is commonly known as a “Rowhouse” or “Townhouse.”
5. Dwelling, Two-Family Detached (Duplex) – Two (2) Dwellings in a single detached building on a single lot, with the Dwellings arranged either side by side or one on top of the other. This is commonly known as a “Duplex.”
6. Multi-Family Building – A single building on a single lot, containing three (3) or more Dwellings or Apartments, each with access to the outside or to a common passageway, lobby, or corridor, either leased or sold for condominium ownership.
7. A Dwelling shall not include Transient Occupancy unless otherwise permitted as a Short-Term Rental.

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

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

EATING ESTABLISHMENT – A public eating place primarily offering sit down or sit-down counter service of foods for on-premises consumption. If carry out service is available, this shall constitute less than ten (10) percent of the sales.

EFFICIENCY APARTMENT DWELLING UNIT – A dwelling unit consisting of two rooms, with the first room containing the living, sleeping and cooking quarters, and the second room containing the bathroom facilities.

FAMILY

- 1) A single person occupying a dwelling unit and maintaining a household;
- 2) Two (2) or more persons related by blood, marriage or adoption occupying a dwelling unit, living together and maintaining a common household;
- 3) Not more than four (4) totally unrelated persons each of which are not related to any of the others by blood, marriage or adoption, occupying a dwelling unit, living together and maintaining a common household; or
- 4) A roomer, boarder, or lodger shall not be considered as a member of the family.

Family may include domestic servants, gratuitous guests, court appointed wards and foster children. Family shall not include occupants of a club, group home, fraternal lodging, rooming house, boarding house, institutional care facility, personal care facility, or any other arrangement pursuant to which compensation is paid in exchange for the right to reside in such facility, to receive meals, supervision and/or care.

FENCE – Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. The height of all fences and walls or portions thereof shall be measured from grade level.

FIREWORKS – any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public. Consumer fireworks are Class B and are accessible to the community. Display fireworks are Class C and are set off by a Licensed Professional.

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 basements or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

GROUP HOME – To provide a supportive living arrangement for individuals where special care is needed by the individuals served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons, those under treatment for alcohol abuse, drug abuse, or both, unwed parents, and those who have been physically abused. This

definition shall expressly include single-family dwellings for the supervised care of persons with disabilities subject to protection under the Pennsylvania and Federal Fair Housing Acts, as amended. Group homes shall be subject to the same limitations and regulations by the Borough as single-family dwellings, and are permitted by right in those zones where single-family dwellings are permitted by right.

HOME OCCUPATION, BUSINESS OR PROFESSION – A special type of accessory use. It is an occupation, business or profession which –

- 1) Is carried on only in a dwelling unit.
- 2) Is carried on by a member of the family residing in the dwelling unit, and not more than one employee.
- 3) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- 4) In the Residential and Residential One Family Districts, a home occupation shall not in any way alter the residential character of the neighborhood nor in any way adversely affect the sale and comfortable enjoyment of the individual property rights of the neighborhood in which the use is located.

HOSPITAL – A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care.

HOUSE OF WORSHIP – A building for religious worship.

IMPERVIOUS SURFACE – Those surfaces that do not readily absorb precipitation. All buildings, structures, “paved” parking areas, “paved” driveways, roads, sidewalks and any other areas in concrete, asphalt, and packed stone shall be considered impervious surfaces within this definition. In addition, all buildings, structures and pervious pavements (concrete/bituminous) shall be considered as impervious surface for computation of lot coverage.

INDUSTRIAL PARK – An industrial park is an industrial area:

- 1) Organized and laid out in accordance with an overall plan for a community of industries including the servicing of these industries; and
- 2) Designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

JUNK YARD – 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, for the purpose of salvaging parts therefrom for use or resale, or the destruction of the same for resale as scrap. Any tract of land used for such purposes, regardless of ownership, shall be considered a separate "junk yard."

KENNEL – Any building or buildings and land used (or offered for use) for the boarding, breeding, sheltering, or training of one (1) or more dogs, cats, fowl or other Domestic Animals, for partial, full or multiple days, for compensation. This use shall include but is not limited to commercial kennels, boarding kennels, and animal shelters in accordance with applicable state laws. This definition shall not include riding stables for horses or animals kept for agricultural purposes. For purposes of this definition, service animals as defined by state and federal law that assist a disabled individual within a building, buildings or land use shall be excluded from being included in the calculation of the number of animals.

LANDING AREA – Any surface, water, land or structure, which is specifically adapted to and primarily maintained for the landing and taking off of aircraft.

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 rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a land-owner for the purposes of this Ordinance.

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 designated parcel, tract or area of land established by a plot or otherwise as permitted by law and to be used, developed or built upon as a unit.

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, CORNER – A lot located at the intersection of, and fronting on, two streets. The front setback regulations of the district in which the lot is located shall apply to both street frontages. The lot shall, in addition, have one side yard and one rear yard. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an angle of less than one hundred thirty-five (135) degrees or on two (2) or more parts with the same street.

LOT COVERAGE – The percentage of the lot area of any lot covered by impervious surfaces, including, but not limited to, buildings, driveways, access drives, parking areas, sidewalks and decks. Lot coverage does not include impervious surfaces within a street right-of-way.

LOT, DOUBLE FRONTAGE – A lot extending between and having frontages on two streets. The front setback requirements of the district in which the lot is located shall apply to both street frontages. The lot shall, in addition, have two side yards. Also called a “through lot.” The front yard is the yard that abuts the street used in the building’s address.

LOT, TRIPLE FRONTAGE – For lots that abut three (3) streets and/or access drives, the address street shall be considered the front yard. The rear yard shall be that which is directly opposite the address street. One side yard shall be provided directly opposite the non-address street and/or access drive, which shall also be a front yard.

LOT, REVERSE FRONTAGE – Means a through lot which is not accessible from one of the parallel or nonintersecting streets upon which it fronts. The address street shall be considered the front yard. The rear yard shall be that area contained between the principal building and the property line directly opposite the address street. Both remaining yards shall be considered side yards. Access shall be on the street with the lower classification.

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

MASSAGE ESTABLISHMENT – Any business offering body manipulation unless operated by a medical practitioner, chiropractor or state-licensed physical therapist.

MASSAGE THERAPIST – An individual currently licensed by the Pennsylvania State Board of Massage Therapy to practice massage therapy, and only as defined and limited by Pa Title 49, Chapter 20 and Pa Act 118-2008 and elsewhere.

MEAN LEVEL OF GROUND – The arithmetic average of the highest point of the lot adjoining the proposed building and the lowest point of the lot adjoining the proposed building prior to any excavation or grading being done.

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 out-patient basis.

MINI-STORAGE – A commercial rental facility providing for the enclosed storage of household items, and fenced outside storage of recreational vehicles and/or equipment and/or 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 or shops and shall not house any items or operations other than storage as specified above. No volatile or hazardous materials shall be stored in such facilities.

MOBILE HOME – A transportable, single-family dwelling intended for permanent occupancy contained in one unit, or in two or more 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 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.

MOBILE HOME PARK – A parcel or contiguous parcels of land which has been so designed and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MODULAR HOME – A type of dwelling composed of fabricated transportable building units designed to be used by themselves or to be incorporated with similar units at a building site.

MULTI-FAMILY OR TWO-FAMILY CONVERSION – A multi-family dwelling or two-family dwelling constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building.

NITS – A unit of illuminative brightness equal to one candle per square meter measured perpendicular to the rays of the light source.

NO-IMPACT HOME-BASED BUSINESS – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with the residential use. The business or commercial activity must satisfy all of the following requirements:

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

8) The business may not involve any illegal activities.

NONCONFORMITY – A use, structure, lot or dimension in conflict with the regulations of this Ordinance, (1) existing on the effective date of this Ordinance, or (2) existing at any subsequent amendment of this Ordinance, or (3) created by variance. Specifically, the following types of nonconformities are distinguished:

Nonconforming Lot – A lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Nonconforming Structure – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or any amendment thereto, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use – A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or any amendment theretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

OPEN AREA - The area of a lot not containing buildings. Paved area is considered to be a part of open area.

OPEN SPACE – Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for resource protection, public or private use and enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space shall not include land occupied by nonrecreational structures, roads, street rights-of-ways, parking lots, land reserved for future parking, or any portion of required minimum lot areas. Open space shall not include stormwater management facilities.

OWNER OCCUPIED – a Dwelling that is the primary, permanent residence and domicile of a Person who is identified as the owner or one of the owners on the deed for the property. In order for a Dwelling to be considered Owner Occupied, the Dwelling must be considered the domicile of the record owner or at least one (1) of the record owners under Pennsylvania law, and the owner must physically reside in the Dwelling not less than six (6) months each calendar year, and the owner cannot be registered to vote at any other address, and the owner must use the Dwelling as the owner's address for payment of taxes including, but not limited to, earned income taxes.

PARKING LOT – An off-street lot where passenger vehicles may be parked for short periods.

PARKING SPACE – An off-street space available for the parking of one (1) motor vehicle and having direct access to a street or alley.

PERSON – Any natural person, individual, partnership, firm, association, corporation, or other entity.

PERSONAL SERVICE – A business such as a barber shop, beauty parlor, laundry and dry cleaning service, self-service laundromat, shoe repair, tailor's shop, photographer's studio or similar enterprise providing personalized service to customers.

PERVIOUS SURFACE – Those areas such as grass, mulch, loose stone, etc. that provide for the free flow of surface water into the soil. For the purpose of this definition, porous paving (concrete/bituminous) shall not be considered a pervious surface.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land, controlled by a landowner to be developed as a single entity for a number of dwelling units or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one districts created from time to time under the provisions of this Ordinance.

PRINCIPAL USE – The main or primary use of property or buildings, measured in terms of net floor area, or where no net floor area exists measured in terms of net land area.

PRIVATE AIRPORT AND LANDING STRIP – A landing area at which no commercial flight operations are conducted. Any landing area restricted solely for the use of a person or where any aircraft owned, controlled or flown by another is not based over eight (8) days, nor maintained for financial return shall be a private airport.

PROFESSIONAL OFFICE – An office which generally operates on an appointment basis and with relatively low pedestrian or vehicular traffic, including offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, physicians, teachers and miscellaneous consulting services.

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 NUISANCE – Something offensive or annoying to individuals or to the community to the prejudice of their legal rights.

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

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

RECREATIONAL ESTABLISHMENT – A building, facility or an area designed and constructed for recreation use, services and activities such as but not limited to bowling alleys, theaters, swimming pools, health clubs and skating rinks organized primarily for profit and provided by business enterprises.

REPAIR SHOP – A shop for the repair of appliances, lawn mowers, watches, guns, bicycles, locks, small business machines, but not including motor vehicle or heavy equipment repairs.

RETAIL STORE OR SHOP – Retail stores are those stores and shops whose primary activities involve the retail sale of amusements and games, antiques, art, books, beverages, carpets and rugs, ceramics and glass, confections, drugs, dry goods, flowers, food, furniture, gifts, garden supplies, hobbies, hardware, household appliances, household pets and supplies, leather goods, musical supplies and equipment, notions, paint, periodicals, photographs and photographic equipment, radio-television and sound equipment, sporting and camping goods, stationery, tobacco, toys, wearing apparel, and similar items.

ROADWAY (Travelway) – 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, and which is not a Bed and Breakfast facility.

SCREEN PLANTING – An evergreen planting and/or other barrier of sufficient height and density to conceal from view of property owners in adjoining zones the structures and uses on the premises on which the screen planting and/or other barrier is located.

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

Setback, Front – The distance between the street or property line and the front setback line projected the full width of the lot. Commonly called "front yard."

Setback, Rear – The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "rear yard."

Setback, Side – The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "side yard."

SETBACK LINE – A line within a property and parallel to a property or street line which delineates the required minimum distance between a structure and the property or street line.

SHORT-TERM RENTAL – Any Dwelling owned or managed by a local person, firm, or corporation which is rented or leased for the purpose of overnight lodging for a period of thirty (30) consecutive days or less, and which meets the definition of “Hotel” for the purpose of imposing an excise tax by York County. Units must adhere to the Shrewsbury Borough Zoning Ordinance, Short-Term Rental Section 632, and have a valid Short-Term Rental license as issued by the Borough of Shrewsbury. A Short-Term Rental is *not* permitted outside of the Village Zone. If the owner is not occupying and is not local, the Short-Term Rental must be managed by a local property firm or corporation.

SIGN – A device for visual communication that is used to bring the subject to the attention of the public other than non-illuminated communicating devices within buildings and communicating devices integral to goods or products such as labels or price tags.

Sign, Advertising – A permanent sign whose major purpose is directing attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot, such as a billboard.

Sign, Animated – Any sign the appearance of which changes electronically. An animated sign shall include, but not be limited to, electronic message boards that can or do display public service messages or promotional announcements of any type. An animated sign shall not include traditional barber poles or other signs that only have moving parts powered by electricity.

Sign, Buntings and Pennants – A sign made of fabric or similar flexible lightweight material.

Sign, Business – A permanent sign either free-standing or attached to a structure directing attention to a business or profession conducted on the same lot.

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 an identifying name or symbol shall be contained on signs of this type.

Sign, Permanent Free-standing – A sign supported by uprights or braces permanently anchored into the ground and not attached to a building.

Sign, Permanent Building – A sign permanently attached or applied to a structure and not supported by uprights and/or anchored into the ground.

Sign, Temporary – A sign which can be easily moved and which is not permanently attached or applied to a building or permanently anchored into the ground.

SPECIAL EXCEPTIONS – A permission or approval granted to an applicant to use land in a district for a purpose other than that generally permitted outright in that district. The permission is granted by the Zoning Hearing Board in accordance with the standards contained in this Ordinance.

STORY – That portion of a building, between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, Half – A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

STREET – Includes street, avenue, boulevard, road, highway, freeway, lane, 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.

Accessory – A subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to that of the principal structure.

Permanent – A structure anchored to a foundation which cannot readily be removed.

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 one and one-half (1 1/2) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TOWNHOUSE (ROW DWELLING) – Three (3) or more dwelling units accommodating three or more families which are attached side by side through the use of common party walls and which shall have side yards adjacent to each end unit.

TRANSIENT OCCUPANCY – Use, occupancy, and/or possession of a Dwelling or portion thereof for a period of thirty (30) consecutive calendar days or less.

TRANSIENT OCCUPANT – A Person who uses, possesses, or occupies a Dwelling or portion thereof for a period of thirty (30) consecutive calendar days or less.

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

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

VARIANCE – A permission granted by the Zoning Hearing Board for a particular modification to some regulation or provision of the Zoning Ordinance which, if strictly adhered to, would result in an unnecessary hardship. The permission, if granted, also would not be contrary to the public interest, and would maintain the spirit and intent of the Ordinance.

YARD – An open, unoccupied space, unobstructed from the ground up, on the same lot with a structure, extending along the entire length of a lot line or street line and inward to the structure. The size of a yard shall be measured as the shortest distance between the structure and a lot line or street line.

Front – A yard between a structure and street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one street, the front yard is that yard abutting the street used in the building's address.

Rear – A yard between a structure and rear lot line and extending the entire length of the rear lot line. If the lot fronts on more than one street, the rear yard is the yard opposite the yard abutting the street used in the building's address.

Side – A yard between a structure and side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

PART II

DISTRICT REGULATIONS

SECTION 200 DISTRICTS AND BOUNDARIES

s.200.1 Establishment of Districts: The Borough of Shrewsbury is divided into districts enumerated below and shown on the map entitled "Zoning Map of Shrewsbury Borough" which map is part of this Ordinance.

R	Residential
R-O	Residential One Family
R-A	Residential Agricultural
V	Village
C	Commercial
I	Industrial

s.200.2 Boundaries of Districts: Where uncertainty exists as to the boundaries of the districts as shown on the zoning map, the following rules shall apply:

- a) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such centerlines.
- b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c) Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
- d) Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
- e) Boundaries indicated as parallel to or extensions of features indicated in Sub-section (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 or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by Sub-section (a) through (e), the Zoning Hearing Board shall interpret the district boundaries.

SECTION 201 USE REGULATIONS

s.201.1 Uses Permitted: The uses permitted in the districts established by this Ordinance and the permitted extent of these uses, are as shown in Section 202 through 207. The uses

shown as permitted in each district are the only uses permitted in that district. Unless otherwise noted, the use or dimensional standards are the requirements for each use.

However,

- a) Additional general provisions are set forth in PART III.
- b) Modifications to the use or dimensional requirements are set forth in PART IV.
- c) Standards for Special Exception uses are set forth in PART VI.

- s.201.2 All Other Uses: Any use not specifically allowed elsewhere in this Ordinance shall be allowed by Special Exception in the district or districts 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.
- s.201.3 Accessory Uses and Structures: Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses and structures as set forth in Section 300.
- s.201.4 Uses With Nuisance Effect: In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the reasonable enjoyment of the surrounding property.
- s.201.5 Exemption of Shrewsbury Borough From Provisions of Ordinance: Shrewsbury Borough is exempt from and shall not be required to comply with the provisions of this Ordinance."

SECTION 202 RESIDENTIAL DISTRICT (R)

- s.202.1 Purpose: The purpose of the R district is to improve and maintain the character of the older 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 and to exclude any activities not compatible with residential development.
- s.202.2 Uses by Right: The following principal uses are permitted by right in the R district:
 - 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) Park and other open space.

- e) No-impact home-based business.
- f) Group Home.

s.202.3 Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions 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 V and VI of this Ordinance.

