

BOROUGH OF LIVERPOOL

**PERRY COUNTY,
PENNSYLVANIA**

ZONING ORDINANCE

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PERRY COUNTY, PENNSYLVANIA
ZONING ORDINANCE
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BOROUGH OF LIVERPOOL
PERRY COUNTY, PENNSYLVANIA
ZONING ORDINANCE

AN ORDINANCE REENACTING, AMENDING AND REVISING THE LIVERPOOL ZONING ORDINANCE, AS AMENDED AND SUPPLEMENTED, REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES FOR BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE, DEPTH AND WIDTH OF YARDS AND OPEN SPACES, DENSITY OF OCCUPANCY OF THE LAND, THE USE OF BUILDINGS AND LAND FOR COMMERCE, INDUSTRY, RESIDENCE AND OTHER PURPOSES, THE BOUNDARIES OF VARIOUS DISTRICTS, THE ESTABLISHMENT OF FLOOD PLAIN ZONES, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SAID REGULATIONS AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED OR ORDAINED by the Borough Council of the Borough of Liverpool, Perry County, Pennsylvania, as follows:

ARTICLE I

AMENDMENT, TITLE, PURPOSE AND AUTHORITY, INTERPRETATION AND DEFINITION OF TERMS.

SECTION 100: Amendment. The title, articles and sections of Ordinance NO. _____ enacted October 14, 1991 as amended, known as the ALiverpool Zoning Ordinance@, is reenacted, amended or added to so as to read as set forth in this ordinance.

SECTION 101: Short Title. This Ordinance shall be known and cited as theALiverpool Zoning Ordinance@.

SECTION 102: Purpose and Authority. This ordinance is enacted for the following purposes:

1. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, disaster evacuation, the provisions or adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds, and other public requirements.
2. To prevent one or more of the following: Overcrowding of the land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic and other dangers. This Ordinance is made in accordance with the overall program and with consideration for the character of the municipality, its various parts and the suitability or the various parts for particular uses and structures.
3. This Ordinance is adopted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Municipalities Planning Code," July 31, 1968, as amended.

SECTION 103: Interpretation. In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of health, safety, morals and general welfare of the Borough and its citizens. It is not intended by this Ordinance to interfere with, abrogate or annul any rules or regulations previously adopted or permits previously issued by the Borough, which are not in conflict with any provisions of this Ordinances, nor is it intended by this Ordinance to interfere with, abrogate or annul any easements, covenants, building restrictions or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a building, or requires a larger open space than is imposed or required by this Ordinance, rule, regulation or permit, or by

easement, covenant, building restrictions or agreements, the provisions of this Ordinance shall control.

SECTION 104: Definition of Terms. The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in carrying out the duties by appropriate officers and by the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meanings herein indicated. The present tense includes the future; the singular number includes the plural, and the plural for the singular; the word "building" includes the word "structure" and shall be construed as if followed by the words "or part thereof"; the word "occupy" includes the words "designed or intended to be occupied"; the word "use" includes the word "arranged, designed or intended to be used"; the word "shall" is always mandatory; the word "person" includes a corporation or partnership, or both, as well as an individual; and the word "lot" includes the word "plot" or "parcel".

1. ALLEY: A public thoroughfare other than a street or side street, which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.
2. ALTERATIONS: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or enlargement, whether by extending on a side or increasing the height, or the moving from one location or position to another.
3. ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
4. AMENDMENT: A change in the use in any district, which includes revisions to the zoning text or the Official Zoning Map, or both; the authority for any amendment lies solely within the Borough Council.
5. ANIMAL HOSPITAL: A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, birds or fowl by a veterinarian.
6. APARTMENT: A dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, apartment hotels, bachelor apartments, studio apartments, and kitchenette apartments. Conversion apartments are not included in this definition.
7. APARTMENT, CONVERSION: A multi-family dwelling constructed by converting an existing dwelling into apartment for more than one (1) family without substantially altering the exterior of the building.

8. APARTMENT, HOTEL: A building or portion thereof designed for or containing both, individual guest rooms or suites of rooms and dwelling units.
9. APARTMENT HOUSE: A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.
10. AREA, BUILDING: The total of areas taken in a horizontal plane at the main grade level of the principle building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.
11. AREA, LOT: The total area within the lot line.
12. ASSISTED LIVING FACILITIES: A state licensed facility as small as a residential house with three (3) residents or a larger facility providing services to a more residents, with at least four hundred (400) square foot of living space per resident population density in either case or a building that blends with the zoning district. It provides a level of care for the elderly and those who are not able to live on his or her own yet is not ready for the level of care provided by the traditional nursing or retirement home. Such as a designed as living arrangement that helps people with special needs, especially older people with disabilities, to reside in a facility that provides help with everyday tasks such as bathing, dressing, and taking medication.
13. AUTOMOBILE GARAGE, MAJOR: A building designed or used primarily for mechanical or body repairs, storage, rental, servicing, supplying of gasoline or oil to automobiles, trucks or similar motor vehicles.
14. AUTOMOBILE GARAGE, MINOR: An accessory building for storage of one (1) or more automobiles or other vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) automobile is leased to a non-occupant of the premises.
15. AUTOMOBILE OR MOBILE HOME SALES GARAGE: A building designed and used primarily for the display or sale of new and used motor vehicles and mobile homes where mechanical repairs and bodywork may be conducted as an accessory use incidental to primary use.
16. AUTOMOBILE SERVICE STATION: Any area of land, including any structures thereon, or any building or part thereof, that is used for the

retail sale of gasoline, oil, other fuel or accessories for motor vehicles, and which may include facilities used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing such motor vehicles.

17. **BAFFLE:** A free standing randomly located structure, fence-like in nature and materials of construction, except that it is not normally attached to any building that does not particularly follow lot line or enclose a particular area, but rather screens one segment of one property from another for the primary purpose of assuring privacy; a baffle or screen of this nature may also be utilized for the support of various types of living plant materials such as vines, climbing roses or espaliered trees and shrubs.
18. **BASEMENT:** A story partly under ground but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.
19. **BOARD:** Anybody granted jurisdiction under a land use ordinance or under this act to render final adjudications.
20. **BUILDING:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels, and including covered porches or bay windows and chimneys.
21. **BUILDING ACCESSORY:** A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principle building.
22. **BUILDING HEIGHT:** The maximum building height is thirty-five (35) feet.
23. **BUILDING, NONCONFORMING:** A structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or an amendment theretofore or enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment thereto. Such nonconforming structures, include, but are not limited to, nonconforming signs.
24. **BUILDING LINE:** A line parallel to the front, side or rear lot lines set to provide the required yard.

25. **BUILDING SETBACK LINE:** The line within a property defining the required minimum distance between any structure and the adjacent right-of-way.
26. **CARPORT:** A covered space, open, on at least two (2) sides, for the storage of one (1) or more vehicles, and accessory to a main or accessory building.
27. **CELLAR:** A story partly underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar should not be considered in determining the required number of stories.
28. **CONDITIONAL USE:** Conditional use shall be allowed or denied by the governing body after recommendation by the Planning Commission, pursuant to express standards and criteria set forth in this Ordinance.
29. **CONDOMINIUM:** A method of ownership which, when applied to a multi-family dwelling provides for separate ownership for each unit, which title shall consist of ownership of the unit together with an undivided interest in the common element.
30. **COVERAGE:** That portion or percentage of the plot or lot area covered by the building area or other improvements.
31. **CRAWL SPACE:** A low or narrow space, such as one beneath the upper or lower story of a building, that gives workers access to plumbing or wiring equipment.
32. **CURB LEVEL:** The officially established grade of the curb in front of the mid-point of the lot.
33. **DECISION:** Final Adjudication of any board or other body granted jurisdiction under this Ordinance or other land use ordinance or the Municipalities Planning Code to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals for determinations. All decisions shall be appealable to the court of common pleas of the county and the judicial district wherein the municipality lies.
34. **DETERMINATION:** Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, such as the following:
 - A. The governing body

- B. The Zoning Hearing Board, or
 - C. The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions
 - D. Determinations shall be appealable only to the board designated as having jurisdiction for such appeal.
35. DISTRICT, ZONE: A district includes all building, lots and surface areas within certain designated boundaries as indicated on the Zoning Map.
36. DWELLING: A building or substructure designed for living quarters for one (1) or more families, including mobile homes which are supported either by a foundation or by blocks or jacks or otherwise permanently attached to the land, but not including hotels, rooming houses or other accommodations used for transient occupancy.
37. DWELLING UNIT: One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.
38. DWELLING GROUP: A group of two (2) or more single-family, two-family, or multi-family dwellings occupying a lot under one (1) owner.
39. DWELLING, MULTI-FAMILY: A building used by three (3) or more families living independently of each other and doing their own cooking including apartment houses, row houses or townhouses.
40. DWELLING, MULTIPLE-CLASS A: Dwelling designed for or used exclusively and more or less permanently for residents' purposes by three (3) or more families and in which the rooms are occupied in apartments, suites or groups. This classification includes apartment houses, bachelor apartments, studio apartments, kitchenette apartments and condominium units.
41. DWELLING, MULTIPLE-CLASS B: Dwellings which are occupied, as rule transiently, as the more or less temporary abiding place of individuals who are lodged with or without meals, and in which, as a rule, the rooms are occupied singly. This classification includes hotels; lodging houses, board in houses, furnished rooming houses, guest homes, fraternity houses, and motels.

42. DWELLING, SINGLE FAMILY, DETACHED: A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.
43. DWELLING, SINGLE FAMILY, SEMI-DETACHED: A building designed and built to contain two (2) dwelling units arranged side by side to each other and separated by one party wall.
44. DWELLING, SINGLE FAMILY, ATTACHED: A building designed and built to contain three (3) or more dwelling units arranged side by side and separated from each other by two (2) party walls except for the two (2) end dwelling units.
45. DWELLING, TWO FAMILIES, DETACHED: A building designed and built to contain two (2) dwelling units, one above the other, and which has no party wall in common with another dwelling unit.
46. DWELLING, TWO FAMILY, SEMI-DETACHED: A building designed and built to contain four (4) dwelling units, consisting of two (2) sets of dwelling units, each with one (1) dwelling unit above the other, arranged side by side and separated by a party wall.
47. EASEMENT, UTILITY: A right-of-way granted for limited use of land for public or quasi-public purpose.
48. EXTENDED CARE FACILITY: A state licensed medical institution that provides prolonged care (as in cases of prolonged illness or rehabilitation from acute illness). Other examples are halfway houses and group homes. It does not include a rest home, facility for the aged, drug addict, alcoholic, mental patient or for custodial or educational care.
49. FAMILY: One (1) or more persons who live in one (1) dwelling unit and maintain a common household. It may consist of a single person or of two (2) or more persons, whether or not related by blood, marriage or adoption. It also may include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodge or boarding house.
50. FENCE: Any free-standing and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh or masonry, singly or in combination, erected for the purpose of screening or dividing one (1) property from another to assure privacy, or to protect the property line. When such structure is erected on or within two (2) feet or any front, side or rear lot line; for the purpose of this Ordinance a free-standing masonry wall when so located is considered a fence;

also for the purpose of this Ordinance when the term “lot line” is used in relation to fences it shall be synonymous with “rear yard lot line,” “side yard lot line,” “front yard lot line,” and the area within two (2) feet of the same. The structure shall not affect or impinge on any adjoining property line. Fences are not synonymous with “garden structures” which are defined elsewhere herein.