- a) Planned residential development.
- b) Multi-family or Two-family conversion.
- c) Multi-family dwelling(s).
- d) Convalescent or nursing home; hospital.
- e) House of worship.
- f) Public utility building.
- g) Cemetery.
- h) Home occupation, business or profession.
- i) Mobile home park.
- j) Congregate housing facility for older persons.

s.202.4 Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each dwelling unit and/or principal use hereafter established in this district:

Per Dwelling Unit	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer
Minimum Lot Area	9,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.
Minimum Lot Width	80 ft.	100 ft.	120 ft.

s.202.5 Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:

- a) Front Setback – Twenty-five (25) feet.

- b) Each Side Setback – Fifteen (15) feet, except for existing lots under the minimum lot width of eighty (80) feet, each side setback – Three (3) feet.
 - c) Rear Setback – Thirty (30) feet.
- s.202.6 Building Height: The height limit for a main building shall not exceed twenty-eight (28) feet to the eave of the roof or the top of the parapet wall measured from the mean level of the ground surrounding the building. The overall height of the building from the mean ground level to the crown of the roof shall not exceed thirty-five (35) feet. The maximum height for an accessory building shall be fourteen (14) feet.
- s.202.7 Building Coverage: Not more than thirty (30) percent of the lot area may be covered by buildings, including accessory buildings.
- s.202.8 Open Air: Not less than seventy (70) percent of the lot area shall be devoted to open area as defined in this Ordinance.
- s.202.9 Impervious Surface Coverage: Not more than fifty (50) percent of the lot area, including building area coverage, may be covered with an impervious surface.
- s.202.10 Required Utilities: Each principal use shall be provided with Borough water and sewer service if it is determined by the Borough Council that adequate water and sewer capacity is available and that it is feasible to extend these services to serve the principal use.
- s.202.11 Subject to the requirements of the Wellhead Protection Ordinance.

SECTION 203 RESIDENTIAL ONE FAMILY DISTRICT (R-O)

- s.203.1 Purpose: The purpose of the R-O district is to improve and maintain the character of the established single-family 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.
- s.203.2 Uses by Right: The following principal uses are permitted by right in the R-O district:
- a) Single-family detached dwelling.
 - b) Park and other open space.
 - c) No-impact home-based business.
 - d) Group Home.
- s.203.3 Uses by Special Exception: The following accessory use shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board

shall hear and decide requests for such use according to criteria established in PARTS V and VI of this Ordinance.

a) Home occupation, business or profession.

s.203.4 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 district:

Use	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer	Minimum Lot Width
All Uses	12,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.	100 ft.

s.203.5 Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:

a) Front Setback – Twenty-five (25) feet.

b) Each Side Setback – Fifteen (15) feet.

c) Rear Setback – Thirty (30) feet.

s.203.6 Building Height: The height limit for a main building shall not exceed twenty-eight (28) feet to the eave of the roof or the top of the parapet wall measured from the mean level of the ground surrounding the building. The overall height of the building from the mean ground level to the crown of the roof shall not exceed thirty-five (35) feet. The maximum height for an accessory building shall be fourteen (14) feet.

s.203.7 Building Coverage: Not more than thirty (30) percent of the lot area may be covered by buildings, including accessory buildings.

s.203.8 Open Area: Not less than seventy (70) percent of the lot area shall be devoted to open area as defined in this Ordinance.

s.203.9 Impervious Surface Coverage: Not more than fifty (50) percent of the lot area, including building area coverage, may be covered with an impervious surface.

s.203.10 Required Utilities: Each principal use shall be provided with Borough water and sewer service if it is determined by the Borough Council that water and sewer capacity is available and that it is feasible to have the service extended to serve the principal use.

s.203.11 Subject to the requirements of the Wellhead Protection Ordinance.

SECTION 204 RESIDENTIAL AGRICULTURAL DISTRICT (R-A)

s.204.1 Purpose: The primary purpose of this district is to maintain and promote the rural-agricultural character of the land within this district. This district is composed of those

areas in the Borough whose predominant land use is rural-residential and agricultural. The regulations of this district are designed to protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agricultural enterprises and to limit development which requires highways and other public facilities in excess of those required by rural oriented uses.

s.204.2 Uses by Right: The following principal uses are permitted by right in the R-A district:

- a) Single-family dwelling.
- b) Farm buildings.
- c) Crops.
- d) Pasture.
- e) Dairy livestock.
- f) Poultry.
- g) Small animals.
- h) Greenhouse.
- i) Nursery.
- j) Forestation and/or wildlife preserve.
- k) No-impact home-based business.
- l) Group Home.

s.204.3 Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions 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 V and VI of this Ordinance.

- a) Planned residential development.
- b) House of worship.
- c) Cemetery.
- d) Kennel; animal hospital.
- e) Public buildings and facilities.
- f) Club room; club ground; meeting hall.

- g) Private airport and landing strip.
 - h) Bed and breakfast facility.
- s.204.4 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 district:
- Minimum Lot Area – Twenty thousand (20,000) sq. ft.
- Minimum Lot Width – One hundred twenty (120) ft.
- s.204.5 Setbacks: Each lot shall provide front, side, and rear setbacks not less than the following:
- a) Front Setback – Fifty (50) feet.
 - b) Each Side Setback – Twenty (20) feet.
 - c) Rear Setback – Thirty (30) feet.
- s.204.6 Building Height: The height limit for a main building shall not exceed twenty-eight (28) feet to the eave of the roof or the top of the parapet wall measured from the mean level of the ground surrounding the building. The overall height of the building from the mean ground level to the crown of the roof shall not exceed thirty-five (35) feet. The maximum height for an accessory building shall be fourteen (14) feet. There is no height limit for farm buildings.
- s.204.7 Building Coverage: Not more than thirty (30) percent of the lot area may be covered by buildings, including accessory buildings.
- s.204.8 Open Area: Not less than seventy (70) percent of the lot area shall be devoted to open area as defined in this Ordinance.
- s.204.9 Impervious Surface Coverage: Not more than thirty (30) percent of the lot area, including building area coverage, may be covered with an impervious surface.
- s.204.10 Required Utilities: Each principal use shall be provided with Borough water and sewer service if it is determined by the Borough Council that water and sewer capacity is available and that it is feasible to have the service extended to serve the principal use.
- s.204.11 Subject to the requirements of the Wellhead Protection Ordinance.

SECTION 205 VILLAGE DISTRICT (V)

- s.205.1 Purpose: The purpose of this district is to provide for the continued development of the existing residential and public uses as well as to encourage the preservation of the

character of the original settlement of Shrewsbury and its architectural, historical, archaeological, and cultural elements.

s.205.2 Uses by Right: The following principal uses are permitted by right in the V district:

- a) Single-family dwelling.
- b) Two-family dwelling.
- c) Multi-family dwelling.
- d) Multi-family or two-family conversion.
- e) Business or professional office.
- f) No-impact home-based business.
- g) Group Home.

s.205.3 Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing board. The Zoning Hearing Board shall hear and decide requests for such use according to criteria established in PARTS V and VI of this Ordinance.

- a) Eating establishment.
- b) Retail store or personal service business.
- c) Apartment in conjunction with commercial establishment.
- d) Financial institution.
- e) Funeral home.
- f) Public buildings and facilities.
- g) House of worship.
- h) Short-Term Rentals.

s.205.4 Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each dwelling unit and/or principal use hereafter established in this district:

Minimum Lot Area – Nine thousand (9,000) sq. ft.

Minimum Lot Width – Fifty (50) ft.

- s.205.5 Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:
- a) Front Setback – Fifteen (15) feet.
 - b) Side Setback – Six (6) feet, except for existing lots under the minimum lot width of Fifty (50) feet, each side setback – Three (3) feet.
 - c) Rear Setback – Twenty (20) feet.
- s.205.6 Building Height: The height limit for a main building shall not exceed twenty-eight (28) feet to the eave of the roof or the top of parapet wall measured from the mean level of the ground surrounding the building. The overall height of the building from the mean ground level to the crown of the roof shall not exceed thirty-five (35) feet. The maximum height for an accessory building shall be fourteen (14) feet.
- s.205.7 Building Coverage: Not more than forty (40) percent of the lot area shall be devoted to buildings, including accessory buildings.
- s.205.8 Open Area: Not less than sixty (60) percent of the lot area shall be devoted to open area as defined in this Ordinance.
- s.205.9 Impervious Surface Coverage: Not more than sixty (60) percent of the lot area, including building coverage area, may be covered with an impervious surface.
- s.205.10 Required Utilities: Each principal use shall be provided with Borough water and sewer service if it is determined by the Borough Council that adequate water and sewer capacity is available and that it is feasible to extend these services to serve the principal use.
- s.205.11 Subject to the Requirements of the Wellhead Protection Ordinance.

SECTION 206 COMMERCIAL DISTRICT (C)

- s.206.1 Purpose: The purpose of this district is to provide reasonable standards for the development of commercial uses which serve the needs of the local residents.
- s.206.2 Uses by Right: The following principal uses are permitted by right in the C district.
- a) Public utility building.
 - b) Parking lot or parking garage.
 - c) Business or professional office.
 - d) Funeral home.
 - e) Commercial school.

- f) Eating establishment; drive-in business.
- g) Coin-operated laundry; dry-cleaning establishment.
- h) Vehicle salesroom or service.
- i) Greenhouse.
- j) Medical clinic.
- k) Retail store.
- l) Personal service business.
- m) any of the uses by right listed in this section when part of an established Commercial Center.

s.206.3 Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions 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 V and VI of this Ordinance.

- a) Multi-family or Two-family conversion.
- b) Commercial Center (only when initially planned, designed and built).
- c) Public building and facilities.
- d) Transportation (passenger) terminal.
- e) Gasoline station.
- f) Outdoor commercial recreational establishment; campground.
- g) Heavy storage service (e.g., warehouse, building material yard).
- h) Adult bookstore, adult theater; massage establishment; tattoo parlor, body piercing establishment.
- i) Rooming house.
- j) House of worship.
- k) Club room; meeting hall.
- l) Recreational establishment.

- m) Motel; hotel.
 - n) Financial institution.
 - o) Mini-storage facility.
- s.206.4 Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each dwelling unit and/or principal use hereafter established in this district.
- Minimum Lot Area – Twelve thousand (12,000) sq. ft.
- Minimum Lot Width – Eighty (80) ft.
- s.206.5 Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:
- a) Front Setback – Twenty five (25) feet.
 - b) Each Side Setback – Fifteen (15) feet.
 - c) Rear Setback – Twenty (20) feet.
- s.206.6 Building Height: The height limit for a main building shall not exceed twenty-eight (28) feet to the eave of the roof or the top of the parapet wall measured from the mean level of the ground surrounding the building. The overall height of the building from the mean ground level to the crown of the roof shall not exceed thirty-five (35) feet. The maximum height for an accessory building shall be twenty (20) feet.
- s.206.7 Building Coverage: Not more than sixty (60) percent of the lot area shall be devoted to buildings, including accessory buildings.
- s.206.8 Open Area: Not less than forty (40) percent of the lot area shall be devoted to open area as defined in this Ordinance.
- s.206.9 Impervious Surface Coverage: Not more than seventy-five (75) percent of the lot area, including building area coverage, may be covered with an impervious surface.
- s.206.10 Required Utilities: Each principal use shall be provided with Borough water and sewer service if it is determined by the Borough Council that water and sewer capacity is available and that it is feasible to have the service extended to serve the principal use.
- s.206.11 Subject to the Requirements of the Wellhead Protection Ordinance.

SECTION 207 INDUSTRIAL DISTRICT (I)

- s.207.1 Purpose: The purpose of this district is to provide reasonable standards for the development of new industrial and office uses, to protect present and prospective uses of nearby residential properties, to minimize air, land and water pollution and noise,

glare, heat, vibration and fire and safety hazards. It is the I classification's purpose to accommodate a part of the demand for office space, it being the intent of these Zoning regulations that office-space demand should be met primarily in Village (V) and Commercial (C) districts.

s.207.2 Uses by Right: The following principal uses are permitted by right in the I district provided their operations are entirely within enclosed buildings:

- a) Manufacturing and Storage uses that DO NOT cause dust, smoke, fumes, gas, or offensive odors to be disseminated 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 of the front lot line; DO NOT cause glare observable from beyond the boundaries of the lot. The following uses are permitted:
 - 1) Assembly of electrical appliances, electronic instruments, and devices, radios, and phonographs.
 - 2) Bakery.
 - 3) Bottling establishment.
 - 4) Manufacture, compounding, packaging or treatment of candy, cosmetics, drugs, perfumes, and food products.
 - 5) Manufacture of musical instruments, precision instruments, clocks, watches, toys, novelties, wrought iron products, rubber or metal stamps, or other small molded rubber products.
 - 6) Manufacture, compounding, electroplating, assembling, machining or other comparable light processing or treatment of articles of merchandise from the following previously prepared materials: canvas, cloth, cork, felt, fiber, glass, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as motor vehicle fender and bodies), light steel or other light metal mesh, pipe, rods, shapes, strips, wire, or similar component parts, textiles, wood, and yarns.
 - 7) Printing, lithographing or publishing plant.
 - 8) Public utility use.
 - 9) Research laboratory.
 - 10) Warehouses (inclusion of wholesale sales is permitted provided it is clearly incidental to the warehouse function).
- b) Business or Professional Office buildings containing offices or medical offices and their accessory uses including parking except that no more than twenty-five (25) percent of the total gross floor area of the office building may be occupied by

medical offices. The total gross floor area of any office building may not exceed a maximum of sixteen thousand (16,000) square feet.

s.207.3 Uses by Special Exception: The following accessory commercial uses shall be permitted as Special Exceptions when such use will primarily serve the principal use of the lot and 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 V and VI of this Ordinance:

- a) Duplicating service business.
- b) Stationery or office supply shops.
- c) Secretarial service establishments.
- d) Drug stores.
- e) Exercise room for the exclusive use of the tenants and no larger than fifteen hundred (1,500) square feet in size.
- f) Newsstands.
- g) Personal care establishments including hair care, facial treatments, manicuring.
- h) Travel bureaus.
- i) Garment cleaning, collection and pick-up only (actual cleaning to be done off premises).
- j) Data processing and office equipment service establishment permitting incidental sales only.
- k) Photographic film-processing establishment.
- l) Fireworks sales.
- m) Mini-storage Facility.

s.207.4 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 district.

Minimum Lot Area – Thirty thousand (30,000) sq. ft.

Minimum Lot Width – One hundred twenty (120) ft.

s.207.5 Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:

- a) Front Setback – Thirty (30) feet.
 - b) Each Side Setback – Twenty-five (25) feet.
 - c) Rear Setback – Thirty (30) feet.
- s.207.6 Building Height: The height limit for a main building shall not exceed twenty-eight (28) feet to the eave of the roof or the top of the parapet wall measured from the mean level of the ground surrounding the building. The overall height of the building from the mean ground level to the crown of the roof shall not exceed thirty-five (35) feet. The maximum height for an accessory building shall be fourteen (14) feet.
- s.207.7 Building Coverage: Not more than fifty (50) percent of the lot area shall be devoted to buildings, including accessory buildings.
- s.207.8 Open Area: Not less than fifty (50) percent of the lot area shall be devoted to open area as defined in this Ordinance.
- s.207.9 Impervious Surface Coverage: Not more than sixty (60) percent of the lot area, including building area coverage, may be covered with an impervious surface.
- s.207.10 Required Utilities: Each principal use shall be provided with Borough water and sewer service if it is determined by the Borough Council that water and sewer capacity is available and that it is feasible to have the service extended to serve the principal use.
- s.207.11 Subject to the Requirements of the Wellhead Protection Ordinance.

PART III

GENERAL PROVISIONS

SECTION 300 ACCESSORY USES AND STRUCTURES

- s.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.
- s.300.2 Non-attached Structures: Utility sheds are permitted in rear yards but shall not be located closer than ten (10) feet to any side property line and not closer than five (5) 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 ten (10) feet to any side or rear property line. For all other requirements, a Non-attached structure is considered a part of the principal building.
- s.300.3 Fences and Walls: No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than three (3) feet in a front yard area and more than six (6) feet in any other yard area. For purposes of accessory structures, the rear yard is opposite the side where the address is located. See Section 312.

Residential Retaining Walls: No wall shall be erected to a height greater than six (6) feet. All portions of all walls shall be separated from other portions of other walls by a distance greater than 1.5 times the maximum height of the tallest wall. The area between the two walls shall be sloped at a grade of five (5) percent or less in any direction. Any wall with a height of six (6) feet shall be equipped with a railing or a fence to prevent falls, entrapment, or other hazards. No wall shall be erected in an easement or right-of-way. Maintenance access shall be provided.

Commercial/Industrial Retaining Walls: Walls exceeding six (6) four (4) feet in height from the finished grade elevation at the bottom of the wall to the top cap of the wall require a licensed professional engineer or structural engineer to seal and sign plans and provide a report associated with the wall design. Any wall shall be equipped with a minimum 48" railing (with no ladder affect) or a fence to prevent falls, entrapment, or other hazards. Fences shall be constructed of a solid type material, not chain link. No wall shall be erected in an easement or right-of-way. Maintenance access shall be provided.

- s.300.4 Accessory Solar Energy Systems (ASES): Regulations Applicable to All Accessory Solar Energy Systems:
1. Owner should provide the last twelve (12) months of electric bills to show usage.
 2. Exemptions: ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES whether or not existing prior to the effective date

of this Section that materially alters the ASES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

3. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Shrewsbury Borough. Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Shrewsbury Borough codes under which the ASES was constructed.
4. ASES installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
 - a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
 - b. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited Photovoltaic training program or a Photovoltaic manufacturer's training program and successfully installed a minimum of three Photovoltaic systems).
 - c. For residential applications, a registered home improvement contractor with the Attorney's General's office.
5. All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.
6. The owner of an ASES shall provide Shrewsbury Borough written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
7. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
8. Glare:
 - a. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

- b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through sighting or mitigation.

9. Permit Requirements:

- a. Zoning/building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
- b. The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
- c. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to confirm or to remove the ASES.

B. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

- 1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
- 2. ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within each of the underlying Zoning Districts.
- 3. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
- 4. Solar panels shall not extend beyond any portion of the roof edge.
- 5. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Borough that the roof or wall is capable of holding the load imposed on the structure.

C. Ground Mounted Accessory Solar Energy Systems:

1. Setbacks

- a. The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the zoning district.

- b. Ground mounted ASES are prohibited in front yards, between the principal building and the public street.
2. Height
- a. Freestanding ground mounted ASES shall not exceed the maximum accessory structure height in the underlying zoning district.
3. Coverage
- a. The area beneath the ground mounted ASES is considered pervious. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations.
 - b. The surface area of the arrays of a ground mounted ASES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.
 - c. The total surface area of the arrays of ground mounted ASES on the property shall not exceed more than fifteen (15) percent of the lot area.
 - d. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the Shrewsbury Borough Stormwater Management Ordinance.
4. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
5. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

SECTION 301 OUTDOOR SIGNS

s.301.1 Signs Permitted and Extent-of-Use:

- a) Drive-in-Business: For a drive-in business, Permanent Free-Standing Business signs are permitted as long as their number does not exceed one (1) per street frontage and the total sign area does not exceed thirty-two (32) square feet. Permanent Building Business signs are permitted as long as the total area of all such signs is less than or equal to ten (10) percent of the square foot area of the building face to which it is attached. Permanent Building Business signs and Advertising signs may only be located on the front of a building, or on a side of the building that is adjacent to a Commercial or Industrial zone.

- b) Multi-Use Buildings: In the case of a multi-use building in a Commercial or Industrial Zone that is not located within a Commercial Center or Industrial Park, containing several businesses, professional offices, retail, medical or other uses and/or tenants within a single structure. Permanent Free-Standing Business signs are permitted as long as their number does not exceed one (1) per street frontage and the total sign area does not exceed thirty (32) square feet. Permanent Building Business signs are permitted as long as the total area of all such signs is less than or equal to ten (10) percent of the square foot area of the building face to which it is attached. Permanent Building Business signs containing the name of the building or name of each tenant or business located therein and Advertising signs may only be located on the front of a building, or on a side of a building that is adjacent to a Commercial or Industrial zone.
- c) Commercial Center or Industrial Park: In the case of a commercial center or industrial park, one (1) marque-type sign is permitted for each entrance to the commercial center or industrial park, which sign may contain the name of each tenant or business located therein, and which sign may not exceed a total area of fifty-six (56) square feet. In addition to said marque-type sign, each tenant or business in the commercial center or industrial park may have one (1) Permanent Building Business sign not exceeding thirty-two (32) square feet in total area. Such sign shall be attached to the portion of the building occupied by the tenant or business in the case of a commercial center. Such signs may be either a permanent Free-Standing business sign or a Permanent Building Business sign in the case of an industrial park where a tenant or business occupies an entire separate building.
- d) Other Uses: For all other uses, unless noted otherwise, a maximum of one (1) sign is permitted on each street frontage of a lot for each approved occupancy in accordance with subsection g).
- e) All Uses: For all uses, except for houses of worship, civic or charitable purposes, a building permit is required, and no sign exceeding thirty-two (32) square feet in area may be located within seventy-five (75) feet of a residential use or zone.
- f) Determination of Size: The maximum size of the sign shall be computed by the means of the smallest square, triangle, rectangle, circle or combination thereof, which will encompass the extreme limits of the writing, representation, emblem, or other display on the sign face (the "Main Sign Area"). The Main Sign Area shall not include the poles or pylons upon which a sign is erected, so long as there is no writing, representation, emblem, or other display on those poles or pylons. The Main Sign Area shall be the area subject to the maximum size restrictions imposed by this Ordinance. In addition to the Main Sign Area, there shall be an allowance of area for additional architecture elements, such as bordering, trim, framing, or other decorative attachments (the "Decorative Sign Area"). The maximum size of the Decorative Sign Area shall not exceed twenty (20) percent of the square footage of the Maximum Sign Area authorized for that particular sign by this Ordinance. In the case of signs with signage on both the front and back, only one side shall be counted in determining the maximum size allowable for each of the Main Sign Area and the Decorative Sign Area.

- g) Sign Height: The maximum height of any sign shall be limited to the Building Height authorized pursuant to this Ordinance for any structure that could be constructed upon the property where the sign will be erected.

Type, Location and Size of Sign:

Type of Sign	Where Permitted	Maximum Size
Home occupation or home profession	Where use is permitted	1 sq. ft.
No trespassing	Any district	2 sq. ft.
Utility	Any district	2 sq. ft.
Directional	Any district	6 sq. ft.
House of worship, schools, and other non-profit institutions	Any district	12 sq. ft.
Apartment development, subdivision	Where use is permitted	32 sq. ft.
Business (permanent free-standing)	Village district	6 sq. ft.
	R and RA districts	12 sq. ft.
	C and I districts	32 sq. ft. per 100 lineal ft. of frontage
Business (permanent building)	Village district	6 sq. ft.
	R and RA districts	12 sq. ft.
	C and I districts	An unlimited number of permanent building business signs is permitted as long as the total area of all such signs is less than or equal to 10% of the square foot area of the building face to which it is attached and such signs are only located on the front of a building, or on a side of a building that is adjacent to a Commercial or Industrial Zone.
Advertising	Village district	6 sq. ft.
	Other districts except R and R-R-O	32 sq. ft.
Advertising	Industrial district	300 sq. ft.

s.301.2 Signs Prohibited:

- a) Noise producing signs, such as talking and musical signs.
- b) Signs containing either flashing or intermittent lights visible from outside a building.

s.301.3 Setback of Signs:

- a) Attached Signs: No portion of an attached sign may extend beyond the building setback line or interfere with the sight clearance required by s.400.3.
- b) Free Standing Signs: No portion of a free-standing sign may be closer to a street right-of-way line than as permitted to provide proper sight clearance as defined in s.400.3.

s.301.4 Projection of Signs: No sign may project –

- a) Over a public sidewalk area.
- b) Over a public highway or street unless such sign is necessary for traffic control purposes and meets current PA DOT specifications.
- c) More than twenty-five (25) feet above the ground except for an attached sign which may not project above the highest point of the roof of a building.

s.301.5 Illumination of Signs:

- a) 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 or distract the vision of motorists.
- b) 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 two hundred (200) feet of a highway traffic light or similar safety device or from the center of any street intersection.
- c) The Decorative Sign Area of any sign shall not be self-illuminated.

s.301.6 Temporary Signs: The following types of temporary signs shall be permitted in accordance with the following regulations:

- a) Signs identifying architects, engineers, contractors, tradesmen or others engaged in construction work wherein their work is proceeding. Such signs shall be removed within thirty (30) days of when the work is completed, shall not exceed one (1) sign for each separate firm involved in the work, and shall not exceed twelve (12) square feet in size.

- b) Real estate signs on individual properties less than three acres that are for sale, rent, or lease or which have been sold, rented or leased. Such signs shall be removed within thirty (30) days of sale, rent or lease agreement, shall not exceed one (1) such sign per street frontage and shall not exceed six (6) square feet in area.
- c) Real estate signs on properties of three (3) acres or more, offering for sale, rent, lease or subdivision for commercial, residential or industrial use. Such signs shall be removed within thirty (30) days of date of sale, rent or lease agreement, shall not exceed one (1) such sign per street frontage, and shall not exceed thirty-two (32) square feet in area.
- d) Signs announcing proposed housing development, apartments or office complexes. Such signs shall be removed upon ninety (90) percent completion of construction of the development, shall not exceed two (2) such signs per street frontage, and shall not exceed thirty-two (32) square feet in area.
- e) Signs announcing proposed commercial, industrial, or other non-residential development. Such signs shall be removed within thirty (30) days of completion of construction of the project, whichever comes first, shall not exceed two (2) per street frontage in number, and shall not exceed thirty-two (32) square feet in area.
- f) Signs announcing grand openings, new ownership or change of use, located on the site of the permitted use. Such signs shall be removed within thirty (30) days after erection, shall not exceed one (1) such sign per one hundred (100) lineal feet of street frontage or any portion thereof, and shall not exceed thirty-two (32) square feet in area.
- g) Signs in a Residential or Residential One Family District advertising the temporary sale of agricultural produce raised on the property on which it is being sold. Such signs shall be displayed only when the produce is on sale, shall not exceed two (2) in number per lot, and shall not exceed six (6) square feet in area.
- h) Temporary signs announcing a special event (except garage/yard sales). Such sign shall not be erected for more than thirty (30) consecutive days at any site within the Borough and for no more than two (2) special events in any calendar year. There shall be no more than one (1) such sign per street frontage and the sign shall not exceed 32 square feet in area. Special event signs for charitable or non-profit organizations shall be exempt from the requirement limiting signs to two (2) special events per year.
- i) Yard Sale and Garage Sale Signs (Including Directional Signs). Such signs may only be erected on private property with prior permission of the property owner and during the days of the sale only and shall not exceed two (2) per property in number nor six (6) square feet in area.
- j) Buntings and Pennants are permitted only to announce the opening of a new business or industry, or in connection with a civic event or charitable purpose. They may be put in place for up to thirty (30) days prior to the start of such event and

must be removed within seven (7) days after the event has ended. They may be up for a total of forty-five (45) days. The use of buntings and pennants is permitted for four (4) events per year for any particular business, industry, civic event or charitable purpose.

s.301.7 Construction & Maintenance: Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.

s.301.8 Termination of Enterprise: Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed.

s. 301.9 Animated Signs:

- a) All Animated Signs shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the Animated Sign based on ambient light conditions.
- b) Maximum brightness levels for Animated Signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours, and five hundred (500) nits when measured from the sign's face at its maximum brightness between dusk and dawn, (i.e. the time of the day between sunrise and sunset).
- c) For signs using incandescent lamps, such lamps shall be no more than fifteen (15) watts.
- d) Animated Signs shall be considered as permanent signs and subject to any and all regulations and restrictions in Section 301.1 including, but not limited to, the number of signs, setback, size, and height. The message displayed on the Animated Sign shall change no more frequently than once every thirty (30) seconds. The messages shall change by causing the current message to fade out and the new message to fade in. The Sign shall not be permitted to blink.
- e) Such display shall not cause a glare, be so located as to be blatantly distracting or create a safety hazard, or be brighter than other permitted Signs on the property.
- f) Animated Signs that use the colors red, green, or amber shall not be located within a radius of two hundred (200) feet of a highway traffic light or similar safety device.

SECTION 302 UNENCLOSED STORAGE

s.302.1 Recreational Vehicles, Trailers, and Trucks: In an R, R-O, or R-A district, recreational vehicles and trailers, and trucks and heavy equipment vehicles with vehicle rating over one ton shall not be stored for a period in excess of three (3) days in a thirty (30) day period in the area between the street line and the line formed by the front wall of the principal building extended the full width of the lot.

- s.302.2 Outdoor Stockpiling: In all districts, no outdoor stockpiling of any material or outdoor storage of trash is permitted in front yards. For double-frontage lots, no stockpiling or storage is permitted in either front yard.
- s.302.3 Trash or Junk: The accumulation of trash or junk out-of-doors for a period in excess of fifteen (15) days is prohibited in all districts, except as provided in other Borough Ordinances.

SECTION 303 PARKING

- s.303.1 Size of Parking Space: The parking space must be eighteen (18) feet long by nine (9) feet wide. Aisleway Width shall be twenty-four (24) feet for a two-way aisle and eighteen (18) feet for a one-way aisle
- s.303.2 Spaces Required: Except in the Village (V) District (see chart below for Short-Term Rental parking requirements), off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule:

	MINIMUM PARKING SPACES PER DWELLING UNIT
<u>TYPE OF USE</u>	

Congregate Living Facility for Older Persons:

- | | |
|-------------------------------------|-----|
| a) Efficiency Residential Quarters | .75 |
| b) One Bedroom Residential Quarters | .75 |
| c) Two Bedroom Residential Quarters | 1.0 |

Type of Use	Minimum of One Parking Space for Each
Residential Dwelling	½ Dwelling Unit (i.e., 2 spaces per dwelling unit)
Rooming House	Bedroom
Business or Professional Office ("V" District)	No off-street parking spaces are required
Business or Professional Office ("C" District)	300 square feet of gross floor area
Business or Professional Office ("I" District)	500 square feet of gross floor area and <u>maximum</u> of one parking space for each 400 square feet of gross floor area

Type of Use	Minimum of One Parking Space for Each
Manufacturing and Storage Uses	2 employees on major shift but at least 1 space for each 5,000 square feet of gross floor area and <u>maximum</u> of one parking space for each 500 square feet of gross floor area
Hotel, Motel	Guest sleeping room
Retail Store or Shop	200 sq. ft. of gross floor area
Eating Establishments	4 seats
Bowling Alley	½ lane (i.e., 2 spaces per lane)
Other Recreational Establishments	100 sq. ft. of gross floor area
Automobile Repair, Gasoline Station	400 sq. ft. of gross floor area and ground area devoted to repair and service facilities
Other Commercial Buildings	400 sq. ft. of gross floor area
Hospital, Sanitarium	½ bed (i.e., 2 spaces per bed)
Auditorium, Church, Theater and other such places of Public Assembly	4 seats
Funeral Homes	100 sq. ft. of gross floor area
Clubs, Lodges and Other Similar Places	100 sq. ft. of gross floor area

Type of Use	Parking Spaces Required
Short-Term Rental (Village District)	For each Short-Term Rental that is all or part of a Single-Family Dwelling, up to three (3) bedrooms, shall provide at least one (1) parking space per bedroom, plus one additional parking space (to account for additional Transient Occupants who may drive separately). Short-Term Rental properties with four (4) or more bedrooms shall provide two (2) parking spaces in addition to the base parking of one (1) per bedroom.

s.303.3 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 be no further than the following distances to the nearest point of the property served: one hundred (100) feet in the case of a

commercial use, two hundred (200) feet in the case of a residential use, and three hundred (300) feet in the case of industrial use.

- b) the parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.

s.303.4 Layout: Parking areas 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.

s.303.5 Parking Area Adjacent to Street: For multi-family 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.

s.303.6 Paving: In all districts but the "V" Village District, all required parking areas and driveways shall be paved with concrete or bituminous paving material. Parking areas and driveways in the "V" Village District may be paved with concrete or bituminous paving material or may be partially constructed of crushed stone, so long as a distance of at least twenty (20) feet from the existing cartway is paved with concrete or bituminous paving material.

s.303.7 Landscaping: In addition to required screen and buffer plantings in "C" Commercial and "I" Industrial Districts, the following requirements shall apply:

- a) The entire required front, side, and rear yard areas shall be landscaped.

- b) A minimum of seven (7) percent of the area of the parking area shall be a pervious surface with a minimum of one (1) tree provided for each eight (8) parking spaces.

s.303.8 Crushed Stone: Any crushed stone installed in accordance with this Ordinance as of the date hereof, and previously considered as a pervious surface for purposes of impervious surface limitations, shall not be entitled to be converted to another type of impervious surface unless done so in compliance with all provisions of the Zoning Ordinance, including impervious surface limitations.

SECTION 304 LOADING

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

SECTION 305 DRIVEWAYS

- s.305.1 Width: Within ten (10) feet of the street right-of-way line, driveways may not exceed thirty-five (35) feet in width for two-way traffic and twenty-eight (28) feet in width for one-way traffic.

- s.305.2 Number: The number of driveways may not exceed two (2) per lot on any one street frontage. It is preferable to have one driveway for traffic entering the lot and the other for exiting traffic. 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.

- s.305.3 Location: Driveways may not enter a public street:
 - a) Within forty (40) feet of the street right-of-way line of an intersecting street.

 - b) Within five (5) feet of a fire hydrant.

 - c) Within twenty-five (25) feet of another driveway on the same lot.

- s.305.4 Sight Distances, Slope, Cuts: A driveway must be located in safe relationship to sight distance and barriers to vision. The driveway must not exceed a slope of five (5) to eight (8) percent within twenty-five (25) feet of the street right-of-way line. Where a driveway enters a bank through a cut, the shoulders of the cut may not exceed fifty (50) percent in slope within twenty-five (25) feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed three (3) feet within ten (10) feet of the street right-of-way line.

SECTION 306 STACKING LANE REQUIREMENTS

- 1. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

- 2. On-lot traffic circulation shall be clearly marked. The access lane shall have a minimum width of ten (10) feet.

- 3. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.

- 4. Vehicles must be contained on the property.

- 5. When stacking lanes are separated from other stacking lanes, from bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, or landscape area.

- 6. Stacking lanes shall be set back twenty (20) feet from any property line.