51. FLOOD PLAIN: A relatively flat or low land area, comprised of the flood way area and the flood fringe area, which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; any area subject to unusual or rapid accumulation of surface water from any source.
52. FLOOR AREA OF A BUILDING: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.
53. FLOOR AREA, HABITABLE: The aggregate of the horizontal areas of all rooms for habitation, such as a living room, dining room, kitchen and bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets or unheated area such as enclosed porches. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as a part of the habitable floor area.
54. FLOOR AREA, NET USABLE: The sum of the gross horizontal areas of several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not intended to be occupied or leased, stairways, fire towers, elevator shafts, public lobby areas, public rest rooms and mechanical rooms. All dimensions shall be measured between the interior face of walls. For purposes of determining off-street parking requirements, under no circumstances shall the net usable floor area be less than eighty (80) percent of the floor area of the building.
55. GARAGE: An enclosed or covered space for storage of one (1) or more vehicles provided that no business, occupation or services are conducted for profit.
56. GARDEN STRUCTURES: Any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or

which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than two (2) feet to any side or rear lot line. To be included in this category of structures are arbors, aviaries, pergolas, trellises, barbeque shelters, bathhouses, private green houses and freestanding screens or baffles and similar structures as however called. No such structure may be located in any required front yard between the building set back line and the street line. Such structures must be solidly roofed and walled on more than two (2) sides; they must be located within the building line of the lot and may not invade the required yard. Unscreened, unroofed, un-walled or unfenced patios, birdbaths, ornamental pools and swimming pools are not considered garden structures. Permitted structures may be attached to or be detached from a dwelling.

57. GOVERNING BODY: Shall mean the Borough Council of the Borough of Liverpool, Perry County, Pennsylvania.
58. GROUND FLOOR: The floor of a building nearest the mean grade of the front of the building.
59. HEARING: An administration proceeding conducted by a board pursuant to section 908 of the Municipalities Planning Code.
60. HEIGHT OF BUILDING: The vertical distance measured from the mean level of the ground surrounding the building to the highest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks and similar objects. (35 Feet Maximum)
61. HOME OCCUPATION: See Article VIII, Section 819.
62. HOSPITAL: A state licensed facility for the diagnosis, treatment or care of humans and having facilities for inpatient care including such establishments as extended care facilities, sanitariums and assisted living facilities.
63. HOTEL: A building designed for occupancy primarily as the temporary abiding place for individuals who are lodged with or without meals but do not have provision for cooking in any individual room or suite, in which building:
 - A. There are more than ten (10) sleeping rooms;
 - B. Fifty (50%) percent or more of the gross floor area shall be devoted to residential use;
 - C. Business may be conducted when accessory and incidental;

- D. There may be club rooms, ballrooms, and common dining facilities, and,
 - E. Such hotel service as maid, telephone and postal services are provided.
64. HOTEL, APARTMENT: A building designed for occupancy primarily as the permanent abiding place of families who are lodged with or without meals, in which building:
- A. More than fifty (50%) percent of the gross floor area devoted to residential use is in Dwelling units;
 - B. Business may be conducted when accessory and incidental;
 - C. Such hotel services as common dining facilities, maid, telephone and postal services are provided, and,
 - D. There may be clubrooms and ballrooms.
65. HOTEL, RESIDENTIAL: A dwelling occupied by permanent guests, which may not have housekeeping facilities for each room or suite of rooms, in which no board is furnished however it may include lodging houses and rooming houses.
66. HOUSE BOAT: A device so conceived for human habitation and designed for sleeping, cooking and eating facilities and accessible pleasures of relaxation that can be motivated on water by special type motor, powered and transported over land by a subordinate method of wheel arrangements.
67. IMPERVIOUS MATERIAL: Any substance placed on a lot, which covers the surface in such a fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed impervious material: buildings, concrete sidewalks, paved driveways and parking areas (including paver blocks and porous paving), swimming pools and other non- porous structures or materials.
68. INDUSTRY: The manufacture, compounding, processing, assembly or treatment of materials, articles of merchandise.

69. LAND DEVELOPMENT: Any of the following activities:
- A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially and cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - B. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building and building groups or other feature; or
 - C. A subdivision of land; or
 - D. Development in accordance with section 503 (1.1) of the Municipalities Planning Code
70. LAND OWNER: The legal or beneficial owner or owners of land including the holder of an option or contracts 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 proprietary interest in the land, shall be deemed to be a landowner for the purposes of this act.
71. LAND USE ORDINANCE: Any ordinance or map adopted pursuant to the authority granted in Article IV, V, VI, and VIII, of Municipalities Planning Code.
72. LOADING SPACE: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts a street or other appropriate means of access.
73. LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
74. LOT AREA: The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street but including the area of any easement.
75. LOT, CORNER: A lot at the junction of and abutting on two (2) or more intersecting streets or private roads or at the point of abrupt change of a single street or private road, where the interior angle is

less than one hundred thirty-five (135) degrees and the radius of the street or private road line is less than one hundred (100) feet.

76. LOT, DEPTH OF: The average horizontal distance between front and rear lot lines.
77. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.
78. LOT, INTERIOR: A lot other than a corner lot.
79. LOT LINES: The lines bounding a lot as defined herein.
80. LOT, MINIMUM WIDTH: The minimum lot width at the Building Setback Line.
81. LOT, NONCONFORMING: A lot of record prior to the enactment of Liverpool Zoning Ordinance, which by reason of area or dimension does not conform to the requirements of the district in which it is located.
82. LOT OF RECORD: A lot, which has been recorded in the office of the Recorder of Deeds of Perry County, Pennsylvania.
83. MANUFACTURING: The processing or converting of raw unfinished or finished materials, products, of any, or either of them, into the article or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.
84. MIXED OCCUPANCY: Occupancy of a building or land for more than one use.
85. MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
86. MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

87. **MOBILE HOME PARK:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.
88. **MOTEL:** A building or group of buildings, whether detached or in connected units, used as individual sleeping dwelling units, designed with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for off-street parking facilities. The term “motel” includes buildings designated as tourist courts, tourists’ cabins, motor lodges and similar terms.
89. **MUNICIPAL ENGINEER:** A professional engineer licensed as such in the Commonwealth of Pennsylvania duly appointed as the engineer for a municipality, planning agency or joint planning commission.
90. **NONCONFORMING LOT:** A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
91. **NONCONFORMING USE:** A use, whether of land or structure which does not comply with the applicable use provisions in this zoning ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.
92. **NURSING HOME:** A state licensed home or clinic for the care and treatment of elderly persons or persons convalescing from an illness or injury; a convalescent home.
93. **OFFICE BUILDING:** A building designed or used primarily for office purposes, no part of which is used for manufacturing or for dwelling other than by a watchman or janitor.
94. **OFFICE, PROFESSIONAL:** A building or portion thereof used for the carrying on of a practice of a profession to include physicians, surgeons, osteopathic physicians, chiropractors, dentists, landscape architect, architects, engineers, accountants, attorneys, real estate brokers, insurance agents or city planners entitled to practice under the laws of the Commonwealth of Pennsylvania.
95. **OPEN SPACE:** The unoccupied space opened to the sky on the same lot with the building. This does not include parking spaces or driveways.

96. **PARK:** A parcel of land designated for the outdoor enjoyment that is open and may include such facilities as play areas, bike trails, hiking paths, family picnic area and the like.
97. **PARKING LOT, PUBLIC:** Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee. This definition specifically includes off-street parking areas accessory to class A and class B multi-family dwelling uses.
98. **PERSON:** An individual or group of individuals, partnership or corporation.
99. **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 district created, from time to time, under the provisions of a municipal zoning ordinance.
100. **PORCH:** A covered area in excess of four (4) feet by five (5) feet or twenty (20) feet square in area at a front, side or rear door.
101. **PUBLIC NOTICE:** Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
102. **PUBLIC USE AREA:** In a commercial building, the aggregate of the horizontal areas of the building or structure open and available for entry or use by the public or customers of the establishment.
103. **REPORT:** Any letter review, memorandum, compilation, or similar writing made by anybody, officer or consultant other than a solicitor to any other body, board, officer or consultant board, for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommended and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie there from. Any report used, received, or considered by the body, board, officer or agency

rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

104. SCHOOL: Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or the lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.
105. SCREENED PLANTING: A vegetative material of sufficient height and density to conceal the view of property owners in adjoining residential districts the structures and uses on this premises on which the screened planting is located.
106. SHED: A free standing roofed, walled structure of no more than two hundred one (201) square feet. Not to be used for habitation but only for the private, noncommercial, onsite storage of personal property.
107. SHOPPING CENTER: A group of stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit.
108. SIGN: Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.
109. SIGN ADVERTISING: A sign intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not necessarily located on or related to the premises on which the sign is situated.
110. SIGN, BUSINESS: A sign which directs attention to a use conducted, product or commodities sold or service performed upon the premises.
111. SIGN, IDENTIFICATION: A sign or nameplate, indicating the name of a noncommercial building or occupants thereof, or describing the use of such building, or when displayed at a residence, indicating a home occupation legally existing thereat.
112. SIGN, REAL ESTATE: A sign relating to the property upon which it is located, offering such property for sale or lease, announcing improvements or changes in connection therewith, warnings or other similar notices concerning such property.

113. SIGN, ROOF: Any device or structure erected for advertising or identification purposes upon or above the roof of any building or structure or part thereof.
114. SIGN, SERVICE: A sign which is incidental to use lawfully occupying the property upon which the sign is located which sign is necessary to provide information to the public, such as directions to a parking lot, location of rest rooms or other such pertinent information.
115. SIGN, TEMPORARY: A temporary sign shall be construed to mean any sign, banner, cardboard, placard or other material carrying any advertisement or announcement, which is displayed or intended to be displayed for a period not exceeding thirty (30) days.
116. SIGN, WALL: A sign painted on or fixed to and paralleling the outside wall of a building and extending not more than eighteen (18) inches from such wall.
117. SLAB: In domestic and industrial buildings it is a flat reinforced concrete structural member supported on foundations, or directly on the sub soil; and is used as a ground floor for buildings, roofs and bridge decks.
118. STREET: A public way, which affords principal means of access to abutting properties.
119. STREET LINE: The dividing line between the street and the lot, also known as the right-of-way line.
120. STREET WIDTH: The distance between the street lines measured at right angles to the centerline of the street.
121. STORY: That portion of any building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.
122. STORY, HALF: A story under a gabled, hipped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not over two (2) feet above the finished floor of such story.
123. STRUCTURE: Any fabricated object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

124. **STUDIO, DANCING OR MUSIC:** The use of a premises by a teacher of music or dance where students are taught the arts for a fee and where more than one (1) student may be taught in a class at one time. This term is synonymous with “dancing school” and “music school” and other similar terms.
125. **SUBDIVISION:** The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts or parcels of other divisions of land including changes in existing lot lines for the purpose, whether or immediate or future, of lease, partitioned by the court for distribution to heirs or devisees, transfer of ownership of building or lot development; provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new streets or easements of access, or any residential, shall be exempt.
126. **SUBSTANTIALLY COMPLETED:** Where, in the judgment of the municipal engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the MPC) of these improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.
127. **SWIMMING POOL:** A portable or reasonably permanent structure to include a pool or open tank, 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 (1.5) feet.
128. **TELEPHONE CENTRAL OFFICE:** A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone and radio messages between subscribers and other business of the telephone company; provided that in a residential district a telephone central office shall not include public business facilities, storage or materials, trucks or repair facilities or housing of repair crews.
129. **TOURIST HOME:** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.
130. **TOWN HOUSE:** A series of three (3) or more single family dwellings attached by one (1) or more common walls.
131. **TRAILER CAMP:** A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more travel

trailers for temporary dwelling for travel, recreation and vacation use, or travel trailer lots rented for such use.

132. TRAVEL TRAILER: A vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which:
 - A. Is titled or licensed, or both, as a travel trailer;
 - B. Is not more than eight (8) feet in body width;
 - C. Is of any body weight provided its length does not exceed twenty-nine (29) feet or is of any length provided its gross weight, factory equipped for the road, does not exceed four thousand five hundred (4,500) pounds.
133. USE: The specific purpose for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
134. VARIANCE: Relief granted pursuant to the provisions of article VI and IX of the Municipalities Planning Code.
135. WADING POOL: A portable or permanent structure designed to hold water for the wading purposes to be less than one-and-one-half (1.5) feet in depth and area governed by its location and located above or recessed at ground level.
136. WAIVER: A waiver is the voluntary relinquishment or surrender of some known right or privilege. While a waiver is often in writing, sometimes a person's actions can act as a waiver. An example of a written waiver is a disclaimer, which becomes a waiver when accepted. Other names for waivers are exculpatory clauses, releases, or hold harmless clauses.
137. WATER SURVEY: An inventory of the source, quantity, yield and use of ground water and surface-water resources within a municipality.
138. WHARF: A structure designed and placed at water's edge alongside which boats and other watercraft may be brought to be docked, landed, moored, loaded and unloaded of its contents.
139. YARD: An unoccupied space other than a court, open to the sky, on the same lot with a building or structure.

140. YARD, BUFFER: A yard covered by vegetation and intended to provide an area of separation between different districts or uses.
141. YARD, EXTERIOR: An open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the projected boundary or street line.
142. YARD, FRONT: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the building line projected to the side lines of the lot. The depth of the front yard shall be measured between the building line and the street line. Porches shall be considered as part of the main building and shall not project into the required yard.
143. YARD, INTERIOR: An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side or rear yard.
144. YARD, REAR: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building.
145. YARD, (OR GARAGE) SALE: The sale at retail of personal property, owned by the resident of the premises where the sale takes place. Said sale of property shall take place only within a yard or garage or carport. No such sale shall exceed seventy-two (72) hours in any one (1) week period and no more than four (4) sales within a year.
146. YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the side yard of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.
147. ZONING MAP: The map setting forth the boundaries of the zoning districts of the Borough, which shall be part of this Ordinance.
148. ZONE: Same as district.

SECTION 105. Community Development Objectives. This Ordinance is to render a legal basis and framework for the present and the future development of the Borough of Liverpool as defined in the 1971 Comprehensive Plan of the Borough of Liverpool. The objectives of guiding future growth and improvement of existing developments within the borough are to promote the most economical and efficient provision of municipal services, eliminate hazardous and detrimental

land uses while encouraging beneficial and compatible land uses, providing for a desirable residential environment with adequate recreation, commercial and industrial supporting areas, and in general, to avoid the problems which arise when growth occurs at random without municipal-wide goals or coordination.

ARTICLE II

DESIGNATION OF DISTRICTS

SECTION 200: Districts. For the purpose of this Ordinance, the Borough of Liverpool is hereby divided into districts, which shall be designated as follows:

1. R1 – Restricted Residential
2. R2 – Residential District
3. CC – Community Commercial
4. IL – Light Industrial
5. CD – Conservation District

SECTION 201: Zoning Map. The boundaries of the above-described districts shall be shown upon the map attached to and made part of this Ordinance, which shall be designated “Zoning Map.” Said map and all the notations, references and other data shown are hereby incorporated by reference into this Ordinance as if they were fully described herein.

SECTION 202: Classification of Uses. Permitted uses authorized in the Restricted Residential (R1) are deemed to be the highest classification of use. Accordingly, where the provisions of this Ordinance require a classification of use, those permitted uses provided for in the Restricted Residential (R1) shall be deemed the highest, and those uses permitted, only in the Light Industrial District (IL) shall be the lowest classification of use.

SECTION 203: District Boundaries. Where uncertainty exists as to boundaries of any district as shown on said map, the following rules shall apply:

1. District boundary lines are intended to follow or be parallel to the center line of the streets, streams, railroads and lot or property lines as they exist on plans of record at the time of the adoption of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
2. Where the district boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten (10) feet there from, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

3. In un-subdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimension shall be determined by the use of the scale appearing on the map.
4. Zoning for the majority of a lot less than one (1) acre shall determine the zoning for the entire lot.

SECTION 204: Interpretation of Boundaries. In the case of any uncertainty the Zoning Hearing Board shall interpret the intent of the map as to the location of the district boundaries.

SECTION 205: Flood Prone Areas. There are areas within the Borough subject of periodic flooding designated as Flood Prone Areas in the Flood Plain Management Ordinance of the Borough of Liverpool. The Flood Prone Areas, designated in that Ordinance as the Floodway and Flood Fringe, encroach upon other zoning districts established under this Ordinance. Where the designated Flood Prone Areas encroach upon designated zoning districts under this Ordinance, then the terms and conditions of the Flood Plain Management Ordinance, where applicable, shall apply as well as the provisions of the Ordinance.

SECTION 206: Applicability of General Regulations. Article VIII, General Provisions, of this Ordinance, establishes general regulations appearing under each zoning district. The general provisions shall be fully applicable as if they were set forth in each particular zoning district.

ARTICLE III

R-1 RESTRICTED RESIDENTIAL DISTRICT

SECTION 300: Purpose. The purpose of this district is to encourage the continued use of land for low density residential purposes.

SECTION 301: Permitted Uses. A building may be erected or used, and a lot may be occupied for any of the following purposes, and no other:

1. Single family detached dwelling.
2. Public schools, libraries, or other municipal buildings such as post office, police or fire station.
3. Municipal recreation, park and playground areas.
4. Public utilities necessary for the community.
5. Accessory uses permitted are private garages, carports, pump stations and sheds. A private garage or carport structurally attached to a main residential building is considered a part of the main or primary building for yard and coverage purposes.

SECTION 302: Conditional Use. The following conditional uses may be allowed or denied by the governing body after recommendation by the Planning Commission, pursuant to the express standards and criteria set forth in Article XII, Section 1205 and such other specific criteria as may be set forth or referenced below:

1. Cluster development as pursuant to Article VIII, Section 823.
2. Home occupation pursuant to Article VIII, Section 819.
3. Churches or similar places of worship, parish houses and convents.
4. Uses which in the opinion of the Borough Council, are of the same general character as set forth in Section 300 and 301 and which will not be detrimental to the intended purposes of this Ordinance.
5. Conversion apartments pursuant to Article II, Section 206 and Article VIII, Section 826.
6. Nursing homes pursuant to Article XII, Section 1205, Subsection 3 and Article II, Section 206.

SECTION 303: Building Height Limits. No building height shall exceed thirty-five (35) feet.

SECTION 304: Area Regulations.

1. Each single family detached dwelling shall be located on a lot with the area not less than ten thousand (10,000) square feet and a lot width of not less than eighty (80) feet at the building set back line. The same lot requirement shall exist for other buildings or structures to be used as a designated permitted use in Section 301 of the Article.
2. All buildings including accessory buildings shall not occupy more than forty percent (40%) of the lot area.
 - A. The maximum lot coverage of any lot in this zoning district shall be forty percent (40%) of the total area of said lot less any additional area to be free of impervious material as part of the storm water management facilities of this Borough.
 - B. Any portion of a lot not covered with impervious material and not required to be otherwise developed as part of the storm water management facilities by this Borough shall be planted and maintained with vegetative material.
3. Each lot shall have a front, side and rear yard of not less than the following widths and depths:
 - A. Front yard depth – Thirty (30) feet.
 - B. Side yard width – Twenty-five (25) feet combined with a minimum of ten (10) feet on one (1) side.
 - C. Rear yard depth – Thirty (30) feet.
 - D. Private garages, carports and accessory buildings may be located in any rear yard provided they do not violate coverage regulations outlined in this Article and that side yards not less than five (5) feet on either side are provided. The setback from the rear property line of the street shall be not less than ten (10) feet. Those attached to a main building are considered part of the main building and yard requirements must be met.

SECTION 305: Off-Street Parking. Off-street parking shall be provided in accordance with Article IX.

SECTION 306: Signs. Signs will be allowed as provided in Article X.

ARTICLE IV

R-2 RESIDENTIAL DISTRICT

SECTION 400: Purpose. The purpose of this district is to encourage use of land for residential and other permitted uses.