7. The number of required stacking spaces shall be as provided for in the following table:

Activity	Minimum Stacking Spaces (per lane)	Measured From:
Financial Services or ATM	3	Window or ATM
Eating/Drinking Establishment	5	Order Board
Full Service Car Wash	6	Outside of Washing Bay
Self Service Car Wash	2	Outside of Washing Bay
Vehicle Fueling Stations	2	End of Pump Island

SECTION 307 SCREENS AND BUFFERS

306.1 Industrial or Commercial Use: Where an industrial or commercial use is proposed, and it abuts a residential zone or residential use, then the following shall apply:

- a) The applicant shall select trees and plants, from the attached Exhibit "A", which is incorporated by reference, and shall install a buffer yard on the applicant's property and between the uses in accordance with:
 - i) Existing site conditions and their suitability for plant materials.
 - ii) Specific functional objectives.
 - iii) Maintenance considerations. and subject to the approval of the Borough Engineer.
- b) A sample buffer yard illustration is attached as Exhibit "B" and incorporated by reference.
- c) The canopy trees in the buffer shall consist of trees planted at an initial height of not less than twelve (12) feet, with a caliper of two (2) inches and the evergreen trees shall be planted at an initial height of not less than five (5) feet. The lower level of the screen shall consist of plants planted at an initial height of not less than one and one half (½) feet. Ornamental trees shall be planted at an initial height of not less than six (6) feet.

Exhibit A - ACCEPTABLE SHRUBS

Spread in Feet at Maturity	Height in Feet at Maturity	Botanical Name	Common Name	Evergreen (E) Deciduous (D)
5	6	<i>Abelia grandiflora</i>	Glossy Abelia	D
6	9	<i>Calycanthus floridus</i>	Sweetshrub	D
7	6	<i>Cotoneaster divaricata</i>	Spreading Cotoneaster	D
6	15	<i>Enkianthus campanulatus</i>	Redvien Enkianthus	D
15	15	<i>Euonymus alatus</i>	Winged Euonymous (Burning bush)	D
10	10	<i>Forsythia x intermedia</i>	Border Forsythia	D
7	9	<i>Fothergilla major</i>	Fothergilla	D
15	15	<i>Hamamelis virginiana</i>	Witch Hazel	D
5	5	<i>Ilex crenata</i>	Japanese Holly	E
9	7	<i>Ilex glabra</i>	Inkberry	D
6	6	<i>Ilex x Meservea</i>	Blue Jolly series	E
8	8	<i>Kalmia latifolia</i> named varieties	Mountain Laurel	E
15	15	<i>Magnolia virginiana</i>	Sweet Bay	D
7	9	<i>Myrica pensylvanica</i>	Bayberry	D
3	4	<i>Pieris floribunda</i>	Mountain Pieris	E
VARIES	VARIES	<i>Rhododendron</i> spp	Rhododendrons & Azaleas	D/E
10	8	<i>Spirea x vanhouttei</i>	Vanhoutte Spirea	D
VARIES	VARIES	<i>Taxus cuspidata</i>	Japanese Yew	E
8-12	6-10	<i>Vaccinium corymbosum</i>	Highbush Blueberry	D
6/10	8-15	<i>Viburnum</i> spp	Viburnum species	D*

* Except *Viburnum Rhytidophyllum* (E)

s.307.2 Any space in the Industrial District abutting the Residential District shall not be utilized for industrial operations within fifty (50) feet of the Residential District. Rather, this area must be landscaped and maintained in accordance with the provisions of the Zoning Ordinance and Subdivision and Land Development Ordinance. However, parking is permitted within the interior twenty-five (25) feet of the fifty (50) foot buffer strip (i.e. the twenty-five (25) foot strip furthest from the property line). In no event shall the required screen planting exceed the allowable height within the sight triangle as set forth in Section 400.3.

s.307.3 Site Maintenance Guarantee

- a) All landscape and buffer yard requirements shall be installed and maintained by accepted practices as recognized by the American Association of Nurserymen. Planting and maintenance of vegetation shall include, but not necessarily limited to, guy-wires and stakes, irrigation, fertilization, insect and disease control, pruning, mulching, weeding and watering. The applicant shall create a plan to provide for the long term maintenance of the buffer. This plan shall be presented to the Borough and its engineer. In the event that the plan is not followed or the buffer area falls into a state of disrepair, then the Borough shall be authorized to implement the appropriate maintenance to the buffer. In such case, the applicant shall be responsible for any and all costs incurred, including fees of the Code Enforcement Officer, Engineer, and Solicitor, as well as a ten (10) percent administration fee. In the event that such fees are not paid, the Borough shall be entitled to collect them through any means available at law or in equity, including the filing of a municipal claim.
- b) The applicant shall be required to escrow sufficient funds for the maintenance and/or replacement of the proposed vegetation during an eighteen (18) month replacement period. Such an amount shall be determined by the Borough Engineer. In addition, an escrow may be required for the removal and replacement of specimen trees damaged during construction.

SECTION 308 ILLUMINATION

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.

SECTION 309 DEMOLITION

Demolition of any structure must be completed within three (3) months of the issuance of a 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 demolished structure must be removed from the exterior surface of the remaining building. The site must be fenced, roped or otherwise secured by the Contractor during the demolition.

SECTION 310 MINIMUM HABITABLE FLOOR AREA

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

- a) Single-family, Two-family, Townhouse: six hundred (600) square feet per dwelling unit.
- b) Other Multi-family Apartment or Multi-family Conversion: five hundred (500) square feet per dwelling unit.
- c) Bachelor Apartment (1 person): three (300) square feet per dwelling unit.
- d) Apartment in conjunction with Commercial Establishment: Minimum dwelling area for the apartment shall not be less than seven hundred (700) square feet.

SECTION 311 OUTDOOR SWIMMING POOL REQUIREMENTS

Every outdoor swimming pool must conform to all applicable requirements of State Law. All swimming pools shall be completely enclosed by a fence or wall no less than four (4) feet in height, with a self-closing and lockable gate; however, this requirement shall not apply to an above ground pool having a wall measuring at least four (4) feet in height and a retractable, lockable ladder. All fences and walls shall be constructed so as not to have openings, holes, or gaps larger than four (4) inches in any dimension. All gates, doors or ladders providing access to a swimming pool shall be kept securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosures of a swimming pool need not be so equipped. Such fence or wall shall be erected prior to the swimming pool being filled with water. No water from a swimming pool shall be discharged onto any public street or alley. These requirements shall not apply to man-made ponds, lakes or other impoundments unless the primary purpose for their construction is swimming, or to swimming pools having a depth of less than eighteen(18) inches.

SECTION 312 DRAINAGE

- s.311.1 Property Drainage Requirements: Drainage shall be required in accordance with the Shrewsbury Borough Stormwater Management Ordinance, Ordinance No. 2013-03 in effect as amended from time to time.
- s.311.2 Obstruction to Drainage Requirements: The damming, filling, or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Borough and the Pennsylvania Department of Environmental Protection.
- s.311.3 Drainage of Swimming Pools: The draining of swimming pools shall be accomplished by running water into the nearest drainage swale or street or other method acceptable to the Borough.

SECTION 313 GRADING

No lot shall be graded by either filling, excavating or a combination of excavating and filling unless a plan has been submitted and approved by the Borough. Plans will not be approved that propose greater than 3:1 slopes within ten (10) feet of the property line.

SECTION 314 GARAGE AND YARD SALES

Garage, yard, and similar residential sales shall be permitted in all districts subject to the following conditions:

- a) A household shall receive a permit, obtainable from the Borough Office, for no more than two (2) sales per calendar year.
- b) The period of the sale shall not exceed two (2) consecutive days.
- c) Sales shall be conducted between the hours of 9:00 a.m. and 6:00 p.m.
- d) Goods and property shall be displayed only on the day(s) of the sale.

PART IV

MODIFICATIONS AND NONCONFORMITIES

SECTION 400 SETBACK MODIFICATIONS

- s.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 sixty (60) feet from the centerline 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.
- s.400.2 Front Setback of Buildings on Built-up Streets: Where at least two adjacent buildings within one hundred (100) feet of a property are set back a lesser distance than required, the average of these lesser distances becomes the required minimum front setback for the property.
- s.400.3 Sight Clearance: Clear sight triangle and minimum safe stopping sight distance must be maintained at all street intersections. Clear sight triangle shall be maintained as noted below. Safe stopping sight distance shall be measured along the centerline of the street per Pennsylvania Department of Transportation per Pennsylvania Department of Transportation Publication 70.

<u>Street</u>	<u>Clear Sight Triangle Side</u>
Arterial Streets	150 feet
Collector Streets	100 feet
Minor Streets	75 feet

No building or construction is permitted in this area except as follows:

- a) Obstructions or plantings less than three (3) feet in height.
 - b) If not obstructing the view of traffic, post columns and trees not exceeding one (1) foot in diameter.
- s.400.4 Setback on Corner Lots: In the case of corner lots, two (2) front yards shall be provided (the second of which will exist in lieu of one side yard).
- s.400.5 Accessory or Appurtenant Structures:
- a) The setback regulations do not apply to –
 1. School bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions.

2. Open fire escapes.
 3. Minor utility structures, articles of ornamentation or decoration.
 4. Fences, retaining walls.
- b) Porches, patios, and decks that do not have roofs shall have a setback of ten (10) feet, and they shall not be located in the area of any easement or right-of-way.

SECTION 401 LOT WIDTH MODIFICATIONS

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 width at the street line be less than fifty (50) feet in the V district, seventy (70) feet in the R, R O and C districts, one hundred (100) feet in the I and R-A districts.

SECTION 402 HEIGHT MODIFICATIONS

The height regulations do not apply to the following projections provided that the height of any such projection shall not be greater than twice the height of the building to which it is attached.

- 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 twenty-five (25) percent of the roof on which they are located.
- c) Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet in height.

SECTION 403 BUILDINGS UNDER CONSTRUCTION

If the construction is completed by one (1) year after effective date, a building, the foundation of which was completed before the effective date, may be constructed without being bound by the requirements of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

SECTION 404 DIVISION OF BUILT-ON LOTS

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 Ordinance.

SECTION 405 STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN

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,

and while such application is pending approval or disapproval, no enactment or amendment of the zoning ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the zoning ordinance 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 the zoning ordinance.

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 Ordinance 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 (5) years from the date of such approval. Where final approval of a plan is preceded by preliminary approval, the five year period shall commence on the date of the preliminary approval.

SECTION 406 LOTS OF RECORD

On a lot held in single and separate ownership on the effective date of this Ordinance or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the district 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 setbacks established on the lot are at least equal to the average setbacks of existing adjacent properties.

SECTION 407 NONCONFORMITIES

s.407.1 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 Ordinance may be continued, although such use of land or building does not conform to the use regulations specified by this Ordinance for the district in which such land or building is located.
- b) Except as otherwise provided in this Section, any dimensional nonconformities existing at the date of the adoption of this Ordinance may be continued.

s.407.2 Expansion or Alteration:

- a) Upon application for a special exception and in accordance with the provisions of Section 503 and 608, 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 Ordinance.
- b) A dimensional nonconformity may be altered or expanded only if such alteration or expansion is in conformance with the provisions of this Ordinance. However, upon issuance of a special exception, in accordance with the provisions of Section 503 and 608, the Zoning Hearing Board may authorize additions or improvements to the dimensional nonconformities.

- s.407.3 Replacement:
- a) A nonconforming use may be replaced by a similar nonconforming use by special exception granted by the Zoning Hearing Board.
 - b) A dimensional nonconformity may be replaced only in conformance with the provisions of this Ordinance.
- s.407.4 Restoration: If any nonconformity is destroyed by reason of windstorm, fire, explosion or other act of God or public enemy the nonconformity may be rebuilt, restored or repaired upon issuance of a building permit.
- s.407.5 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 (1) year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied except in conformance with this Ordinance.
- s.407.6 Reversion: No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity.
- s.407.7 District Changes: Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses or dimensional nonconformities existing therein or created thereby.
- s.407.8 Identification and Registration: Nonconforming uses, lots, and structures shall be identified and registered by the Zoning Officer, together with the reasons why the Zoning Officer identified them as nonconformities.

PART V

ZONING HEARING BOARD

SECTION 500 POWERS AND DUTIES

s.500.1 Membership of Board: The membership of the Board shall consist of three (3) residents of the Borough appointed by resolution of the Borough Council. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify Borough Council of any vacancies in its membership that 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.

Borough Council may appoint by resolution at least one (1), but no more than three (3), residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 500.2 of this Ordinance, 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, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties as set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Borough, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting member pursuant to the provisions of Section 500.2 of this Ordinance.

s.500.2 Organization of Board:

- a) 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 of the members of the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 501 of this Ordinance.
- b) If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this provision shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

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

s.500.3 Jurisdiction of Board: The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- a) Substantive challenges to the validity of any land use ordinance, except challenges brought before the Borough Council pursuant to the provisions of Section 609.1 and 916.1(a)(2) of the Municipalities Planning Code, Act 170 of 1988.
- b) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.
- c) Appeals from the determination of the Zoning Officer, including, but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- d) Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any flood plain ordinance or flood hazard ordinance or any such provisions within a land use ordinance.
- e) Applications for variances from the terms of this ordinance or flood plain or flood hazard ordinance as provided in Section 502 of this Ordinance.
- f) Applications for special exceptions under this Ordinance or flood plain or flood hazard ordinance as provided in Section 503 of this Ordinance.
- g) Appeals from the Zoning Officer's determination when a preliminary opinion pursuant to Section 701.6 is sought.
- h) Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management other than the Subdivision and Land Development Ordinance or the Planned Residential Development provisions of Part VIII of this Ordinance.

In examining its jurisdiction, the Board shall have the power to reverse, affirm or modify any order, requirement, decision or determination from which an appeal is made and may make any order, requirement, decision or determination that may be required.

s.500.4 Board Calendar: Each application filed with the Board in proper form with the required data shall be numbered serially and be placed upon the calendar of the Board by the Secretary. Applications shall be assigned for hearing in the order in which they appear on the calendar. The hearing shall be held within sixty (60) days from the date of the application, unless the applicant has agreed in writing to an extension of time.

SECTION 501 PUBLIC HEARINGS

s.501.1 Notice, Conduct of Meeting: Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, to all property owners within three hundred (300) feet of the property of the applicant and to any person who has made timely request for the same. Written notices shall be given at least fifteen (15) days prior to the hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

Borough Council may by resolution prescribe reasonable fees with respect to hearings before the Board. Said fees may include compensation for the secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

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

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

s.501.2 Representation; Statements: Parties to the hearings shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have 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.

Statements shall be made in the following order or as the Chairman may direct:

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

The applicant or appellant shall be given an opportunity for rebuttal.

s.501.3 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.

s.501.4 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 forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this 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 within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings and the Board's decision shall be entered no later than thirty (30) days after the 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 sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in this section. If the Board fails to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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

notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

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

- s.501.5 Records: The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

SECTION 502 VARIANCES

- s.502.1 Filing of Variance: An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of the Zoning Ordinance 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. Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a building permit or use certificate within six (6) months from the date of authorization of the variance.
- s.502.2 Referral to Planning Commission: All applications for a variance shall be referred to the Borough Planning Commission for a report.
- s.502.3 Standards for Variance: Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Ordinance 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, or (2) exceptional topographical or other physical conditions peculiar to the particular property, and is not due to circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

- b) Because of these physical circumstances or conditions, the property cannot reasonably be used in strict conformity with the provisions of the Zoning Ordinance.
- c) The unnecessary hardship is not financial in nature and has not been created by the appellant.
- d) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- 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.

s.502.4 Conditions: In granting any variance, the Board may attach such reasonable conditions and safeguards as it considers necessary to implement purposes of this Zoning Ordinance.

SECTION 503 SPECIAL EXCEPTIONS

s.503.1 Filing of Special Exception: For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. 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 of the information requested on the form, together with any other information and data that may be required to advise the Board on the Special Exception, whether such information is called for by the official form or not.

Unless otherwise specified or extended by the Zoning Hearing Board a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months of the date of the authorization of the special exception.

s.503.2 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 application form and procedure shall be the same as in the case of a Special Exception as provided in Section 503.1. 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; or
- c) Is seasonal in nature.

The temporary special exception may be issued for a period not exceeding one (1) year, and may be renewed for a period not exceeding three (3) years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the Borough.

s.503.3 Referral to Planning Commission: All applications for a special exception shall be referred to the Borough Planning Commission for a report.

s.503.4 Conditions: The Zoning Hearing Board in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the Borough Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same zone.

s.503.5 Application of Extent-of-Use Regulations: The extent-of-use regulations as set forth in this Ordinance must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board must impose extent-of-use requirements as necessary to protect the public welfare and the Borough Comprehensive Plan.

s.503.6 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 district; and
- b) That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use; and
- 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, walls and fences; and
- 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; and
- 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.

s.503.7 Specific Standards: In addition to the general standards for all special exceptions as contained in Section 503.6, the specific standards for particular uses as listed in PART VI must be met prior to the granting of a special exception.

SECTION 504 CHALLENGE TO VALIDITY OF ORDINANCE ON SUBSTANTIVE GROUNDS

s.504.1 Request: A person challenging the validity of an ordinance or map or any provisions thereon on substantive grounds before the Board shall make a written request to the Board that it hold a hearing on the challenge. The request shall contain the reasons for the challenge. Nothing herein shall preclude a person from first seeking a final approval before submitting his challenge.

s.504.2 Determination: Based upon the testimony presented at the hearing or hearings, the Board shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If the challenge is found to have merit, the decision of the Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision the Board shall consider the amendments, plans and explanatory material submitted by the person making the challenge and shall also consider:

- a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
- b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing needs of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
- c) The suitability of the suit for the intensity of use proposed by the sites' soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
- d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- e) The impact of the proposal on the preservation of agriculture and other land uses that are essential to public health and welfare.

s.504.3 Hearing; Decision: The Board shall commence its hearings pursuant to the provisions of Section 501 of this Ordinance within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time. The Board shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Board fails to act on the request within that time, unless the time for decision is extended by natural consent of the landowner and Board, denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing. The challenge shall also be deemed denied if the Board fails to commence the hearing within sixty (60) days after the request unless the landowner requests or consents to an extension of time.