SECTION 401: Permitted Uses. A building may be erected or used, and a lot may be occupied for any of the following purposes and no other:

1. Any use permitted in the R1 District.
2. Single family detached dwelling.
3. Two-family detached dwelling.
4. Single family semi-detached dwelling.
5. Single family attached dwelling.
6. Schools, public and private.
7. Professional office.
8. Municipal recreation, parks and playground areas.
9. Libraries and other municipal buildings or facilities.
10. Telephone general office, transformer substations and public utility facilities necessary to the community.
11. Accessory uses on the same lot, customarily incidental to any of the above permitted uses, including private garages and carports. A private garage or carport structurally attached to the main residential building is considered a part of the building for yard and coverage purposes. A driveway not to exceed twenty (20) feet in width is permitted in the front yard area for access to private garage or carport. Parking in the front yard area other than a driveway is prohibited.

SECTION 402: Conditional Uses. The following conditional uses may be allowed or denied by the Borough Council after recommendation by the Planning Commission, pursuant to express standards and criteria set forth in Article XII, Section 1205:

1. Home occupation. See Article VIII, Section 819.

2. Churches and other similar places of worship, parish houses and convents.
3. Uses which, in the opinion of Borough Council, are of the same general character as set forth in Sections 400 and 401 and will not be detrimental to the intended purposes of this Ordinance.
4. Conversion apartments, pursuant to Article IIX, Section 826.

SECTION 403: Building Height Limit. No building height shall exceed thirty-five (35) feet.

SECTION 404: Area Regulations.

1. Lot area and width: Minimum lot area shall be no less than six thousand (6,000) square feet per use, activity or dwelling unit and no less than sixty (60) feet in width at the building setback line.
2. Lot coverage: All buildings including accessory buildings shall not cover more than forty percent (40%) of the lot area.
 - A. The maximum lot coverage of any lot in this zoning district shall be forty percent (40%) of the total area of said lot less any additional area to be free of impervious material as part of the storm water management facilities required by this Borough
 - B. Any portion of a lot not covered with impervious material and not required to be otherwise developed as part of the storm water management facilities by the Borough shall be planted and maintained with vegetative material.
3. Yards: Each lot shall have a front, side and rear yards or not less than the depths or widths as follows:
 - A. Front yard depth – Thirty (30) feet.
 - B. Side yard width – Two (2) side yards with a total width of not less than twenty (20) feet with a minimum side yard on either side of not less than seven (7) feet.
 - C. Side yards and corner lots – Exterior not less than fifteen (15) feet in width and the total width of the two (2) side yards shall not be less than twenty-two (22) feet.
 - D. Rear yard depth – Thirty (30) feet.

- E. Private garages, carports and accessory buildings may be located in any rear yard provided that they do not violate coverage regulations outlined in this Article and that side yards of not less than five (5) feet on either side are provided. The setback from the rear property line on the street line shall not be less than ten (10) feet.

SECTION 405: Off-Street Parking. Off-street parking shall be provided in accordance with Article IX of this Ordinance.

SECTION 406: Signs. Signs shall be allowed as provided in Article X.

ARTICLE V

CC COMMUNITY COMMERCIAL DISTRICT

SECTION 500: Purpose. The purpose of the CC Community Commercial District is to provide reasonable standards for the development of commercial uses in an area where such uses already exist and where the development of additional locally owned and operated commercial development is feasible.

SECTION 501: Permitted Uses. A building may be erected, altered or used and a lot may be used for such purposes as follows:

1. Any uses permitted in the R-1 or R-2 Districts.
2. Apartment and office building, with or without commercial use in the first floor only.
3. Class A and Class B Multiple Dwelling.
4. Retail business, to include, retail stores and service establishments limited to bakeries, dry cleaning and branch laundries (where no laundry or cleaning is done on the premises), financial institutions, tailor shops, food stores, florists, jewelers, gift shops, opticians, shoe repair, music stores, barber and beauty shops, hardware and electrical appliance stores.
5. Laundromat, drug stores, dry good or notion or similar retail business or service, and restaurants.
6. Shopping center.
7. Animal hospital.
8. Funeral homes and mortuaries.
9. Churches, libraries, public and private schools, and municipal buildings.
10. Recreational facilities, both public and private.
11. Post offices, central telephone exchange, transformer substation and public utility facilities necessary to the community.
12. Automobile service stations.
13. Newspaper and printing establishments.

14. Theaters, assembly halls, and places of amusement.
15. Accessory uses on the same lot and customarily incidental to any of the above permitted uses.

SECTION 502: Conditional Uses. The following conditional uses may be allowed or denied by the Borough Council after recommendation by the Planning Commission, pursuant to express standards and criteria set forth in Article XII, Section 1205:

1. Home occupation. Pursuant to Article VIII, Section 819.
2. Churches or similar places of worship, parish houses and convents.
3. Retail businesses, which have vehicular drive-in facilities.
4. Uses, which in the opinion of the Borough Council, are the same general character as set forth in Sections 500 and 501 and which will not be detrimental to the intended purpose of this Ordinance.
5. Conversion apartments, pursuant to Article IIX, Section 826.
6. Theaters, assembly halls, and other places of public amusement.

SECTION 503: Restrictions on Permitted Uses.

1. No internal combustion or other machine shall be used unless objectionable noise and vibration are eliminated in a manner satisfactory to the Zoning Officer.
2. All shops and stores shall be enclosed within a building so that no processing or repair operation shall be visible from the street.
3. No open-air storage of any goods, merchandise, partially dismantled motor vehicles or other equipment shall be permitted in this district and all such articles shall be completely enclosed within a building.
4. Mortuary area within a funeral home shall be located not less than forty (40) feet from the front property line and not less than fifteen (15) feet from any residential district boundary line.
5. Any use adjacent to the residential zone boundary line at the side or rear, including such boundary line on an alley, which conducts any part of its business in any side or rear yard so adjacent shall erect a solid fence or masonry wall not less than four (4) feet in height paralleling the said side or rear zone boundary line as a protective screen. In

addition, commercial uses abutting a residential district or permitted residential use may be required to have a buffer as prescribed in Article V, Section 505.

SECTION 504: Area Regulations.

1. Lot area and width: Minimum lot area shall be no less than five thousand (5000) square feet per use, activity or dwelling unit and no less than fifty (50) feet in width at the building setback line.
2. Lot coverage: All buildings including accessory buildings shall not cover more than sixty (60%) percent of the area of the lot.
3. Yards:
 - A. Each lot used for residential purposes, except single family attached dwelling (row house or townhouse), shall have front, side and rear yards of not less than the depths and widths following:
 - i. Front yard depth – Twenty (20) feet.
 - ii. Side yard width – Twenty (20) feet combined, minimum five (5) feet on one side. If there is an existing side yard, it shall be acceptable. However, if the existing structure is demolished or otherwise not utilized, then the foregoing side yard requirements shall prevail. For new construction, where the side yard is adjacent to a permitted residential use, then the side yard shall have a width of not less than fifteen (15) feet.
 - iii. Rear yard – Twenty (20) feet minimum.
 - iv. Side yard requirements for multi-unit buildings – See Article VIII, Section 819 for additional side yard regulations for buildings containing more than four (4) residential dwelling units.
 - B. Each lot to be used for single family attached dwelling (row house or townhouse) shall have front, side and rear yards and other requirements as follows:
 - i. Front yard depth – Twenty-five (25) feet.
 - ii. Side yard width – Twenty-five (25) feet combined, minimum ten (10) feet on one side.

- iii. Side yard, corner lot – Twenty-five (25) feet combined, exterior side shall have a width of not less than fifteen (15) feet.
- iv. Rear yard depth – Twenty-five (25) feet minimum.
- v. Side yard requirements for multi-unit dwellings – See Article VIII, Section 819 for additional side yard regulations for buildings containing more than four (4) residential dwelling units.

C. Each lot to be used for other than residential use shall have front, side and rear yards of not less than the depths and widths following:

- i. Front yard depth – Twenty-five (25) feet. Where an existing structure is converted to a non-residential use, the existing front yard shall be acceptable. If, however, the existing structure is demolished or not otherwise utilized, then the front yard depth shall be not less than twenty-five (25) feet.
- ii. Side yard width – Twenty (20) feet combined, minimum five (5) feet on one side. If the existing structure is to be used for the non-residential use, then the existing side yard shall be acceptable. However, if the existing structure is demolished or otherwise not utilized, then the foregoing side yard requirement shall prevail. For new construction, when the side yard is adjacent to a permitted residential use, then the side yard shall have a width of not less than fifteen (15) feet.
- iii. Side yard, corner lot – Twenty-five (25) feet combined, exterior side yard shall have a combined width of not less than fifteen (15) feet. If the existing structure is to be used, then the existing exterior side yard shall be acceptable. However, if the existing structure is demolished or otherwise not utilized, then the foregoing exterior side yard requirements shall prevail. For new construction, where the interior side yard is adjacent to a permitted residential use, then the side yard shall have a width of not less than fifteen (15) feet.
- iv. Rear yard – Twenty-five (25) feet.

SECTION 505: Landscaping and Buffer Yard. A buffer, consisting of trees and shrubs, shall be provided in the side and rear yard areas of any non-residential or

multi-family use, which is adjacent to a permitted residential use. The buffer yard shall be no less than ten (10) feet in width or depth and shall be in addition to the side and rear yard required under Section 504-3 hereof. However, if an existing structure is to be used for non-residential use then the existing side yard shall be acceptable with the provision that, to the extent possible, the requirements of this Section shall be followed. Front yards for other than residential uses shall be landscaped and maintained in a neat and orderly manner. No use, other than a front driveway to the front entrance of the structure may be made of any required front yard. Parking in the front yard is prohibited.

SECTION 506: Building Height Limit. No building shall be erected to a height in excess of thirty-five (35) feet.

SECTION 507: Off-Street Parking. Off-street parking shall be required in accordance with Article IX.

SECTION 508: Signs. Signs shall be allowed as provided in Article X.

ARTICLE VI

IL LIGHT INDUSTRIAL DISTRICT

SECTION 600: Purpose. The IL Light Industrial District is intended to provide a suitable environment for certain types of industrial and commercial uses that can be located in a residential community without undue harmful effects. This district is limited to industrial and commercial uses that minimize air pollution, noise, glare, vibration, fire and safety hazards and uses that do not generate undue traffic.

SECTION 601: Permitted Uses. A building may be erected, altered or used and a lot may be used for any of the following purposes and no other:

1. All uses permitted in CC Community Commercial District, except residential uses.
2. Electronics and small parts assembly or manufacturing.
3. Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, electrical, optical, perfumes, pharmaceuticals, textiles, toiletries and food products, except the following: fish, meat, sauerkraut, pickles, vinegar, yeast and rendering of oils and fats.
4. Manufacturing, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, metal, shell, straw, textiles, wood and paint.
5. Wholesale business or storage warehouses, in connection with permitted uses.
6. Warehouse.
7. Post office, telephone central office and transformer substation.
8. Public and private off-street parking.
9. Accessory uses on the same lot and customarily incidental to the above permitted uses.
10. Residential facilities only incidental to and accessory to any permitted use for occupancy by caretaker, watchman, operator, owner or

manager and the residential facilities are structurally integral to the main building.