SECTION 505 TIME LIMITATIONS; APPEALS

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or Borough Council if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to the Planned Residential Development provisions of this ordinance or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to the provisions of Section 504 of this Ordinance shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative plan.

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

PART VI

STANDARDS FOR SPECIAL EXCEPTION USES

SECTION 600 REQUIREMENT OF SPECIFIC STANDARDS

In addition to the general standards for all special exceptions as contained in Section 503.6, 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 districts.

SECTION 601 ADULT BOOKSTORE, ADULT THEATER, MASSAGE ESTABLISHMENT, TATTOO PARLOR AND/OR BODY PIERCING ESTABLISHMENT

In a C district and subject to the requirements of that district except as herein modified and provided:

- a) The use and occupancy of any land, building or structure as an adult bookstore, adult theater or a massage establishment tattoo parlor and/or body piercing establishment shall be subject to the following:

An adult bookstore, an adult theater, massage establishment, tattoo parlor and/or body piercing establishment, shall be located at least five hundred (500) feet from the nearest property line in any residential district, or any public, private or parochial school, day care center, library, park, playground, or other recreational facility, whether commercial or nonprofit in any other district, and at least five hundred (500) feet from the nearest property line of any church, synagogue or similar place of worship.

- b) An adult bookstore, theater or massage establishment shall not be located within a five hundred (500) feet radius of another such use.
- c) Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public, and all signs shall be subject to Section 301 of this Ordinance.
- d) All building openings, windows, doors and other apertures shall have an opaque covering or otherwise obstructed so as to prevent the viewing of the interior of the establishment from outside of the building or structure.
- e) No adult-oriented business shall be allowed to convert to another type of adult business, such as a bookstore to a movie theater, without being granted a special exception.
- f) Require findings that an adult bookstore, adult theater, massage establishment, tattoo parlor and/or body piercing establishment, is in harmony with the district in which located, and would not entice minors, nor would be detrimental to the health, safety and welfare of the public. For tattoo parlors or body piercing establishments the areas within which the service is provided

shall have an opaque covering or otherwise be obstructed so as to prevent the viewing of that area from the outside of the building or structure.

SECTION 602 APARTMENT IN CONJUNCTION WITH COMMERCIAL ESTABLISHMENT

In a V district and subject to the requirements of that district except as herein modified and provided:

- a) The dwelling unit shall be accessory to the permitted commercial use and reasonably necessary for the operation or protection of the principal use.
- b) Only one (1) dwelling unit shall be permitted on each lot or tract of land regardless of the number of commercial uses conducted thereon.
- c) The minimum area of living space for the dwelling unit shall be not less than seven hundred (700) square feet.
- d) The dwelling unit shall be occupied by the owner or operator of the commercial use, or by an employee of the owner or operator.
- e) In the event that the commercial use to which the dwelling unit is accessory is discontinued, the dwelling unit shall be vacated within six (6) months following the date of such discontinuance.

SECTION 603 CAMPGROUND

In a C district and subject to the requirement of that district except as herein modified and provided:

- a) Lot area – five (5) acres minimum.
- b) Setbacks – all campsites shall be located at least fifty (50) feet from any property line and one hundred (100) feet from any street line.
- c) The proposed campground must comply with the appropriate health, sanitary, and safety regulations of Shrewsbury Borough and the Pennsylvania Department of Environmental Resources.
- d) Each campsite shall provide a minimum of fifteen hundred (1,500) square feet and shall either provide parking space for one automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common area or lot.
- e) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings, and open spaces.
- f) Consideration shall be given to traffic problems. If the nature of the campground is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated in the Borough Comprehensive Plan.

SECTION 604 CEMETERY

In an R district and subject to the requirements of that district except as herein modified and provided:

- a) All burial plots or facilities shall be located at least fifty (50) feet from all property or street lines.
- b) Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.
- c) No burial plots or facilities are permitted on floodplain land.

SECTION 605 CLUB ROOM, CLUB GROUNDS, MEETING HALL

In an R district and subject to the requirements of the district in which located except as herein modified and provided:

- a) Access must be on 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, plantings and open spaces.
- c) The use shall not constitute a public or private nuisance.

SECTION 606 CONVALESCENT HOME, NURSING HOME, HOSPITAL

In an R district and subject to the requirements of the district in which located except as herein modified and provided:

- a) Lot area – Twenty thousand (20,000) square feet.
- b) Lot Width – One hundred (100) feet minimum.
- c) Setbacks – all buildings shall be located at least thirty (30) feet from all property or street line.
- d) Access shall be via 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 Resources 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, plantings and open spaces.

SECTION 607

EATING ESTABLISHMENT

In a V district and subject to the requirements of that district except as herein modified and provided:

- a) The use must have access on an arterial or collector street as designated in the Borough Comprehensive Plan.
- b) 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. In addition, all buildings must be set back at least fifteen (15) feet from any property line and fifteen (15) feet from a street line.
- c) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings, and open spaces.
- d) The use shall be allowed to operate only between the hours of 7 a.m. and 11 p.m., seven (7) days a week. All deliveries and pick-ups must occur within said hours of operation.

SECTION 608

EXPANSION OR ALTERATION OF A NONCONFORMITY

In any district and subject to the requirements of the district in which 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 Ordinance or any amendment thereto creating the non-conformity.
- b) The total of all such expansions or alterations of use shall not exceed an additional fifty (50) percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such 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 Ordinance.
- 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 in 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 condition 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, plantings and open spaces.
- g) The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

SECTION 609 FINANCIAL INSTITUTION

In a C or V district and subject to the requirements of that district in which located except as herein modified and provided:

- a) The use must have frontage on an arterial or collector street as designated in the Borough Comprehensive Plan.
- b) A floor area of not less than fifteen hundred (1,500) square feet shall be provided.
- c) Appearance must be harmonious with adjacent properties. This feature includes but is not limited to landscaping, height control, sign control, building coverage, and architectural controls.
- d) Buffers and screens shall be provided as necessary to protect neighboring properties from noise and lights and similar nuisances.
- e) All ingress and egress points shall be directly onto an arterial or collector street, and all such points on the site shall be laid out as to minimize possible conflict points between traffic on adjacent arterial and collector thoroughfares.

SECTION 610 GASOLINE STATION

In a C district and subject to the requirements of that district except as herein modified and provided:

- a) Buildings must be set back at least forty (40) feet from the street line.
- b) Fuel pumps must be set back at least fifteen (15) feet from the street line.
- c) Driveways must be located as follows:
 - 1) Minimum offset from intersection of street right-of way lines: forty (40) feet.
 - 2) Side lot line offset: ten (10) feet.
 - 3) Minimum width: twelve (12) feet.
 - 4) Maximum width: thirty-five (35) feet.
 - 5) Minimum separation of drives on same lot: twenty-five (25) feet.
- d) Except along access driveways, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines.
- e) All lights must be diverted toward the gas station or 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 ten (10) percent of the lot on which the gasoline station is situated must be devoted to natural landscaping.

SECTION 611 ACCESSORY COMMERCIAL USES

In an I district and subject to the requirements of the district except as modified by the following regulations:

- a) Location: Accessory commercial uses provided for in Section 207.3 shall be located only within an office or medical building.
- b) Coverage: Not more than seven and one half (7.5) percent of the ground floor gross floor area, up to a maximum of twelve hundred (1,200) square feet, of any office or medical building may be devoted to an accessory commercial use.
- c) Appearance: The character or external appearance of the accessory commercial use shall be that of an office or medical building. No display or products may be shown so as to be visible from outside the building. A name plate not larger than one (1) square foot in area is permitted, that may be illuminated only by indirect lighting.
- d) Parking: The accessory commercial use shall not be permitted if it will require more parking than would normally be provided for the building in which it is located. The employees of the accessory commercial use shall be counted as persons employed within the building for the purpose of calculating the required number of parking spaces.

SECTION 612 HOME OCCUPATION, BUSINESS OR PROFESSION

Subject to the requirements below, the following home occupations, businesses and professions may be authorized only in a dwelling unit in an R or R-O district: physician, dentist, clergyman, lawyer, engineer, accountant, architect, teacher, artist, licensed insurance or real estate agent, seamstress, barber, beautician and similar service occupations, businesses and professions.

Regulations for Permitted Home Occupations, Businesses and Professions:

- a) Coverage: Not more than thirty (30) percent of the ground floor area of a dwelling unit may be devoted to a home occupation, business or profession. Ground floor plans drawn to a scale of not less than 1/8" = 1'0" indicating what areas of the dwelling unit are proposed to be used for the home occupation, and a site plan drawn to an appropriate scale to indicate the location of all existing and proposed parking areas shall be provided to the Planning Commission and Zoning Hearing Board as part of the required application for approval of such before a permit will be issued by the Borough Zoning Officer.
- b) 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 name plate not larger than one (1) square foot in area is permitted. It must be illuminated only by indirect lighting. Exterior elevations of all sides of the dwelling unit drawn to a scale of not less than 1/8" = 1'0" indicating all proposed modifications to the external appearance of the structure shall be provided to the Planning Commission and Zoning Hearing Board as part of the required application for approval of such before a permit will be issued by the Borough Zoning Officer.

- c) Parking: Besides the required parking for the dwelling unit, additional parking is required as follows:
 - 1) A minimum of one (1) parking space but no more than three (3) spaces shall be provided for the home occupation, business or profession.
 - 2) If it appears that the home occupation, business or profession may be a public nuisance, the application shall not be approved.
 - 3) All parking spaces provided for the home occupation, business or profession shall be located in the portion of the dwelling unit property where parking for the dwelling unit and driveways or similar vehicular access currently exists.
- d) Ownership/Residency: The applicant for the home occupation, business or profession must be an owner of record of such property. The applicant must also be a primary resident of such dwelling unit for a minimum of sixty (60) days after settlement on such property before filing an application for a home occupation, business or profession and must continue to be a primary resident of such dwelling throughout the period of continuation of said home occupation use.
- e) Hours of Operation: The home occupation, business or profession shall not operate on Sundays, and after 9:00 p.m. Monday through Saturday.

SECTION 613 HOTEL, MOTEL

In a C district and subject to the requirement of that district except as herein modified and provided:

- a) No building, structure or parts thereof shall be placed closer to any lot line than thirty (30) feet.
- b) Each unit shall contain not less than two (200) square feet of floor area.
- c) No guest shall establish permanent residence at a motel for more than thirty (30) calendar days within any calendar year.
- d) Off-street parking and loading spaces for facilities developed on the premises shall be provided as required by Sections 303 and 304.
- e) Access shall be by an arterial or collector street as designated by the Borough's Comprehensive Plan.

SECTION 614 HOUSE OF WORSHIP

In an R, R-A, V or C district and subject to the requirements of the district in which located except as herein modified and provided:

- a) Side Setback – Minimum side setbacks of twenty-five (25) feet (each) must be provided.
- b) Access shall be via an arterial or collector street as designated by the Borough Comprehensive Plan.
- c) Building Coverage – Not more than sixty (60) percent of the lot area shall be devoted to buildings, including accessory buildings.
- d) Impervious Surface Coverage: Not more than seventy-five (75) percent of the lot area, including building area coverage, may be covered with an impervious surface.

SECTION 615 FUNERAL HOME

In an V district and subject to the requirements of that district except as herein modified and provided:

- a) Vehicular access shall be via an arterial or collector street as designated in the Borough Comprehensive Plan.
- b) Parking is required in accordance with s.303.2 of this Ordinance (Funeral Home).
- c) Water and sewerage facilities shall be provided.

SECTION 616 KENNEL, ANIMAL HOSPITAL

In the R-A district, Kennels and Animals Hospitals are permitted by Special Exception subject to fulfilling all of the following criteria.

- a. The following table lists minimum required lot sizes and required setbacks from the property line based on the number of animals kept:

Number of Animals Kept	Minimum Lot Size Required	Setback From Property Line
1 to 50 dogs	5 acres	150 feet
51 dogs to a maximum of 100 dogs	10 acres	300 feet
1 to maximum of 200 animals, other than dogs	5 acres	150 feet

- b. The Zoning Permit Application for a permit authorizing the operation of a Kennel shall be accompanied by either of the following:
 - 1. Proof that the Applicant has been issued a valid license permitting the operation of a Kennel when such a license is required by the Commonwealth of Pennsylvania or;

2. Proof that the Applicant has applied for a valid license permitting the operation of a Kennel when such a license is required by the Commonwealth of Pennsylvania. A Zoning Permit Application accompanied by proof of application for a valid license to operate a Kennel may be conditionally approved but shall not become effective until proof of a valid license is presented to the Zoning Officer.
- c. The applicant shall document those measures to ensure that the proposed use shall not create an adverse impact on adjacent properties or otherwise create a nuisance including but not limited to noise.
- d. All animal waste shall be regularly removed and properly disposed to prevent odors and unsanitary conditions.
- e. The applicant must furnish a plan for the storage and disposal of deceased animals within 24 hours of an animal's death.
- f. All exercise and training areas shall be enclosed to prevent the escape of the animals. If such enclosures are fenced, the fenced areas shall be set back no less than twenty (20) feet from any property line.
- g. The Borough may request the submission of written verification of the applicant's claim to an exclusion for a riding stable, agricultural use, or service animals from the definition of a "Kennel" as defined in Section 102.3 of this Zoning Ordinance

SECTION 617 MOBILE HOME PARK

In an R district and subject to the requirements of that district except as herein modified and provided:

- a) The minimum tract area shall be ten (10) acres.
- b) Public sewer and public water approved by the Pennsylvania Department of Environmental Resources must be utilized, and each lot must be not less than nine thousand (9,000) square feet in area and not less than eighty (80) feet wide at the building setback line.
- c) Regardless of lot size, the side yard distance measured from outside each mobile home to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12) feet. Front yards shall not be less than ten (10) feet and in no case, shall the distance between any two mobile homes be less than thirty (30) feet.
- d) The Zoning Hearing Board may require suitable screen planting, or may restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguards to the use of land for a mobile home park as the Board may deem necessary to protect the general welfare.
- e) A mobile home park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.

SECTION 618 MULTI-FAMILY CONVERSION

In an R or C district and subject to the requirements of that district except as herein modified and provided:

- a) There shall be a minimum of six thousand (6,000) square feet of lot area per dwelling unit.
- b) Parking as required for residential dwelling (s.303.2).

SECTION 619 MULTI-FAMILY DWELLING

In an R district and subject to the requirements of the district in which located except as herein modified and provided:

- a) Multi-family dwellings, including garden apartments, town or row houses, shall meet the following criteria and other such conditions as the Zoning Hearing Board may require:
 - 1) Lot Area – Forty thousand (40,000) square feet minimum.
 - 2) Lot Width – One hundred fifty (150) feet minimum at setback line.
 - 3) Lot Depth – Two hundred (200) feet minimum.
 - 4) Density – The maximum density (number of dwelling units per gross acre of land) shall be five (5) dwelling units per gross acre.
 - 5) Public sewer and public water approved by the Pennsylvania Department of Environmental Resources must be utilized.
 - 6) Distance between buildings – Where two or more multi-family dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be 40 feet.
 - 7) The maximum number of dwelling units in a row group is eight (8).
 - 8) Within the required open space, a portion of the total lot area equal to fifteen one-hundredths (0.15) times the habitable floor area shall be assigned and developed for active recreation usage. Any space designated for recreation shall be suitably improved and equipped by the developer and subsequently maintained by the owner.
 - 9) The landscape area shall not be less than twenty-five (25) percent of the total lot area.
 - 10) Condominiums are considered multiple family dwellings for the purposes of this section.

SECTION 620 OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT

In a C district and subject to the requirements of that district except as herein modified and provided:

- a) Setbacks – The area to be used for recreational purposes must be set back at least 50 feet from any property or street line.
- b) The use must have access on an arterial street or collector street as designated in the Borough Comprehensive Plan.
- c) Where an outdoor recreational use, other than a golf course, adjoins a residential district, trees or shrubs must be planted on the site of this use so as to form an effective visual and noise barrier between the outdoor recreational use and adjoining residential properties.
- d) Parking required in accordance with s.303.2.

SECTION 621 PLANNED RESIDENTIAL DEVELOPMENT

In an R or R-A district and subject to the standards, requirements, and procedures of Shrewsbury Ordinance No. 1982 2 entitled "Planned Residential Development."

SECTION 622 PRIVATE AIRPORT AND LANDING STRIP

In an R-A district and subject to the requirements of that district except as herein modified and provided:

- a) Minimum lot area – Ten (10) acres.
- b) The approach zone to the proposed land strip(s) shall be in accordance with the regulations of applicable federal and/or state agencies.
- c) The land strip shall be located so that there are no obstructions such as towers, chimneys or other tall structures or natural obstructions outside of the airport and located within proposed approach zones.
- d) Any building, hanger, or structure shall be located a sufficient distance away from the land strip in accordance with the recommendations of applicable federal and/or state agencies.
- e) Building heights in airport approach zones shall be limited to provide a clear glide path from the end of the landing strip. The glide path shall be a plane surface laid out in accordance with the operating characteristics of the aircraft for which the airport is designed. The first 500 feet of the glide path shall be wholly within the airport property.

SECTION 623 PUBLIC BUILDING AND FACILITIES

In an R, R-A, V and C district and subject to the requirements of the district 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 via an arterial or collector street as designated in the Borough Comprehensive Plan.
- b) Parking is required in accordance with s.303.2 (same as Business or Professional Office).
- c) Water and sewerage facilities shall be provided.

SECTION 624 PUBLIC UTILITY BUILDING

In an R district and subject to the requirements of the district 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, dust, odor, mist or hazardous effect shall be installed.
- b) Unhoused equipment shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension. Such fence must be surrounded by evergreen plantings sufficient to create a visual barrier.
- 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 district in which the building is located.

SECTION 625 RETAIL STORE OR PERSONAL SERVICE BUSINESS

In a V district and subject to the requirements of that district in which located except as herein modified and provided:

- a) The issuance of a zoning permit as a retail store or personal service business establishment shall be those uses as defined herein in this ordinance, and any such use not listed herein is specifically prohibited without a zoning amendment.
- b) All retail store or personal business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced.
- c) All business activities shall be conducted within a completely enclosed building, except for off-street parking or loading.

- d) All business activities shall be conducted only between the hours of 7 a.m. and 11 p.m., seven (7) days a week. All deliveries and pick-ups must occur within said hours of operation.
- e) For Day Spas – any massage therapy shall be performed only by Pennsylvania State licensed massage therapists, and provided only in accordance with the Pennsylvania State Board of massage therapy, as defined herein. Massage therapists shall place soiled linens in a covered, all metal receptacle or into a closed washing machine immediately after use, and as required in Pennsylvania Title 49 Chapter 20.

SECTION 626 ROOMING HOUSE

In a C district and subject to the requirements of that district except as herein modified and provided:

- a) There shall be at least one thousand (1,000) square feet of lot area per guest room; however, in no case shall the lot area be less than the minimum specified for the zone in which the rooming house is located.
- b) The building shall be designed to accommodate a maximum of four (4) guest rooms per rooming house.
- c) No facilities for cooking shall be provided in individual rooms or suites.
- d) Any building proposed for use as a rooming house shall have a floor area, in addition to the floor area assignable to any other principal uses located in the same building or on the same lot, of 300 square feet for each roomer.

SECTION 627 COMMERCIAL CENTER

In a C district and subject to the requirements of that district except as herein modified and provided:

- a) Lot Area – One (1) acre minimum.
- b) Lot Width – One hundred (100) feet minimum.
- c) All buildings must be set back at least twenty-five (25) feet from any property line and forty (40) feet from a street line.
- d) Parking must be provided at the greater of the minimum ratio parking spaces to gross floor area of one (1) parking space to each two hundred (200) square feet of gross floor area or the sum of the parking requirements for all of the individual uses that constitute the Commercial Center.
- e) A buffer yard at least twenty (20) feet wide must be provided on the site in all instances where the site adjoins an R or R-O district. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

- f) In addition to meeting the specific requirements of the Commercial Center set forth in this section, each of the uses that constitute the Commercial Center must meet any and all other requirements of that use elsewhere in this Zoning Ordinance.

SECTION 628 TRANSPORTATION (PASSENGER) TERMINAL

In a C district and subject to the requirements of that district except as herein modified and provided:

- a) Access shall be via an arterial or collector street as designated by the Borough Comprehensive Plan.

SECTION 629 BED AND BREAKFAST FACILITY

In an RA district and subject to the requirements of that district except as herein modified and provided:

- a) The building shall be of local, state or Federal historic architectural significance and a minimum of seventy (75) years old.
- b) The building must comply with any state and local regulations including but not limited to fire, health, life safety and building codes.
- c) The building shall accommodate a maximum of five (5) guest rooms.
- d) No facilities for cooking shall be provided in the individual rooms that are to be rented.
- e) The food service shall be limited to breakfast which shall be offered only to guests and may be included as part of the cost of the room.
- f) There shall be a minimum of one (1) off-street parking space provided for each guest room in addition to the parking required for the basic building.
- g) A maximum of one (1) sign may be erected on the property and which conforms to the standards for signage in the specified zoning district.

SECTION 630 CONGREGATE HOUSING FACILITY FOR OLDER PERSONS

In an R district and subject to the requirements of that district, except as herein modified and provided:

- a) Minimum Lot Area –Two (2) acres.
- b) Minimum Lot Width – One hundred fifty (150) feet at the setback line.
- c) Dwelling Units shall conform to the Minimum Habitable Floor Area requirements of Section 309. Dwelling Units of three or more bedrooms are not permitted within this use.

- d) The buildings are of common facilities for provision of programs and services to residents of the Congregate Housing Facility for Older Persons (including by way of example community room, kitchen/dining facility, library, laundry room, exercise room and counseling/medical/other offices) shall total at least ten (10) percent of the building area that is devoted to residence quarters.

SECTION 631 FIREWORKS SALES

In only the I district and subject to the requirements of that district, except as herein modified and provided:

- a) No person or business entity shall manufacture any Fireworks within the limits of Shrewsbury Borough.
- b) The year-round sales of Fireworks shall be conducted within a permanent structure built in compliance with the Uniform Construction Code and all other applicable building regulations.
- c) The facility shall be in a stand-alone building and shall be no larger than twelve thousand (12,000) square feet.
- d) Any such facility shall not be located within five hundred (500) feet of a School, Recreational Establishment, House of Worship, Dwelling, Hospital, Group Home, or Convalescent or Nursing Home.
- e) The facility shall not be located in the Borough's Wellhead Protection Zone.
- f) Storage areas shall be separated from wholesale or retail areas to which a purchaser may be admitted by appropriately rated fire separation.
- g) The year-round sales of Fireworks from a tent, trailer, or other temporary structure is expressly prohibited.
- h) The sales of Fireworks shall be conducted in compliance with all state and federal laws, and proof of compliance shall be provided on no less than an annual basis or as requested.
- i) The site utilized for the sales of Fireworks shall be a minimum of one hundred (100) feet from any fuel source and no farther than three hundred (300) feet from an operable fire hydrant.
- j) No person shall smoke within fifty (50) feet of an area where Fireworks are sold. No person selling Fireworks shall permit the presence of lighted cigars, cigarettes, or pipes within fifty (50) feet of where Fireworks are offered for sale. At all places where Fireworks are stored or sold, there shall be posted at each entrance signs with the words "Fireworks – No Smoking" in letters not less than four (4) inches high.
- k) A minimum of two (2) ten (10) pound fire extinguishers shall be present at sites where Fireworks are sold.

- l) The discharge of Fireworks is prohibited at sites where Fireworks are sold.
- m) The facility shall be located no closer than two hundred fifty (250) feet from any other facility permitted to sell Fireworks.
- n) The facility shall contact the Shrewsbury Volunteer Fire Company Fire Chief and schedule required fire drills and necessary preplan meetings.
- o) A fire suppression system, including smoke and fire detectors appropriate for the facility, as determined by the Shrewsbury Borough Volunteer Fire Company Chief, and in accordance with applicable fire prevention standards, shall be installed.
- p) A burglar alarm appropriate for the facility, as determined by the Southern Regional Police Department Chief, and in accordance with applicable police standards, shall be installed.
- q) Both the fire suppression system and the burglar alarm shall be monitored by a twenty-four (24) hour third party alarm company. The facility will also be mandated by Shrewsbury Borough Ordinance to mount a key lock box on the facility per Shrewsbury Volunteer Fire Company Specifications.
- r) The Zoning Hearing Board has the express authority to impose additional rules and regulations it deems necessary to protect the safety, health and welfare of its citizens.

SECTION 632 SHORT-TERM RENTALS

A. Application.

- 1. Pursuant to Section 700.2 of the Borough’s Zoning Ordinance, the commencement of Short-Term Rental activity of a Dwelling shall be considered a “Change of Use” of the property and shall not occur without the property owner first applying for, and receiving a “Change of Use Certificate” from the Borough for such change in use, followed by or in conjunction with an application for and approval of a Short-Term Rental license.
- 2. A separate Short-Term Rental license is required for each Dwelling being rented as a Short-Term Rental and each Dwelling in a Two-Family or Multi-Family Dwelling being rented as a Short-Term Rental.
- 3. Short-Term Rental licenses shall be renewed on an annual basis and with any change in ownership of the Dwelling. An inspection will be conducted by the Borough on an annual basis as part of license renewal.
- 4. Short-Term Rental licenses shall not be granted for a property located outside of the Village Zone.
- 5. The applicant shall submit, as part of a Short-Term Rental license application, the following:
 - a. A complete written application as provided by the Borough.

- b. A copy of the current recorded Deed for the Property establishing ownership.
 - c. Copies of current York County Hotel Room Excise Tax Certificate and current Pennsylvania Sales and Use Tax License.
 - d. Signatures of both the owner and the local managing agent or local contact Person, if applicable.
 - e. If the building is a Multi-Family Dwelling, the total number of Dwellings in entirety, the number of Dwellings being used as Short-Term Rental, and the designation of which units are Short-Term Rentals.
 - f. If an owner does not occupy the Short-Term Rental, and the owner is not within thirty (30) miles of the property, the applicant shall designate a local contact Person who shall have access and authority to assume management of the Short-Term Rental and take remedial measures. The local contact Person shall reside within thirty (30) miles of the property if a LLC is involved. An applicant who resides within the Borough or within thirty (30) miles of the Short-Term Rental may designate himself/herself as the local contact person.
6. An initial inspection will be conducted by the Borough at the time of Short-Term Rental application. Annual inspections shall be performed with costs covered by the property owner. Smoke detectors and fire extinguishers shall be inspected to ensure they are operating correctly (and proof of certification that fire extinguishers are current shall be provided).
 7. Short-Term Rental license applications shall be accompanied by administrative and inspection fees to defray the costs of processing and managing the application. The fees shall be as set by Resolution of the Council as part of the Borough's overall schedule of fees.

B. Standards of Operation.

Operators of Short-Term Rentals shall conform to the following standards:

1. The maximum number of Short-Term Rental units that can be separately rented in a Multi-Family Dwelling with more than three (3) units, shall be forty (40) percent.
2. The Short-Term Rental shall not provide meals or retail sales/rental of merchandise, equipment, or services for compensation (either directly or indirectly).
3. The length of stay per Transient Occupant shall be limited to a maximum of thirty (30) consecutive calendar days.
4. The local contact Person shall respond to the Borough or to a police officer after being notified by such official of the existence of a violation of this chapter or any disturbance requiring immediate remedy or abatement. If the local contact Person is not the owner, the

local contact Person shall immediately advise the owner of any notification of a violation. There shall be a local contact Person available at all times the Short-Term Rental is operated. The owner may change the local contact Person only after written notice to the Zoning Officer.

5. Short-Term Rentals shall not exceed the number of Transient Occupants of two (2) persons per dedicated bedroom excluding children under the age of three (3).
6. For each Short-Term Rental that is all or part of a Single-Family Dwelling, up to three (3) bedrooms, shall provide at least one (1) parking space per bedroom, plus one additional parking space (to account for additional Transient Occupants who may drive separately). Short-Term Rental properties with four (4) or more bedrooms shall provide two (2) parking spaces in addition to the base parking of one (1) per bedroom.

Each Short-Term Rental that is all or part of a Multi-Family Building shall comply with these requirements. The parking required by this Section shall be available for use by the Transient Occupants while the Short-Term Rental is occupied by them. Unless otherwise provided herein, all parking must comply with Section 303, "Parking."

In no event shall parking for the Transient Occupants include spaces in any public street right-of-way.

7. Transient Occupants must adhere to the Borough's Public Nuisance Ordinance, Ordinance No. 2022-01, and shall not engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or Person by loud, unusual, or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting or, creating a dangerous or physically offensive condition. The Transient Occupants shall sign a binding document that requires they acknowledge and agree to adhere to those minimum standards. A copy of the signed agreement shall be made available to the Borough's Zoning Officer when requested.
8. The owner or local contact Person shall use best efforts to assure that the Transient Occupants of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of any Borough ordinance or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding Short-Term Rentals and responding when notified that the Transient Occupants are violating laws, ordinances, or regulations regarding their occupancy.

An inspection will be conducted by the Borough upon receipt of a verified complaint relating Short-Term Rental compliance.

9. Fireworks and floating lanterns are prohibited.
10. The owner or local contact Person shall, upon notification that Transient Occupants of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct, or otherwise violated provisions of any Borough ordinance or state law pertaining

to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those Transient Occupants.

11. A Short-Term Rental shall comply at all times with the applicable Borough sewer ordinances and regulations. If a sewer malfunction occurs, Short-Term Rental of the Dwelling shall be discontinued until the malfunction is corrected.
12. A Short-Term Rental shall not have any outside appearance indicating a change of use from the surrounding residential uses.
13. Subleasing all or a portion of the Dwelling is prohibited.
14. There shall be no occupancy of recreational vehicles, camper trailers, and in tents at the Short-Term Rental. There is to be no overnight sleeping of Transient Occupants of the Short-Term Rental outside of the Dwelling.
15. The applicant shall prominently and continuously display the Short-Term Rental license approval (within the Dwelling or adjacent to the front door) which shall contain all of the following information:
 - a. The owner's name or managing agency, agent, property manager, or local contact authorized in writing to accept service for the owner of the Dwelling and a telephone number at which that party can be reached on a twenty four (24) hour basis.
 - b. The 911 address of the property.
 - c. The maximum number of Transient Occupants permitted to stay in the Short-Term Rental Dwelling and maximum number of days at any one (1) time.
 - d. The maximum number of all vehicles allowed to be parked on the property or in front of the Dwelling within the property boundaries.
 - e. The requirement that all Transient Occupant and/or guest parking must be parked in the available parking areas on the property and not in or along any private, community, or public street right-of-way.
 - f. The trash pick-up day, location to place trash for pickup, and notification that trash and refuse shall not be left or stored on the exterior of the property unless it is in a water-tight metal or plastic can.
 - g. Floor plans for the Short-Term Rental, showing emergency exits and path or exit from sleeping quarters.
 - h. Notification that a Transient Occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of any Borough ordinance, including parking and occupancy limits.

- i. Notification that Short-Term Rental Transient Occupants are required to make the Dwelling available for inspection by the Borough upon request.
- j. The Borough's Nuisance Ordinance No. 2022-01.

C. Enforcement.

If it appears that a violation of this Ordinance has occurred, the Borough shall initiate enforcement proceedings by having the Zoning Officer send an enforcement notice as provided in Section 704, "Violations, Enforcement."

The enforcement notice shall be sent to the owner of record of the Short-Term Rental for which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that Short-Term Rental, and to any other person requested in writing by the owner of record. The enforcement notice shall contain the following information:

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 Short-Term Rental in violation.
3. The specific violation with a description of the requirement which have not been met, citing in each instance the applicable provisions of the Ordinance.
4. The date before which steps for compliance must be commenced and the date before which the steps must be completed. For a violation, the notice shall direct compliance with this Ordinance within ten (10) calendar days following service of the notice.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in the Zoning Ordinance.
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.

No Person shall be entitled to written notice for any subsequent violation of the same provision of this Ordinance that occurs within three hundred sixty-five (365) days of the first notice. The first notice shall be deemed to be ongoing for any violations within that time period, and the Borough may proceed immediately with enforcement. As such, the timeline on Ordinance violations does not reset after each notice.

Any Person directly affected by a determination of the Zoning Officer shall have the right to appeal to the Zoning Hearing Board, provided that a written application for appeal is filed within thirty (30) calendar days after the day the notice was served pursuant to Section 505 "Time Limitations; Appeals."

Appeals of notices issued by the Zoning Officer shall stay the action or enforcement of the notice until the appeal is heard by the Zoning Hearing Board.

Any Person who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by Shrewsbury Borough before a District Justice, pay a judgment of Five Hundred Dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by Shrewsbury Borough as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Shrewsbury 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 determines that there was a good faith basis for the Person violating this Ordinance to have believed that there was no such violation, in which case there shall be deemed to have been only one such violation unless the fifth day following the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

All judgments, costs, and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to Shrewsbury Borough. The Court of Common Pleas of York County, upon petition, may grant and order or stay, upon cause shown tolling the per diem judgment pending a final adjudication of the violation and judgment. Nothing contained in this section shall be construed or interpreted to grant to any Person or entity other than Shrewsbury Borough the right to commence any action for enforcement pursuant to this section.

SECTION 633 MINI-STORAGE/SELF STORAGE

1. No part of the street right-of-way, no sidewalks or other area intended or designed for pedestrian use, no required parking areas, and no part of the front yard shall be occupied by outdoor storage or display.
2. Parking for the individual storage units shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty (20) feet wide.
3. Structures originally designed and fabricated for transportation on streets and highways using their own wheels and arriving at the site where they are to be utilized complete and ready for use, except for minor and incidental unpacking and assembly operations, for location on jacks or permanent foundations, connection to utilities and the like, including but not limited to structures originally designed as mobile homes, as vans, or as busses, are not permitted as storage structures.
4. All self-storage and mini-storage facilities shall be screened from any residential use or residential zoning district.
5. Prohibited Storage. The following may not be stored out of doors: motor vehicle parts, tires, appliances, appliance parts, pieces of iron, steel, cans, household goods or other such materials.