SECTION 602: Conditional Uses. The following conditional uses may be allowed or denied by Borough Council after the recommendation by the Planning Commission, pursuant to express standards and criteria set forth in Article XII, Section 1205:

1. Class A Multiple Dwelling, Apartment-Office Building (office permitted on first floor only or second floor is first floor is used for entrance and parking purposes only).
2. Major automobile garage.
3. Automobile or mobile home sales garage.
4. Uses which, in the opinion of Borough Council, are of the same general character as set forth in Sections 600 and 601, and which will not be detrimental to the intended purpose of this Ordinance.
5. Personal wireless service facilities in accordance with the provisions of Article VIII, Section 828 of this Ordinance.
6. Junkyards in accordance with the provisions of Article VIII, Section 829.

SECTION 603: Building Height Limit. No building height shall exceed thirty-five (35) feet.

SECTION 604: Area Regulations.

1. Yards:
 - A. Each lot to be used for permitted uses specified in Section 601-3 through Section 601-10 shall have in front, side or rear yards of not less than depths and widths as follows:
 - i. Front yard depth – Twenty (20) feet.
 - ii. Side yard width – The minimum side yard for any main or accessory building shall be not less than fifteen (15) feet.
 - iii. Rear yard depth – The minimum rear yard depth shall be no less than twenty (20) feet.

- B. Permitted uses specified in Section 601-1 and Section 601-2 shall comply with the requirements set forth in Section 504-3-a and Section 504-3-b, as applicable.
2. Lot Coverage: All buildings, including accessory buildings shall not cover more than seventy percent (70%) of the area of the lot. Multiple dwelling (when permitted) and office buildings shall have at least twenty percent (20%) of the lot area in vegetation.
- A. The maximum lot coverage in any lot in this zoning district shall be seventy percent (70%) of the total area of said lot less any additional area to be free of impervious material as part of the storm water management facilities required by this Borough.
 - B. Any portion of a lot not covered with impervious material and not required to be otherwise developed as part of the storm water management facilities by this Borough shall be planted and maintained with vegetative material.
3. Lot Area and Width: The minimum lot area shall be not less than five thousand (5,000) square feet per use, activity or dwelling unit and shall be no less than fifty (50) feet in width at the building setback line.

SECTION 605: Screening Regulations. All permitted uses and accessory and incidental uses thereto except those permitted uses set forth in Section 601, Subsection 1. and Subsection 2., shall be conducted wholly within a completely enclosed building or within an area screened from any street or highway by a masonry, uniformly painted solid metal, or wood fence not less than five (5) feet nor more than twelve (12) feet in height.

SECTION 606: Landscaping and Buffer Yard. A buffer yard, consisting of trees and shrubs, shall be provided in the side and rear yard area of any non-residential or multi-family use which is adjacent to a permitted residential use. Front yards for other than residential uses shall be landscaped and maintained in a neat and orderly manner. No use, other than a front driveway to the front entrance of the structure may be made of any required front yard. Parking in the front yard is prohibited.

SECTION 607: Off-Street Parking. Off-street parking shall be required in accordance with Article IX.

SECTION 608: Signs. Signs shall be permitted as provided in Article X.

ARTICLE VII

C D CONSERVATION DISTRICT

SECTION 700: Purpose. The purpose of the Conservation District is to provide for the preservation and conservation of the natural environment and natural resources while providing for such uses and development as are compatible with these objectives.

SECTION 701: Permitted Uses. A building may be erected, altered or used and a lot may be used for any of the following purposes and no other:

1. Parks, playgrounds and other recreational uses (non-commercial).
2. Outdoor plant nursery, including commercial forests.
3. Woodland, game preserve, wildlife sanctuary or other conservation activities.
4. Residential uses such as yard areas, gardens, play areas and parking areas.
5. Agriculture uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

SECTION 702: Conditional Uses. After recommendations by the Planning Commission, pursuant to express standards and criteria set forth in Article XII, Section 1205:

1. Uses which, in the opinion of the Borough Council, are of the same general character as set forth in Sections 700 and 701, and which will not be detrimental to the intended purpose of this Ordinance may be allowed.

ARTICLE VIII

GENERAL PROVISIONS

SECTION 800: Fire Escapes. Nothing herein contained shall prohibit the projecting of an open fire escape into a yard for a distance not to exceed eight (8) feet. Fire escapes shall be constructed of metal or otherwise as required by the Department of Labor and Industry, Commonwealth of Pennsylvania.

SECTION 801: Provisions Concerning Corner Lots in Residential Districts. On any corner lot within thirty (30) feet of any street intersection and a distance of thirty (30) feet back from the street line, no wall, structure, hedge, shrub or any other plant growth shall be permitted in excess of thirty (30) inches in height, above the street line, except that trees may be planted so long as the lowest branches are not closer than eight (8) feet to the ground.

SECTION 802: Nonconforming Buildings and Uses. All lawful uses of land or of a building, sign or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold or maintained even though such use or structure may not conform to the use, height, area, yard or other regulations of the district in which it is located, provided that such nonconforming use or structure shall comply with the following:

1. Continuation - The owner of the premises occupied by lawful non-conforming use or building existing on the effective date of this Ordinance shall secure a certificate of non-conformance, which shall be for the purpose of insuring to the owner the right to continue a non-conforming building or use.
2. Building Permit – Where a building permit has been issued ninety (90) or more days, prior to the effective date of this Ordinance and the proposed building or use shall be considered the same as lawful building or use and shall be regulated by the requirements of this Article. Where a building permit has been issued less than ninety (90) days prior to the effective date of this Ordinance and a proposed building or use does not conform to the requirements of this Ordinance, the proposed building or use shall be regulated by the requirements of this Article, only if at least one of the following conditions has been met prior to the effective date of this Ordinance.
 - A. Construction other than excavation has been started.
 - B. A contract for the construction other than excavation has been let.

3. Alterations.
 - A. Repairs and alterations may be made to a non-conforming building or a building occupied by a non-conforming use.
 - B. A non-conforming building which is damaged by fire, explosion or act of God, may be rebuilt and used for the same purposes, provided that:
 - i. The reconstruction of the building is commenced within one (1) year from the date of destruction of the building and is carried to completion without undue delay;
 - ii. the reconstructed building does not exceed in height, area and volume, the building destroyed, and,
 - iii. the reconstructed building shall comply with the area regulations of the district in which it is located.
4. Extensions or Enlargements – The Borough Council may authorize the following types of extensions and enlargements for non-conforming uses and non-conforming buildings existing on the effective date of the Ordinance:
 - A. The extension of a non-conforming use of the land upon a lot occupied by such use.
 - B. The extension or enlargement of a conforming building occupied by non-conforming use.
 - C. The extension or enlargement of a non-conforming building occupied by non-conforming use.
 - D. The extension or enlargement of a non-conforming building occupied by conforming use.
5. Conditions to Extensions or Enlargements – Extensions or enlargements shall be subject to the following conditions:
 - A. The extension or enlargement shall conform to height, area, yard and coverage regulations of the district in which it is permitted. Except that a building may be extended along its original lines provided that encroachment upon no other requirement occurs.

- B. Extension or enlargement of the building or use shall be provided with off-street parking as required by Article IX.
- 6. Change of Use – A non-conforming use may be changed to another non-conforming use of the same or more restrictive classification. Whenever a non-conforming use has been changed to a more restrictive classification, or to conforming use, such use shall not thereafter be changed to a use of less restrictive classification.
- 7. Abandonment and Discontinuance – If a non-conforming use of a building or land ceases, is abandoned or is discontinued for a continuous period of one (1) year or more, subsequent use of such building shall be in conformity with the provisions of this Ordinance.

SECTION 803: Transformer Sub-Stations in Residential Districts. The issuance of a Zoning Permit for a transformer sub-station in a Residential District shall be governed by the following:

- 1. The side, front and rear yard requirements for the Residential District in which the transformer sub-station is to be located shall be observed.
- 2. The equipment shall be surrounded by an anchor-type fence to a height of eight (8) feet topped by barbed wire. The utility company may elect to construct a masonry wall in lieu of the anchor-type fence.
- 3. The required fence or wall shall be surrounded by a permanent evergreen shrubbery or tree planting, planted at such intervals, as to provide full cover when fully grown.
- 4. The required side, front and rear yards shall be landscaped with any combination of lawn, trees or shrubs and maintained in a neat and orderly manner.
- 5. Necessary access walks for personnel or driveways for vehicles to service the facility may be installed.
- 6. Where a vehicular driveway must serve the facility from the front and thus preclude the planting or evergreen shrubbery in front of the entrance gate, the gate shall be constructed of solid material, either wood or metal. The gate shall not contain less than fifty percent (50%) solid material in ratio to open space.
- 7. The plans accompanying a request for a Zoning Permit shall clearly indicate the manner in which the requirements set forth in proceeding Sections will be satisfied. Upon satisfaction of each of the above requirements, a Zoning Permit shall be issued by the Zoning Officer.

SECTION 804: Gasoline Service Station Building Permits. In granting Zoning Permits for gasoline stations, in addition to the requirements set forth elsewhere, the following conditions shall be met:

1. The regulations governing “business requiring access” set forth in Article IIX, Section 805, shall be observed.
2. The minimum frontage on the interior lot shall not be less than one hundred twenty-five (125) feet.
3. If the site is a corner lot, the minimum frontage on the side street shall not be less than one hundred (100) feet and on the front street one hundred twenty-five (125) feet.
4. Gasoline pumps shall not be less than twenty-five (25) feet from the street line. Further, pumps shall not be located within twenty-five (25) feet from any residential district boundary lines.

SECTION 805: Business Requiring Access. Service stations, roadside businesses, public parking lots, and all other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided. Access to the station or other structure or parking lot shall be controlled as follows:

1. Access shall be by not more than two (2) roadways for each one hundred (100) feet or fraction thereof of frontage on any street.
2. No two (2) of said roadways shall be closer to each other than twenty (20) feet and no roadway shall be closer to a side property line than ten (10) feet.
3. Each roadway shall be not more than thirty-five (35) feet in width, measured at right angle to the center line of the driveway, except as increased by permissible curb return radial.
4. No roadway shall be closer than ten (10) feet to the point of intersection of two (2) property lines at any corner as measured along the property line, and no roadway shall extend across such extended property line.