6. Prohibited Uses. Auctions, except as provided in the Self-Service Storage Facility Act of 1982. Commercial wholesale or retail sales not related to the storage activity. Garage Sales. The operation of power tools, spray painting equipment, compressors, welding equipment, kilns, or similar tools and equipment
7. A moving or storage business.
8. Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.

PART VII

ADMINISTRATION

SECTION 700 PERMITS

s.700.1 Building Permits: Where required by the Shrewsbury Borough Building Permit Ordinance for the erection, enlargement, repair, 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 in duplicate showing as necessary to demonstrate conformity to this Ordinance.

- a) Lot: The location and dimensions of the lot.
- b) Streets: 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 structures within 100 feet of the proposed structure but off the lot.
- d) Improvements: Proposed off-street parking and loading areas, access drives, and walks. Proposed sewage disposal system.

s.700.2 Use Certificates: A use certificate, certifying compliance with this Ordinance 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 Ordinance.

SECTION 701 ZONING OFFICER – POWERS & DUTIES

- s.701.1 Appointment and Powers: For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed by Borough Council. The Zoning Officer shall meet qualifications established by the Borough Council and shall be able to demonstrate to the satisfaction of Borough Council a working knowledge of municipal zoning.

- s.701.2 Forms: The Zoning Officer must 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.

- s.701.3 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 Chairman of the Borough Planning Commission, copies of all papers constituting the record upon the special exception, variance, or appeal.

- s.701.4 Action on Building Permits: Within fifteen (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 Ordinance, the Zoning Officer must grant a permit. If the permit is not granted, he must state in writing the grounds of his refusal.

- s.701.5 Action on Use Certificates: Within fifteen (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 Ordinance, he must issue a certificate to that effect. Otherwise, he must state in writing the grounds of his refusal.

- s.701.6 Preliminary Opinion: In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposes to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run pursuant to Section 505 of this Ordinance, by the following procedure:

- a) The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
- b) If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 505 of this Ordinance and the time specified therein for commencing a proceeding with the Zoning Hearing Board shall run from the time when the second notice thereof has been published.

s.701.7 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 Ordinance 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.

s.701.8 Reports: At intervals of not greater than six (6) months the Zoning Officer must report to 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.

SECTION 702 APPEALS

Any person aggrieved or affected by provision of this Ordinance or a decision of the Zoning Hearing Board may appeal in the manner provided in Articles IX and X-A of the Municipalities Planning Code, Act 170 of 1988 as amended.

SECTION 703 ERRONEOUS PERMIT

A building permit or other permit or authorization issued or approved in violation of the provisions of this Ordinance, 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. No action may be taken by a board, agency, or employee of the Borough purporting to validate such a violation.

SECTION 704 VIOLATIONS; ENFORCEMENT

- s.704.1 Violations: If it appears that a violation of this Ordinance has occurred, the Borough shall initiate enforcement proceedings by having the Zoning Officer send an enforcement notice as provided in this section.

- s.704.2 Enforcement Notice: 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.

- s.704.3 Content of Notice: The enforcement notice shall contain the following information:
 - a) The name of the owner of record and any other person against whom the Borough intends to take action.

 - b) The location of the property in violation.

 - c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.

 - d) The date before which steps for compliance must be commenced and the date before which the steps must be completed.

 - e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Ordinance.

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

SECTION 705 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 Ordinance, the Borough Council or the Zoning Officer, with the approval of the Borough Council, or any aggrieved owner or tenant of real property or person 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, to

prevent, in or about such premises any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

SECTION 706 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by Shrewsbury Borough before a district justice, pay a judgment of Five Hundred Dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by Shrewsbury Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Shrewsbury 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 determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which case there shall be deemed to have been only one such violation unless the fifth day following the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to Shrewsbury Borough. The Court of Common Pleas of York County, upon petition, may grant an order of stay, upon cause shown tolling the per diem judgment pending a final adjudication of the violation and judgment. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Shrewsbury Borough the right to commence any action for enforcement pursuant to this section.

SECTION 707 FEES

The Borough Council shall by resolution establish fees for applications, permits, or appeals provided for by this Ordinance 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.

SECTION 708 AMENDMENTS

The Borough Council may from time to time amend, supplement or repeal any of the regulations and provisions of this Ordinance. Before voting on the enactment of an amendment, the governing body shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

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

amendment to the York County Planning Commission for recommendations at least thirty (30) days prior to the hearing on the amendment.

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

SECTION 709 LANDOWNER CURATIVE AMENDMENTS

- s.709.1 Submission: A landowner who desires to challenge on substantive grounds the validity of this Ordinance or Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to Borough Council with a written request that his challenge and proposed amendment be heard and decided. Borough Council shall commence a hearing thereon within sixty (60) days of the request. The curative amendment and challenge shall be referred to the Planning Commission and the York County Planning Commission for review as provided in Section 708 of this Ordinance.
- s.709.2 Hearing: Notices of the hearing shall be given as provided in Section 501.1 of this Ordinance and of the proposed amendment as provided in Section 610 of the Municipalities Planning Code, Act 170 of 1988. The hearing shall be conducted in accordance with Section 501 of this Ordinance and all references therein to the Zoning Hearing Board shall, for the purposes of this section, be references to the Borough Council.
- s.709.3 Determination: If Borough Council has determined that a validity challenge has merit, it may accept the landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. Borough Council, in making its determination, shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider the factors enumerated in Section 504.2 of this Ordinance.

SECTION 710 MUNICIPAL CURATIVE AMENDMENTS

If Borough Council determines that this Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following steps:

- (1) Borough Council shall declare by formal action this Zoning Ordinance or portions thereof to be substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declarations and proposal, Borough Council shall:
 - (i) By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance 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 revisions; or
 - (C) Reference to the entire ordinance which requires revisions.
- (ii) Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- (2) Within one hundred eighty (180) days from the date of the declaration and proposal, Borough Council shall enact a curative amendment to validate, or reaffirm the validity of, the Zoning Ordinance pursuant to the provisions of Section 708 of this Ordinance and Section 609 of the Municipalities Planning Code, Act 170 of 1988.
- (3) Upon initiation of the procedures as set forth in this section, Borough Council shall not entertain or consider any landowner's curative amendment filed pursuant to Section 709 of this Ordinance nor shall the zoning hearing board be required to hear a challenge pursuant to Section 504 of this Ordinance subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified by the resolution of Borough Council. Upon completion of the procedures set forth in Clauses (1) and (2) of this section, no rights to a cure pursuant to the provisions of this Ordinance or the Municipalities Planning Code, Act 170 of 1988, as amended shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this section.
- (4) Borough Council having utilized the procedure set forth in this section may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the zoning ordinance pursuant to this section; 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 the zoning ordinance to fulfill said duty or obligation.

PART VIII

PLANNED RESIDENTIAL DEVELOPMENT

SECTION 801 PURPOSE

The purposes of this part of the Ordinance are as follows:

- a) To insure that the provisions of the Shrewsbury Borough Zoning Ordinance, which are concerned with the uniform treatment of dwelling type, bulk, density and open space within each zoning district, shall not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of that zoning ordinance;
- b) To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings;
- c) To provide greater opportunities for better housing and recreation for all who are or will be residents of the Borough;
- d) To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economics so secured may work to the benefit of those who need homes;
- e) To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, flood plains, groundwater, wooded areas, steeply-sloped areas, and areas of unusual beauty or importance to the natural ecosystem; and
- f) In aid of these purposes, to provide a procedure which can relate the type, design and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

SECTION 802 DEFINITIONS

As used in this part, the following additional words and phrases shall have the meaning indicated below except in those instances where the context clearly indicates a different meaning:

- a) "Applicant" – a landowner or developer, as hereinafter defined, who has filed an application for development pursuant to this part, including his heirs, successors and assigns.
- b) "Average Gross Residential Density" – the number of dwelling units per acre in a planned residential development, computed by dividing the number of dwelling units which the

applicant proposes to construct by the number of acres in the development which are planned to be devoted to residential and open space use. If the developer dedicates land for sites for schools or other public facilities, such land shall be included in the total land area used in computing maximum permissible average gross density.

- c) "Common Open Space" – a parcel or parcels of land or an area of water, or a combination of land and water within a planned residential development and designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for recreational use by the residents.
- d) "Comprehensive Plan" – the Comprehensive Plan for Shrewsbury Borough.
- e) "Developer" – any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made an application for approval of a development plan pursuant to this provisions of this part.
- f) "Development Plan" – a proposal for the development of a planned residential development, prepared in accordance with this part, including a plat of subdivision, location of various uses, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities. The phrase "provisions of the development plan" when used in this part shall mean both the written and graphic materials referred to in this definition.
- g) "Gross Leasable Floor Area" – the sum of the floor areas in a commercial center intended and designed for the tenant's occupancy and exclusive use. It is all that area on which tenants pay rent, including sales areas and integral stock areas.
- h) "Plat" – the map or plan of a land development, whether preliminary or final.
- i) "Section" – a geographical area or tract which is part of a proposed planned residential development which will be developed according to a timetable for development over a period of years included by the applicant in the development plan.
- j) "Stage" – a section or sections of which an applicant proposes to commence development at the same time, as part of a timetable for development of a planned residential development over a period of years.

SECTION 803 ELIGIBILITY

No application for tentative approval of planned residential development shall be considered or approved unless the following conditions are met:

- a) The planned residential development consists of a contiguous area of at least 50 acres.

- b) The development will be served by municipal water supply and municipal sewage disposal systems, which shall be constructed at the time construction of the structures in the planned residential development begins.
- c) The proposed development is found to be generally consistent with the Comprehensive Plan for Shrewsbury Borough.

SECTION 804 DEVELOPMENT STANDARDS

s.804.1 Permitted Uses: A planned residential development may include residential uses, and to the extent they are designed and intended primarily to serve the residents of the planned residential development, recreational, commercial and institutional uses. Specific types of dwelling units permitted in a planned residential development are (1) single-family detached; (2) single-family semi-detached; (3) single-family attached; and (4) dwelling units for sale and/or rent in multi-family structure containing up to three stories of units.

s.804.2 Density:

1. The maximum allowable average gross residential density for planned residential developments shall be six (6) dwelling units per acre, except that higher densities may be allowed in accordance with the bonus provisions contained in this section. In no event shall the average gross residential density exceed nine (9) dwelling units per acre.

2. Dwelling Unit Mix

A mix of dwelling units is desirable to promote a balanced community. A mix is therefore required as follows:

- minimum number of D.U. types: 3
- maximum % of any D.U. type: 50
- minimum % of any D.U. type: 15

3. Not less than twenty-five (25) percent of the total area of the planned residential development shall be designated as and devoted to common open space.

s.804.3 Density Bonus: For each additional percentage point of land in common open space above twenty-five (25) percent, the permissible average gross residential density shall be increased by one (1) percent of the permissible average gross residential density as specified in Section 804.2 of this Ordinance.

s.804.4 Design, Bulk and Location Standards:

1. Site Design

(a) All housing shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of

sunlight on the physical layout and form of the proposed buildings shall be taken into account, as well as other areas subject to flooding which shall be referenced as per s.503 of the Shrewsbury Borough Subdivision and Land Development Ordinance.

- (b) All housing shall be situated so as to enhance privacy and insure natural light for all principal rooms.
- (c) Variations in setbacks shall be provided where necessary to create a more pleasing layout.
- (d) Housing and other facilities near the periphery of the planned residential development shall be designed so as to be harmonious with neighboring areas.
- (e) No building shall be within twenty-five (25) feet of the right-of-way of access roads or of parking areas (excluding private driveways which serve as parking areas for a single residential unit).
- (f) No structure or building shall be less than fifty (50) feet from the property lines of the development and a planting strip of at least twenty (20) feet in width shall be provided along all property lines at the periphery of the development where necessary to protect the privacy of neighboring residents.
- (g) In no case shall the height of a building exceed twenty-eight (28) feet to the edge of the roof, measured from the lowest ground level; with the length of the slope of the roof not to exceed sixteen (16) feet.

2. Tree Conservation and Erosion Control:

- (a) Existing trees shall be preserved wherever possible. The protection of trees shall be a factor in determining the location of open space, buildings, underground services, walks, paved areas, playgrounds, parking areas and finished grade levels.
- (b) The development shall be designed and programmed so as to minimize earthmoving, erosion, and the destruction of natural amenities.
- (c) Seeding, sodding and other planting shall be applied to stabilize topsoil on steep slopes.
- (d) Erosion control measures such as minimizing the area of exposed soil, mulching, building silt catchment basins, and planting temporary ground cover shall be instituted as necessary and as required to comply with the Pennsylvania Erosion and Sediment Control Act.
- (e) Erosion control shall be submitted to and approved by York County Soil Conservation office.

3. Streets:

- (a) All streets proposed to be constructed within the Borough shall be as specified in s.504, s.505 and s.506 of the Shrewsbury Borough Subdivision and Land Development Ordinance.
- (b) All street construction shall be in accordance with Borough specifications.

4. Parking:

- (a) There shall be at least two (2) off-street parking spaces for each dwelling unit, each parking space shall be not less than one hundred sixty-two (162) square feet (9 x 18 ft.). Parking aisles shall be at least twenty-four (24) feet wide.
- (b) There shall be at least six (6) off-street parking spaces per one thousand (1,000) square feet of gross leasable floor area of commercial space. Each parking space shall measure at least one hundred sixty-two (162) square feet (9 x 18 ft.). Parking aisles shall be at least twenty-four (24) feet wide.
- (c) Parking areas shall be arranged so as to prevent through traffic to other parking areas.
- (d) Parking areas (excluding private driveways which serve as parking areas for a single residential unit) shall be screened from adjacent structures, access roads and traffic arteries, by hedges, dense planting, earth berms, changes in grade or walls. All such parking areas shall be a minimum of twenty-five (25) feet from all residential buildings, access roads and traffic arterials.
- (e) No more than fifteen (15) residential parking spaces shall be permitted in a continuous row without being interrupted by approved landscaping.
- (f) No more than sixty (60) residential parking spaces, shall be accommodated in any single parking area.
- (g) All parking areas shall be constructed in accordance with Borough specifications.
- (h) All off-street loading areas shall be surfaced with an asphaltic or Portland cement pavement in compliance with Borough specifications.

5. Curbs, Gutters and Sidewalks:

- (a) Curbs, gutters and sidewalks shall be required and shall be installed by the developer in accordance with current Borough specifications.

- (b) The Borough may waive requirements for sidewalks on one or both sides of the street where interior walkways, in the judgment of the Borough, better serve the needs of the subdivision or land development.
6. Lighting:
- (a) All off-street parking shall be adequately lighted to Shrewsbury Borough specifications. All such lighting shall be arranged so as to direct light away from adjoining residences.
7. Storm Drainage: Drainage shall be required in accordance with the Shrewsbury Borough Stormwater Management Ordinance No. 2013-03 in effect as amended from time to time.
8. Fire Hydrants:
- (a) Fire hydrants shall be required for all land development provided with a water supply system. Fire hydrants shall be located within six hundred (600) feet of any dwelling unit or structure open to the public. Fire hydrants shall be installed in accordance with the requirements of the local authority and all applicable regulations.
9. Landscaping:
- (a) Shade trees shall be provided along all streets. The type, size and spacing of shade trees shall be in conformity with the street tree provisions of the Shrewsbury Borough Subdivision and Land Development Ordinance.
10. Street Lighting and Street Name Signs:
- (a) All streets and areas of high pedestrian use shall be adequately lighted by the developer to Borough specifications.
 - (b) The land development shall be provided with street name signs at all intersections. Such signs shall conform to current Borough specifications and shall be installed by the developer in a manner specified by the Borough Engineer.
11. Supplemental Nonresidential Facilities:
- (a) Nonresidential areas and facilities within a planned residential development shall not be located adjacent to existing residential areas.
 - (b) Refuse stations shall be designed with suitable screening and located where convenient for trash removal, and not offensive to nearby residential areas.
 - (c) Adequate lighting shall be provided for outdoor areas used after dark. Appropriate lighting fixtures must be provided for walkways, to identify steps,

ramps, and signs. Lighting shall be designed and located so as not to shine directly into nearby residences.

12. Utilities:

- (a) Utilities shall be in conformity with the provisions of the Shrewsbury Borough Subdivision and Land Development Ordinance. All utilities shall be underground unless not deemed feasible by the official review agency.

13. Commercial Development:

- (a) Commercial development in a planned residential development shall be limited to one (1) commercial center that provides for the sale of convenience goods and personal services which meet the daily needs of the residents of the planned residential development. Such a commercial center shall have the following characteristics:

1. Architecture shall be harmonious with residential properties.
2. Maximum lot area: Sixty thousand (60,000) square feet.
3. Minimum number of tenants: three (3).
4. Maximum number of tenants: seven (7).
5. Maximum gross leasable floor area per tenant: Twenty four hundred (2400) square feet.
6. Types of tenants permitted:
 - Retail Stores (food, drugs, variety, apparel, flowers and books).
 - Service Businesses (barber, beautician, laundromat, dry cleaner, shoe repair and day nursery).
 - Professional Offices.
 - Eating Establishments (the type that provides convenience meals for PRD residents. Restaurants or fast food chains specializing in high volumes shall be prohibited, since these are clearly uses aimed at larger markets).
7. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.

s.804.5 Development in Stages:

A developer may construct a planned residential development in stages if the following criteria are met:

1. The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage, in addition to other information required by this Ordinance.
2. At least fifteen (15) percent of the dwelling units in the plan given tentative approval are included in the first stage.
3. At least fifty (50) percent of the dwelling units in any stage are rented or sold before any commercial development shown in that stage shall be completed.
4. The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than fifteen (15) percent of the total dwelling units receiving tentative approval.
5. Gross residential density may be varied from stage to stage, provided however that final approval shall not be given to any stage if the gross residential density by type of dwelling of the area which includes stages already finally approved and the stage for which final approval is being sought exceeds by more than ten (10) percent the gross residential density for each type of dwelling unit allowed for the entire planned residential development in the tentatively approved plan. Where it is necessary to allocate open space to early stages to avoid exceeding maximum gross residential densities, the developer may be required to grant an open space easement or covenant to the Borough specifying the amount and, if necessary, the location of open space.

s.804.6 Standards for Location and Management of Open Space:

1. The open space shall be located so as to be consistent with the objectives set forth in the application for planned residential development. It shall be designed as a contiguous area easily accessible to the residents, be suitable for multiple recreational facilities, and preserve natural features, if possible. Where a hazardous situation exists, either within or adjacent to the open space, the developer shall take all precautionary safety measures as the Borough may require, to assure the safety of persons using the facilities.
2. There shall be provisions which insure that the open space land shall continue as such and be properly maintained. The developer shall either (a) dedicate such land to public use if the Borough or another public agency has indicated it will accept such dedication, (b) retain ownership and responsibility for maintenance of such open space land, or (c) provide for and establish one or more organizations for the ownership and maintenance of all common open space. In the case of (c) above, each organization shall be a nonprofit homeowners corporation, unless the

developer demonstrates that a community open space trust is a more appropriate form of organization.

3. If the homeowner's association or open space trust is formed, it shall be governed according to the following regulations:
 - (a) The organization is organized by the developer and operating with financial subsidization by the developer, if necessary, before the sale of any lots within the development.
 - (b) Membership in the organization is mandatory for all landowners and purchasers of homes therein and their successors.
 - (c) The organization shall be responsible for maintenance of and insurance and taxes on common open space.
 - (d) The members of the organization shall share equitably the costs of maintaining and developing common open space, in accordance with procedures established by them.
 - (e) The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.
 - (f) In the event that the organization established to own and maintain a common open space or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization or upon the residents and owners of the planned residential development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Borough, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the Borough shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space call a public hearing upon notice to such organization, or to the residents and owners of the planned residential development, to be held by the Borough, at which hearing such

organization or the residents and owners of the planned residential development shall show cause why such maintenance by the Borough shall not, at the election of the Borough, continue for a succeeding year. If the Borough shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Borough shall cease to maintain said common open space at the end of said year. If the Borough shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Borough may, in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Borough in any such case shall constitute a final administrative decision subject to judicial review.

The cost of such maintenance by the Borough shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space and shall become a tax lien on said properties. Said assessments or charges shall be subordinate in lien to the lien of any mortgage or mortgages on the property which is subject to such assessments or charges regardless of when said mortgage or mortgages were created or when such assessments or charges accrued; provided that such subordination shall apply only to assessments or charges that have become payable prior to the passing of title under foreclosure of such mortgage or mortgages, and the transferee shall not be liable for payment of any assessments or charges accruing prior to said foreclosure, but nothing herein shall be held to affect the rights herein given to enforce the collection of such assessments or charges accruing after sale under foreclosure of such mortgage or mortgages; and provided, further, that such charges accruing after sale shall also be subordinate in lien to the lien of any further mortgage or mortgages which are placed on property subject to such assessments or charges, with the intent that no such charges shall at any time be prior in lien of any mortgage or mortgages whatsoever on such property. The Borough, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the prothonotary of the county, upon the properties affected by such lien within the planned residential development.

- (g) In accordance with Section 706 of the Municipalities Planning Code, Act 170 of 1988, the provisions of the development plan relating to (I) the use, bulk and location of buildings and structures, (ii) the quantity and location of common open space, and (iii) the intensity of use or the density of residential units, shall run in favor of the Borough and shall be enforceable in law or in equity by the Borough, without limitation on any powers of regulation otherwise granted the Borough by law. The development plan shall specify those of its provisions which shall run in favor of, and be enforceable by residents of the planned residential development, and, in addition, the manner in which such residents may modify or release such rights.

s.804.7 Other Public Areas:

If the Borough or a public agency such as a school district determines that land for public use (ex. fire station, police station, school) will be needed as a result of the construction of the planned residential development, the developer can be required to set aside such land for eventual acquisition by the Borough or public agency. If such land is not acquired by the appropriate body by the date of the sale or rental of fifty-one (51) percent of the total dwelling units in the planned residential development, then at the option of the developer, the land may be used for residential purposes subject to the provisions of this part. If the developer chooses to dedicate such land, he can benefit from an increase in permitted dwelling units as specified in the definition of "average gross residential density".

SECTION 805 APPLICATION FOR TENTATIVE APPROVAL

- a) The application for tentative approval shall be executed by or on behalf of the landowner and filed with the Borough secretary. An initial deposit in the amount of five hundred (500) dollars shall be paid upon filing of the application to be applied against such expenses, and additional deposits shall be made from time to time as requested by the Borough to be applied against the expenses of processing the application, not to exceed actual expenses incurred by the Borough.
- b) The application for tentative approval shall include ten (10) copies of documentation illustrating compliance with all of the standards for planned residential development in Section 804, and where necessary the Borough shall order additional documentation to aid in its review.
- c) Required documentation shall include, but not be limited to documents illustrating the following:
 - 1. The location and size of the area involved, and the nature of the landowner's interest in the planned residential development;
 - 2. The proposed use areas, the average gross residential density and the density of each proposed type of residential use area;
 - 3. The location, function, size, ownership, and manner of maintenance of the common open space;
 - 4. The use and the approximate height, bulk, and location of buildings and other structures;
 - 5. Information showing the feasibility of proposals for water, sanitary sewerage and storm water disposition; and if water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the planned residential development, applicants shall present evidence to Borough Council that the planned residential development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a

commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence;

6. Utility systems;
 7. Location of fire hydrants;
 8. The substance of covenants, grant of easements, or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for public utilities;
 9. The provision for parking of vehicles and location, rights-of-way and pavement widths of proposed streets and public ways;
 10. In the case of plans which call for development in stages, a schedule showing the time within which applications for final approval of all parts of the planned residential development are intended to be filed, and which shall be updated annually on the anniversary of submission for final approval;
 11. The application shall, insofar as possible, indicate compliance with the provisions set forth herein, governing the requirements for final approval.
- d) Application for tentative approval shall include but not be limited to the following documents:
1. A Tentative Plan clearly and legibly drawn on a single sheet of either linen or mylar material to a scale of ten (10) feet, twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet, sixty (60) feet or one hundred (100) feet to the inch. Sheet size shall be no smaller than 22' x 36'.
 - a) All Tentative Plans shall contain the following:
 - (1) Title Block:
 - a. Name of Land Developer.
 - b. Name of Municipality.
 - c. Name and Address of Owner of Property (or Agent).
 - d. Name and Address of Engineer.
 - e. Scales – Written and Graphic.
 - f. Date and Revision Dates, if any.
 - (2) North Arrow.
 - (3) Location Map.

- (4) Tract Boundaries – Bearings and Distances.
- (5) Adjacent Property Owner(s) and Developments.
- (6) Contours.
- (7) Topography – Streams, Trees, etc.
- (8) Existing – Streets, Roads, etc.
- (9) Existing – Buildings and Utilities.
- (10) Existing – Easements and Rights-of-way.
- (11) Staging Schedule of Construction (if proposed).
- (12) Utilities (Proposed) Water, Sanitary Sewer, Street Lights, Storm Sewer:
 - a. Size and Location.
- (13) Seal (legible) of Professional Land Surveyor to the Effect that Survey and Plan are Correct.
- (14) Signature Blocks – Names and Date:
 - a. Planning Commission – five (5) spaces for signatures plus one (1) space for review date; and one (1) space for Engineer's signature plus one (1) space for review date.
 - b. Borough Council – three (3) spaces for signatures and one (1) space for approval date.
 - c. Shrewsbury Fire Company – one (1) space for signature and one (1) space for approval date.
- (15) Location and Exterior Dimensions of all (Proposed) Buildings.
- (16) Location and Dimensions of all Site Improvements including but not limited to the following:
 - a. Vehicle Drives.
 - b. Parking Spaces.
 - c. Walkways.
 - d. Truck Loading and Unloading Areas.

- e. Landscaping Features.
 - f. Unenclosed Storage Areas.
 - g. Signs.
- (17) Proposed Grades and Slopes.
- (18) Table of Site Data:
- a. Total Acres of Tract.
 - b. Use of Property.
 - c. Zoning.
 - d. Building Coverage (Square Feet).
 - e. Impervious Surface Coverage (Square Feet).
 - f. Type of Sewage Disposal.
 - g. Type of Water Supply.
 - h. Number of Parking Spaces Required.
 - i. Number of Parking Spaces Proposed.
 - j. Criteria Used to Establish Parking Spaces Required.
- b) Said application shall also include a written statement by the landowner setting forth the reasons why, in his opinion, the planned residential development would be in the public interest and would be consistent with the Borough's comprehensive plan.
- c) One (1) copy of every application for tentative approval received by the Borough secretary shall be promptly forwarded to the Borough Planning Commission and to the York County Planning Commission for study and recommendation as required by the Pennsylvania Municipalities Planning Code. The Borough Planning Commission and the York County Planning Commission shall review and report upon the application to the Borough within thirty (30) days of such referral. One (1) copy of the reports of the respective planning commissions shall be furnished to the landowner not less than five (5) days before the appointed time of the public hearing provided for in Section 802 of this Ordinance.
- d) The landowner, the Borough, the Borough Planning Commission and the York County Planning Commission may consult informally concerning the proposed planned residential development prior to the filing of an application for tentative approval,

provided that no statement or representation by an official of the Borough or of the planning agencies shall be binding upon the Borough.

SECTION 806 PUBLIC HEARINGS

- a) Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this Ordinance, a public hearing pursuant to public notice on said application shall be held by the Borough Council in the manner prescribed in Article IX of the Municipalities Planning Code, Act 170 of 1988. The President of Borough Council, or, in his absence, the person acting as chairman of Borough Council or its designated agency, may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.
- b) A verbatim record of the hearing shall be caused to be made by the Borough Council whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.
- c) The Borough Council may continue the hearing from time to time and may refer the matter back to the Borough Planning Commission for a report, provided however that, in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

SECTION 807 THE FINDINGS

- a) The Borough Council within sixty (60) days following the conclusion of the public hearing provided for in this Ordinance, shall, by official written communication, to the landowner, either:
 - 1. Grant tentative approval of the development plan as submitted;
 - 2. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - 3. Deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Borough Council notify the Borough of his refusal to accept all said conditions, in which case, the Borough shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not,

within said period, notify the Borough Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

- b) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:
1. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Borough;
 2. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 3. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 4. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 5. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 6. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
- c) In the event a development plan is granted tentative approval, with or without conditions, the Borough Council may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and on application for final approval shall not be less than three (3) months, and, in case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

SECTION 808 STATUS OF PLAN AFTER TENTATIVE APPROVAL

- a) The official written communication provided for in Section 807 of this Ordinance shall be certified by the secretary of the Borough Council and shall be filed in his office, and a certified

copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.

- b) Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which has been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Borough pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.
- c) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Borough in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the secretary or clerk of the Borough.

SECTION 809 APPLICATION FOR FINAL APPROVAL

- a) An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Borough and within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.
- b) The application for final approval shall contain, in addition to the requirements of Section 805(d) of this Ordinance, the following:
 - 1. Ten (10) copies of the Final Plan, drawn at the same scale the Tentative Plan was drawn. If the Final Plan Site Map is drawn in two (2) or more sections, they must be numbered consecutively and accompanied by a key map showing the location of the several sections.
 - 2. Proposed Lots.
 - (a) Bearings and Distances.
 - (b) Area (Square Feet).
 - (c) Setback Lines.

- (d) Lot Numbers (In Tabular Form for Subdivision with 10 or More Lots).
- 3. Proposed Streets.
 - (a) Names.
 - (b) Bearings and Distances of ROW; Curve Data and Radii Arcs (in Tabular Form for Subdivision with 10 or More Lots).
- 4. Typical Cross Section of Proposed Streets.
- 5. Clear Sight Triangle.
- 6. Proposed Easements or Rights-of-way.
 - (a) Location and Purposes.
 - (b) Bearings and Distances.
- 7. Primary Control Points and Reference Monuments.
- 8. Land to be Dedicated or Reserved for Public or Semi-Public Uses.
 - (a) Location.
 - (b) Area (Square Feet).
 - (c) Purpose.
- 9. Table of Site Development Data.
 - (a) Total Acres Developed Tract.
 - (b) Use of Property.
 - (c) Zoning.
 - (d) Number of Proposed Lots.
 - (e) Minimum Lot Size (Square Feet).
 - (f) Total Lineal Feet of Proposed Streets.
 - (g) Type of Sewage Disposal – Public Sewer, On-Lot System.
 - (h) Type of Water Supply – Public, Private.
 - (i) For Residential Use – Number of Proposed Dwelling Units.

- (j) Building Locations and Building Setback Lines on All Lots and Other Sites.
- (k) Notarized certification of title showing that applicant is the owner of the land, that the land development shown is his act and deed, and that it will be recorded as shown.
- (l) A location map corrected and updated from the Preliminary Plan.
- (m) Certification by a Professional Land Surveyor certifying to accuracy of survey and Plan.

10. Supporting Data.

- (a) Corrected and updated from the Tentative Plan, all detailed drawings and specifications for improvements shall be submitted.
- (b) Two (2) copies of a centerline profile and cross-section maps or diagrams of streets showing proposed grades, curbs, sanitary and storm water sewers, water lines, and any other underground utilities at a minimum scale of forty (40) feet horizontal and four (4) feet vertical.
- (c) Two (2) copies of deed restrictions and/or protective covenants for the development.

11. Certificates Required.

- (a) From a Registered Professional Engineer retained by the Borough certifying that the developer has installed all improvements to the specifications of these requirements and has complied with any conditions attached to the approval of the Tentative Plan by the Borough; or that the developer has posted a surety performance bond or other acceptable security in amount sufficient to assure completion of all required improvements.
- (b) From State Agencies: Certification that method of sewage disposal and water supply have been approved by the Pennsylvania Department of Environmental Resources. Certification of Sediment and Erosion Control Plan bearing approval of Pennsylvania Department of Environmental Resources.
- (c) Other certificates as may be required such as from the Pennsylvania Public Utility Commission.
- (d) An agreement that the developer will install underground utilities before paving streets and constructing sidewalks.

12. The Final Plan shall include therewith or be accompanied by the filing fee and any other fees that may be required.

- c) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the ordinance and

the official written communication of tentative approval, Borough Council shall, within forty-five (45) days of such filing, grant such development plan final approval.

- d) In the event the development plan as submitted contains variations from the development plan given tentative approval, Borough Council may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
1. Refile his application for final approval without the variations objected to, or
 2. File a written request with the Borough Council that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional months if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in Section 806 of this Ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Borough Council shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.
- e) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Borough Council and shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion in accordance with the provisions of Section 405 of this Ordinance and Section 508 of the Municipalities Planning Code, Act 170 of 1988, of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of the final plan, the developer shall record the plan in accordance with the provisions of section 310 of the Shrewsbury Borough Subdivision and Land Development Ordinance and shall post financial security in accordance with the provisions of Article 6 of the Shrewsbury Borough Subdivision and Land Development Ordinance.
- f) In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify Borough Council in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time

provisions of Section 405 of this Ordinance and Section 508 of the Municipalities Planning Code, act 170 of 1988 after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is re-subdivided and is reclassified by enactment of an amendment to the Shrewsbury Borough Zoning Ordinance.

SECTION 810 ADMINISTRATION AND REVIEW

- a) Issuance of permits and all matters pertaining to administration of the plan as finally approved shall be the responsibility of the Zoning Officer.
- b) Upon application of the landowner showing compliance with the requirements of final approval, the Zoning Officer shall issue permits for construction pursuant to the plan, or any section thereof.
- c) The provisions of Part VII of this Ordinance regarding administration, enforcement, and penalties shall be fully applicable to the plan as finally approved insofar as the provisions thereof are consistent with the provisions of this Ordinance and the conditions of final approval. The Zoning Officer shall review the progress and status and construction of the development and render monthly reports thereon to the Borough Council in order to assure compliance with the provisions of this Ordinance and the conditions of final approval.

PART IX

INTERPRETATION, VALIDITY, REPEALER AND EFFECTIVE DATE

SECTION 900 INTERPRETATION

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

SECTION 901 CONFLICTS AND INCONSISTENCIES WITH OTHER ORDINANCES

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

SECTION 902 VALIDITY

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

SECTION 903 REPEALER

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 904 EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication according to law.

This Ordinance adopted by the Council of Shrewsbury Borough, York County, Pennsylvania into an Ordinance the 11th day of October, 2023.

Borough Council
Shrewsbury Borough
York County, Pennsylvania

Attest:

/s/Cindy L. Bosley
Secretary

By: /s/ A.Theodore Nadobny
President

Approved this 11th day of October, 2023

By: /s/Michael G. Sharkey
Mayor

(Ordinance No. 2023-2, October 11, 2023, Amended and Restated to include Ordinance No. 2008-01, original Zoning Ordinance, 1984-1 of February 1, 1984.)