SECTION 806: Special Provision for Street or Highway Widening. Whenever there shall be Borough plans drawn an in existence for the widening of any street or highway within the Borough, the Borough Council may require additional front yard setbacks for any new construction or for any structures altered or remodeled in order to preserve and protect right-of-way for such proposed street or highway widening.

SECTION 807: Reduction of Yards. No construction of any building or buildings nor division of land by sale or otherwise shall reduce the width, area, yard or coverage requirement below the standards required by this Ordinance. No portion of any lot area, yard area or lot width that is required for a building or use under this Ordinance may be used by any other building or use except to conform with the standards of this Ordinance.

SECTION 808: Storage in Yards in Residential Districts. There shall be no storage of equipment, material or trash in any required yard except during construction or alteration. The owner or occupant of any residential structure (excluding multiple dwellings) shall be permitted to store recreational vehicles, to include travel trailers, boats, together with trailers on the lot. Said recreational vehicle must be owned by the owner or owners, or occupant of occupants of said lot. On any corner lot, said recreational vehicle must not be stored within thirty (30) feet of any street intersection and within a distance of thirty (30) feet from the street line.

SECTION 809: Garage or Yard Sales. Yard sales shall be permitted by owners or occupants of residential structures, other than multi-family dwellings. The owner or occupant of any residential structure shall be permitted to have four (4) yard or garage sales or similar type sale in any calendar year, not to exceed seventy-two (72) hours each. Every owner or occupant intending to have a garage or yard or similar sale shall notify the Borough Secretary as to the date of the proposed sale and the names of the persons contributing merchandise for that sale.

SECTION 810: Storage or Displays on Public Property. No storage or display of equipment, materials, automobiles, merchandise or any other personal property for any reason shall be permitted on public property, to include, but not limited to, legal rights-of-way, streets, sidewalks, alleys or parks.

SECTION 811: Open Porches in Residential Districts. A covered open porch or canopy providing shelter to an entrance to a dwelling may extend in to the required front or side yard, however, such encroachment shall not exceed twenty-five (25) square feet in area.

SECTION 812: Chimneys, Cornices and Eaves. Chimneys, cornices and similar architectural features may extend in to a required yard area a maximum of two (2) feet.

SECTION 813: Towers, Utility Poles, Etc.. Radio and television aerials and broadcasting towers, necessary utility services and poles, flagpoles and the like shall not be subject to the building limit of Sections 303, 403, 506 and 603 of this Ordinance. However, no such structures, including satellite dishes may be

erected or maintained in any required front, side, rear or buffer yard or within any required setback.

SECTION 814: Classification of Annexed Areas. Areas which become annexed to Borough subsequent to the adoption of this Ordinance shall be classified automatically as R-1 Residential District.

1. The Planning Commission shall hold a public hearing within a period of six (6) months after the annexation to hear recommendations pertaining to reclassification of the annexed area.
2. Non-conforming uses and buildings in these areas shall be subject to the non-conforming use and building provision of this Ordinance.
3. Areas shown as public and semi-public uses on the Zoning Map shall become classified automatically to conform to the District to which they are contiguous, if and when these areas are made available for private development or use.
4. Public rights-of-way, which become legally closed shall become classified automatically with the District of the adjoining property. Private easements shall only be used for which the easement or rights-of-way were established.

SECTION 815: Fences and Garden Structures.

1. In Residential Districts – Fences may not be constructed in Residential Districts to heights exceeding the following:
 - A. Front yard fences on interior lots or fences in front of a building between the building setback line and the street on interior lots may be constructed to a height not exceeding four (4) feet above the grade.
 - B. Exterior side yard fences on corner lots and side yard fences on corner lots on the exterior or street side of the lot shall not exceed the following heights:
 - i. Three (3) feet in height at the top of the fence above the elevation of the center line of the street from the intersection of the exterior side lot line with the front lot line to a distance of thirty (30) feet back from the front lot line.
 - ii. Six (6) feet in height about grade where the fence is located behind the building setback line and the intersection of the exterior side lot line with the rear lot line.

- C. Side and rear yard fences other than exterior side yard fences on corner lots (see Section 815-1-b): Fences on interior side yard lot lines from the front building setback line to the rear lot line, and rear yard lot line fences may not exceed six (6) feet in height.
- 2. Regulations Governing Construction of Fences in Residential Districts.
 - A. If the fence is wood cover on wood frame, the framework must face onto the interior of the lot, unless the fence is so designed as to provide equal frame and cover area to adjoining yards.
 - B. If the fence is open metal mesh, supported by posts and frames of either pipe or wood, the post and frames must be on the interior of the mesh.
 - C. If the fence is of masonry construction, a finished surface must be provided on the exterior side.
 - D. If the fence is plastic, the framework must face the interior of the lot.
 - E. If the lot is a corner lot, no fence exceeding three (3) feet in height may be built along the front or side street of the property within thirty (30) feet of the street corner.
 - 3. Fences in Commercial and Industrial Districts.
 - A. Front, side and rear fences constructed within the Commercial or Industrial Districts shall be in accordance with Article IIX.
 - B. Front yard fences in Commercial or Industrial Districts, if greater than four (4) feet in height, must be located on or to the rear of the building setback line.
 - 4. Garden Structures.
 - A. Screens and baffles – Free standing screens and baffles may not exceed six (6) feet in height on any side or rear yard, nor four (4) feet in any front yard except that within a square thirty (30) feet on each side at the intersection of any two (2) streets the maximum permitted height shall not exceed three (3) feet.
 - B. Roofed, walled and enclosed garden structures – The interior height of such structures at the outside wall or framework support for the roof, trellis or arbor structure shall not exceed

eight (8) feet from the floor, deck, ground or patio level to the roof plate on which rafters in other similar structure members rest.

- C. Height limitations – No garden structure shall exceed one (1) story in height if it is a solidly roofed structure.

SECTION 816: Marquees. No marquee which extends over public property, sidewalk, street or alley, shall be permitted in any district.

SECTION 817: Private Swimming Pools. Private swimming pools shall be permitted as an accessory use in any district and shall comply with the following conditions and requirements:

1. The pool is intended, and is to be used, solely for the enjoyment of the occupants of the principle use of the property in which it is located.
2. It shall be located so that it does not violate the yard requirements for the district in which it is located.
3. Every outdoor swimming pool of permanent construction, whether above or below ground, shall be completely surrounded by a fence or a wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension of space, and between pickets shall not exceed six (6) inches.
4. An accessory building may be used as part of such enclosure.
5. All gates and doors opening through such enclosure shall be equipped with self-closing and self-latching and locking device for keeping the gate or door securely closed at all times when not in actual use.
6. Every outdoor swimming pool of permanent construction, whether above or below ground shall receive an electrical inspection, at owner's expense, which said inspection shall be completed prior to the use of said pool.
7. Borough Council shall have the right to waive the requirements set forth in Subsection 3 hereof for any above ground pool provided the above ground pool has other adequate safety equipment to prevent access to the pool.
8. All pools of permanent construction shall be constructed and maintained in accordance with any applicable provisions of the most current applicable building code.

SECTION 818: Side Yard Regulations for Multiple Buildings for Residential Use in R-2 Residential District, CC Commercial District and IL Light Industrial District. Any building containing more than four (4) residential dwelling units within one (1) principle building within the R-2 Residential District, CC Commercial District and IL Light Industrial District (where permitted as conditional use) shall be required to have two (2) additional feet per dwelling for each side yard required up to a maximum of forty (40) feet for each side yard. This provision shall apply in addition to other side yard requirements set forth in each of the above described districts.

SECTION 819: Home Occupations. Home occupations are permitted in certain zoning districts as conditional uses, which may be allowed or denied by the governing body after recommendation by the Planning Commission, pursuant to expressed standards and criteria set forth in Article XII, Section 1205. Home occupations are defined as those occupations, customarily conducted within a dwelling by the residents, primarily the owner thereof, and are clearly incidental and secondary to the use of the dwelling for residential purposes. Home occupations are permitted, as conditional uses, subject to the expressed criteria set forth in Article XII, Section 1205, and subject to the following conditions:

1. A home occupation permit is required.
2. Not more than three (3) persons other than the owner of the dwelling shall be employed.
3. Not more than twenty-five percent (25%) of the floor area shall be devoted to home occupation.
4. Articles sold or offered for sale shall be limited to those produced on the premises.
5. There shall be no exterior display or sign except as permitted in Article IX. There shall be no exterior storage of materials and no other exterior indication of the home occupation or variation of the residential character of the main building.
6. The home occupation shall be carried on completely within the dwelling unit.
7. No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effect shall be produced.
8. A home occupation may include, but is not limited to, a physician, dentist, chiropractor, lawyer, engineer, architect, artist, teacher, dressmaker, barber or beautician.

9. All home occupations now operating, even though non-conforming, must register with the Borough within six (6) months of this Ordinance.
10. Parking shall be in accordance with Article XI, Section 903.9.

SECTION 820: Prohibited Uses.

1. The primary living and sleeping quarters of dwelling units shall not be permitted in cellars.
2. The following uses are prohibited in all districts throughout the municipality:
 - A. The storage of garbage, offal, animal, fish or refuse, unless under the supervision of the municipality, by the authority of, or,
 - B. Dumps and dumping of any kind.
 - C. The stripping of topsoil for sale, exclusive of the process of grading a lot preparatory to the construction of a building for which a building permit has been issued.

SECTION 821: Existing Buildings Setback Lines. Where a building setback line has been established on at least fifty (50) percent of the properties in a block, or within one hundred fifty (150) feet of a proposed building or development that does not conform with the above requirements, the required setback distance may be varied at the discretion of the Zoning Officer. In no case shall a required distance be less than the average existing setbacks in either instance.

SECTION 822: Gardening. The tilling of the soil, raising of crops and gardening shall be permitted in any district.

SECTION 823: Cluster Development. When cluster development is permitted as a conditional use the following conditions shall apply:

1. A cluster development shall be a limited, planned development of single family dwellings on lots with modified dimensional requirements, with a maximum gross density of eight (8) dwelling units per acre, provided the following conditions are met:
 - A. The tract of land to be developed shall have an area greater than five (5) acres.
 - B. The minimum lot area per dwelling unit shall not be less than the following:

- i. Single family detached – four thousand (4,000) square feet
 - ii. Single family semi-detached – four thousand (4,000) square feet
 - iii. Single family attached, townhouse – four thousand (4,000) square feet for end unit and two thousand (2,000) square feet for interior unit
- C. A single family attached dwelling may not have more than nine (9) units in a row. Space between single family attached dwelling buildings shall be at least forty (40) feet.
- D. Lot coverage – Buildings shall not occupy more than thirty percent (30%) of the lot area.
- E. Building setback – The building setback shall be either fifty (50) feet from the center of any public street or private drive constructed within the cluster development or thirty (30) feet from the edge of the macadam whichever shall be greater.
- F. Land shall be set aside as permanent usable open space and shall:
 - i. Be suitable for use as a park or a playground
 - ii. Comprise a minimum of twenty percent (20%) of the gross area of the site and said open space shall be offered to the Borough for public use, including the exterior twenty-five (25) feet of the buffer yard as hereafter provided. If the Borough declines to accept the dedication of the public open space, the Borough may require either of the following:
 - a) The transfer of that same area of land as common open space to an approved homeowners association or a condominium unit owners association in a form and under the terms and conditions approved by the Borough. Said common open spaces shall be subject to the provisions of Section 705 (f) of the Pennsylvania Municipalities Planning Code, as amended, or;
 - b) Insertion of deed restrictions which provide that the private open space shall be held by a homeowners' association or condominium unit owners' association

in perpetuity and further restricting the use of that open space so that no permanent construction or clearing is permitted. The nature and form of the deed restriction shall be approved by the Borough Council.

- iii. Have an access easement or right-of-way to a public street of at least thirty (30) feet.
- G. Buffer yards – A buffer yard and screening is required if the cluster development abuts either a residential district or an existing single family dwelling and shall meet the following requirements:
- i. The buffer yard shall be at least fifty (50) feet in width measured from the lot line of the existing single family dwelling or the zoning line for the residential district. Notwithstanding the foregoing, the Borough Council reserves the right to require any additional buffer yards, not to exceed fifty (50) feet in width on any lot line of the proposed cluster development.
 - ii. In all buffer yards, the exterior twenty-five (25) foot width shall consist of screening and shall be kept clear of all debris, rubbish, weeds and tall grass.
 - iii. No structure, manufacturing or processing activity or storage of material shall be permitted in the buffer yard; however, parking of passenger automobiles shall be permitted in the portion of the buffer yard exclusive of the twenty-five (25) foot width.
- H. Screening – Screening where required in the buffer yard shall be a barrier to visibility, airborne particles, glare and noise and shall be composed entirely of trees, shrubs or other plant materials and shall meet the following requirements:
- i. Plant materials used in screen planting shall be at least four (4) feet in height when planted and of such species as will produce, within two (2) years, a complete visual screen of at least eight (8) feet in height.
 - ii. The screen planting shall be maintained permanently and any plant material that does not live shall be replaced within three (3) months or as soon as weather permits.

- iii. The screen planting shall be so placed that at maturity it will not be closer than three (3) feet from any street or property line.
 - iv. A clear-site triangle shall be maintained at all street intersections and where private access ways intersect public streets.
 - v. The screen planting shall be broken only at points of vehicular or pedestrian access.
2. The developer shall submit for review by the Planning Commission a plan of any proposed cluster development with the following information:
- A. Tract boundary lines, right-of-way lines or streets, easements and other rights-of-way and property line of the residential lot and other sites, when applicable, with accurate dimensions, bearings or deflection angles, radii, arcs and central angles of all curves.
 - B. Name and right-of-way width for each street or other proposed right-of-way.
 - C. Location and dimension and purpose of any easements.
 - D. Number to identify each lot.
 - E. Minimum setback line on all lots and other sites.
 - F. Location and description of survey monuments.
 - G. Name of record owners of adjoining unplatted land.
 - H. Reference of recorded subdivision plat of adjoining platted land by record name, date and number.
 - I. Certification by surveyor or engineer certifying to accuracy of plat.
 - J. Certification of title showing the applicant is the land owner.
 - K. Statement of owner, dedicating streets, rights-of-way and sites for public use.
 - L. Title, scale and plan preparation date or dates.

3. Nothing contained in this section shall be deemed a waiver of any subdivision or land development approval. It shall be incumbent upon the developer to obtain subdivision or land development approval, or both, when applicable.
4. Nothing herein contained shall be construed to prohibit the use of condominiums as a form of ownership for the single family residences permitted within the cluster development.
5. Off-street parking shall be in accordance with Article IX.

SECTION 824: Dismantled Motor Vehicles. Dismantled or non-operable motor vehicles shall be stored in completely enclosed buildings within residential districts. No motor vehicle without a valid current Pennsylvania Inspection Certification, and current automobile license plate shall be stored in any open area in any district for a period to exceed ninety (90) days.

1. Any person desiring to keep an unregistered or unlicensed motor vehicle on private property in the Borough in excess of ninety (90) days shall apply, in writing, to the Zoning Officer for a permit to do so. Such application shall set forth the location, description and ownership of the land on which such motor vehicle or vehicles and shall be signed by the person or persons in whose name the motor vehicle is titled. The application shall be accompanied by an application fee in an amount to be established, from time to time, by resolution of Borough Council.
2. Upon receipt of the application, the Zoning Officer may issue a permit to allow the keeping of the motor vehicle on private property for no longer than ninety (90) days.
3. A permit may be renewed for an addition ninety (90) days if the owner makes application for renewal prior to the expiration of a permit issued and pays a renewal fee in an amount to be established, from time to time, by resolution of Borough Council.
4. Borough Council may, after a public hearing, as a conditional use, issue a temporary permit for up to two (2) years upon a showing of undue hardship. The application for such a permit shall be accompanied by an application fee in an amount to be established, from time to time, by resolution of Borough Council.

SECTION 825: Visual Obstruction. No wall, fence, sign, structure, woodpile, coal pile or any other item or items shall be erected, placed or altered, and no hedge, trees, shrubs, crops, sludge application or the like shall be maintained, which may cause danger to pedestrians or traffic to obstruct the view.

SECTION 826: Conversion Apartments. The conversion of a dwelling into a greater number of dwelling units shall be undertaken in accordance with the following conditions:

1. No conversion shall contain more than a total of three (3) dwelling units.
2. The lot area per dwelling unit shall be not less than three thousand (3,000) square feet.
3. A common principal entrance shall be maintained unless there is more than one principal entrance in existence at the time the alterations are made.
4. No alteration of the building exterior shall be made except as may be necessary for health or safety purposes.
5. Fire escapes shall not be located on any wall facing a street and shall not project into any required yard area.
6. Each dwelling unit shall have separate and private sanitary cooking and bathroom facilities.
7. Plans for alterations must be in accord with applicable building and safety codes.
8. All other District requirements shall be met.

SECTION 827: Smoke and Carbon Monoxide Detectors in Rental and Commercial Properties.

1. All smoke detectors will be tested using artificial smoke every two (2) years or when there is a tenant change by the owner of the property or his agent.
2. No detectors over ten (10) years old allowed.
3. A carbon monoxide detector is required in the bedroom areas.
4. Carbon monoxide detectors are required in commercial properties.
5. Placement of smoke detectors.
 - A. Smoke detectors are required, one per floor. If the layout of the home is unusual, more are required.

- B. In new construction only, smoke detectors are required in all bedrooms.
- C. If smoke detectors are hard wired, one hundred and ten (110) volt they must be replaced with the same. A battery-operated unit cannot be used to replace a hard wire unit.

SECTION 828: Personal Wireless Service Facilities. Personal wireless service facilities may be installed, erected and maintained when allowed as a conditional use as hereinafter set forth:

- 1. Purpose - In recognition of the quasi-public nature of personal wireless service facilities, the purpose of this section is as follows:
 - A. To accommodate the need for personal wireless service antennas while regulating their location and number in the Borough.
 - B. To minimize adverse visual impact and effects of personal wireless service antennas and antenna support structures through proper design, siting and vegetative screening.
 - C. To avoid potential damage to adjacent properties from antenna support structure failure and falling ice or debris, through engineering and proper siting of antenna support structures.
 - D. To encourage the joint use of any new and existing antenna support structures to reduce the number of such structures needed in the future.
 - E. To ensure that the location and number of personal wireless facilities are in the best interests of the health, safety, welfare and morals of the residents of the Borough.
 - F. To minimize any adverse effects of location and design of personal wireless facilities on residential property values.
- 2. Definitions – The following words and phrases when used in this Ordinance shall have the meaning given to them in the Subsection unless the content clearly indicates otherwise.
 - A. ANTENNA: Any structure or device used to collect or radiate electromagnetic waves including both directional antennas (such as panels) and omni-directional antennas (such as whips) but not including satellite earth stations.

- B. **ALTERNATIVE TOWER STRUCTURE:** Man-made trees, clock towers, tall steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence or antennas on towers.
- C. **ANTENNA HEIGHT:** The vertical distance measured from the base of the antenna support structure at existing grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.
- D. **ANTENNA SUPPORT STRUCTURE:** Any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.
- E. **BOROUGH COUNCIL:** the Borough Council of the Borough of Liverpool, Perry County, Pennsylvania.
- F. **COMMERCIAL MOBILE SERVICE:** Any mobile service (as defined in Section 153 of the Federal Communications Act of 1934, as amended) that is provided for profit and makes interconnected services available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public. It includes but is not limited to personal communications services (PCS), cellular radiotelephone service and paging.
- G. **COMMON CARRIER:** Any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio, or in interstate or foreign radio transmission of energy, but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.
- H. **EQUIPMENT BUILDING:** A structure enclosed within exterior walls and roof; built, erected and framed of component, structural parts designed and used for the housing, shelter, enclosure or support of equipment necessary for the functioning of the wireless service facility and which may not exceed two hundred fifty (250) feet.
- I. **EXCHANGE ACCESS:** Offering of access to telephone exchange services or facilities for the purpose of the originator or terminator of telephone toll services.

- J. **MONOPOLE:** An antenna support structure consisting of a single pole of spire constructed without guy wires or ground anchor.
 - K. **PERSONAL WIRELESS SERVICES:** Includes commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
 - L. **PERSONAL WIRELESS SERVICE FACILITIES:** Facilities for the provision of personal wireless services.
 - M. **PERSONAL WIRELESS SERVICE SITE:** A tract or parcel of land that contains a personal wireless service antenna as the principal use, its support structure, accessory building (s), parking and may include other uses and equipment associated with an ancillary to telecommunications signal transmission or processing.
 - N. **PUBLIC UTILITY TRANSMISSION TOWER:** A structure, owned and operated by a public utility electric company regulated by the Public Utility Commission, designed and used to support overhead electric transmission lines.
 - O. **UNLICENSED WIRELESS SERVICE:** The offering of telecommunication services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct exchange satellite services.
3. A personal wireless service facility with antenna, whether or not attached to a pre-existing wireless facility, smoke stack, water tower or any other tall structure, is permitted as a conditional use in the IL District. The Borough Council may grant a conditional use after review of the Planning Commission and a public hearing before the Borough Council. The applicant must provide and establish the following criteria:
- A. That there is not suitable space on existing personal wireless service facilities or other personal wireless service facility sites or on personal wireless service facility can be accommodated and function as required by its construction permit or license without unreasonable modification.
 - B. Presenting technical evidence that the personal wireless service facility must be located at the proposed site in order to satisfy its function in the grid system and the providing of the quality of service required by law.

- C. A full site plan, which shall include:
- i. Written authorization from the property owner of the proposed tower site.
 - ii. A site plan:
 - a) Drawn to scale of not smaller than one hundred (100) feet to one (1) inch.
 - b) Showing the property boundaries.
 - c) Showing any tower guy wire anchors and other apparatus.
 - d) Existing and proposed structures.
 - e) Scaled elevation view of proposed structures.
 - f) Access road (s), right-of-way location and design standards as set forth in the Liverpool Borough Subdivision and Land Development Ordinance.
 - g) Parking area.
 - h) Fences in accordance with the requirements of this Section.
 - i) Location and content of (any or warning) signs.
 - j) Exterior lighting specifications.
 - k) Landscaping plan in accordance with this Section.
 - l) Land elevation contours as vertical intervals as required by Borough Council.
 - m) Existing land uses surrounding the site.
 - n) Equipment building and/or other accessory uses with detail, including:
 - 1) Elevation
 - 2) Proposed use

3) Security

iii. A written report including:

- a) Information describing the tower height and design.
- b) A cross-section of the structure.
- c) Engineering specifications detailing construction of tower, base and guy wire anchorage.
- d) Information describing the proposed painting and lighting schemes.
- e) Information describing the tower's capacity, including the number and type of antenna that it can accommodate.
- f) Radio frequency coverage.
- g) All tower structures and building information to be certified by a licensed Professional Engineer.
- h) Inventory of existing antenna support structures within a two (2) mile radius of the proposed site and information discussing unavailability of such sites for one (1) or more of the following reasons:
 - 1) Refusal by current tower owner
 - 2) Topographic limitations
 - 3) Adjacent impediments blocking transmission
 - 4) Site limitations to tower construction
 - 5) Technical limitations of the system
 - 6) Equipment exceeds structural capacity of facility or tower
 - 7) No space on existing facility or tower

- 8) Other limiting factors rendering existing facilities or towers unusable
- 9) An update of capacity on an existing tower
 - i) A description of security, operation and maintenance schedules and procedure.
- iv. Written certification by the applicant that written notification has been given and received by all property owners adjoining the site where the proposed antenna facility and/or tower is proposed to be located.
- v. Written confirmation that the electromagnetic fields and radio frequency interferences comply with Federal Communication Commission regulations concerning such emission, as well as an estimated Non-ionizing Electromagnetic Radiation (NIER) level from proposed antennas, when added to existing levels, that does not exceed applicable federal standards.
- vi. A “zone of visibility map” provided to determine locations where the tower, antenna or facility may be seen as well as “before and after” pictorial representations setting forth views from key viewpoint within the Borough.
- D. Liability insurance in such amounts and limits as may be determined by Borough Council.
- 4. If the applicant proposes to build an antenna support structure (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one (1) mile radius of the site proposed. “Tall structures” includes smoke stacks, water towers, tall buildings, antenna support structures of other personal wireless service companies, other communications towers (fire, police, etc.) and other tall structures. The Borough Council may deny any application to construct a new antenna support structure if the applicant has not made a good faith effort to mount the antenna on an existing structure. A good faith effort shall require that all owners of potentially suitable structures within the radius hereinbefore set forth of the proposed antenna support structure be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

- A. The proposed antenna and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - B. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - C. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its function.
 - D. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - E. A commercially reasonable agreement could not be reached with the owners of such structures.
5. All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the personal wireless service facilities site unless otherwise permitted in the IL District, in which the personal wireless service facilities site is located.
6. Standards of Approval of all Personal Wireless Service Facilities
- A. **ANTENNA HEIGHT.** In no case shall an antenna support structure and antenna extend beyond one hundred ninety-nine (199) feet in height.
 - B. **SETBACK FROM BASE OF ANTENNA SUPPORT STRUCTURE.** If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line or right-of-way line shall be the largest of the following:
 - i. Thirty percent (30%) of antenna height
 - ii. Forty (40) feet

iii. Except as hereinafter provided, in all cases, monopole antenna support structure shall be preferred. The Borough Council may grant use of guy wire, free standing or any other type of antenna support structure after review by the Planning Commission and a public hearing before the Borough Council. The applicant must establish the following for approval:

a) Cost of erecting a monopole would preclude the provision of adequate service to the public, or erection of a safe antenna support structure.

b) The proposed antenna structure would have the least practical adverse visual impact on the environment and closely resembles a monopole

C. **ANTENNA SUPPORT STRUCTURE SAFETY.** The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris. The applicant shall also demonstrate compliance with guidelines recommended by the American National Standard Institute (ANSI) (ANSI/IEEE C95-1-1992), as amended, with respect to radio frequency emissions.

D. **FENCING.** A fence shall be required around the antenna support structure, accessory building (s), and other equipment unless the antenna is mounted on an existing structure. The fence shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height, shall completely enclose the antenna, support structure and related facilities, shall not contain openings greater than nine (9) square inches and shall be locked except during such times as the site is manned by authorized operations or maintenance personnel. All other district requirements concerning fencing within required yard shall also be followed.

E. **EQUIPMENT BUILDING.** One (1) equipment building per user shall be permitted. The total area of all equipment buildings shall not exceed seventy-five percent (75%) of the personal wireless facility site.

F. **ACCESSORY USE.** An antenna support structure shall not be considered an accessory use and may not be established on a parcel of ground with any other use without first complying with

the requirements of the Borough Subdivision and Land Development Ordinance.

- G. LANDSCAPING. The following landscaping shall be required to screen as much of the antenna support structure as possible, the fence surrounding the support structure and any other ground-level features (such as a building), and in general soften the appearance of the personal wireless service facility site. The Borough Council may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping shall not be required.
 - i. An evergreen screen shall be required to surround the site. The screen can either be a hedge (planted three (3) feet on center maximum) or a row of evergreen trees (planted ten (10) feet on center maximum). The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.
 - ii. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- H. LICENSE REQUIRED. The applicant company must demonstrate that the user of the structure is licensed or shall be licensed by the Federal Communication Commission.
- I. REQUIRED PARKING. If the personal wireless service is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on site at the largest shift.
- J. VISUAL IMPACT. Antenna support structures shall be painted in a color that best allows it to blend into the surrounding area unless otherwise required by the Federal Aviation Administration (FAA) regulation. The use of grays, blues and greens may be appropriate; however, each case should be evaluated individually. No antenna support structure may be artificially lighted except when required by the FAA.
- K. MINIMUM VISUAL IMPACT REQUIREMENTS. Personal wireless service facilities shall result in a minimal visual impact

for those residents in the immediate area and for those in the larger community who view these facilities from a distance. Minimal visual impact shall include the following:

- i. For facilities located in highly developed portions of the Borough, buildings may be used to accomplish the screening notes above.
 - ii. It is acknowledged that large, multi-use towers located within major use transmission areas cannot be effectively screened. In order to minimize the visual impact, such new facilities should be located in close proximity to other comparable structures. Accompanying buildings, ground-mounted antennas and other equipment and structures should be subject to screening recommendations.
 - iii. FAA requirements for coloring and lighting of towers supersedes Borough requirements for visual minimum impact.
 - iv. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
- L. **SIGNS.** No portion of any antenna or antenna support structure shall be used for a sign or other advertising purpose, including, but not limited to, company name and telephone number; and no banners, streamer or any other objects or items not essential to the function or support of the antenna or antenna support structure shall be attached to or displaced from same.
- M. **BONDING.** The Borough Council, at its sole discretion, may require the applicant or owner to establish, as a condition of approval of any application, a maintenance and/or performance bond in an amount sufficient to cover the installation, maintenance and/or construction of the antenna, antenna support structure and accessory structures of buildings during its/their lifetime and in an amount sufficient to remove the antenna support structure if said structure is no longer in use for its original communication purpose. The amount required shall be determined at the sole discretion of Borough Council based upon the unique characteristics of the antenna, support structure and accessory structures or buildings.

- N. AS-BUILT PLANS. Within sixty (60) days of completion of the initial construction and any additional construction, applicant shall furnish two (2) complete sets of plans, drawn to scale and certified to the Borough as accurately depicting the location of personal wireless facility constructed pursuant to the building permit.
- O. INSPECTION. Beginning in December of the tenth (10th) year after construction of any antenna support structure and by December of each year thereafter, and at any time a new carrier antenna is added, the antenna support structure shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of antenna support structures. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures". A copy of said inspection report shall be provided to the Borough. At the time said report is provided to the Borough, applicant shall pay a fee in an amount as the Borough Council shall from time to time set forth in a resolution.
- P. REMOVAL. Any antenna support structure that is no longer in use for its original communication purpose shall be removed at the owner's expense. The owner shall provide the Borough with a copy of the notice to the FCC of the intent to cease operations and shall give twelve (12) months from the date of ceasing operations to remove the obsolete antenna structure and accessory structure. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations.

SECTION 829: Junk Yards.

- 1. All junk yards shall be completely screened from roads or developed areas with a solid fence or wall six (6) feet or more in height, maintained in good condition, and painted except for masonry construction, or with suitable plantings.
- 2. No operations shall be conducted which shall cause a general nuisance or endanger the public health.
- 3. All existing junk yards shall comply with these requirements within one (1) year of the date of this Ordinance, or shall then terminate their operation.

ARTICLE IX

OFF-STREET PARKING

SECTION 900: Automobile Parking Space. There shall be provided at the time of erection of any structure or at the time any structure is enlarged or increased in capacity, minimum off-street parking with adequate provision for ingress and egress by standard size automobile, each said off-street parking space shall be nine (9) feet by twenty (20) feet in size, excluding drives and access ways, as hereinafter set forth.

SECTION 901: Off-Street Parking for Residential Uses. A single family, detached dwelling shall be required to have two (2) off-street parking spaces. All other types of single family dwellings, to include Class A Multiple Dwellings, but not including Class B Multiple Dwellings, shall be required to have one-and-one-half (1 and ½) parking spaces per dwelling unit. For the purpose of this Ordinance, when off-street parking spaces are required for residential dwellings, and an attached or unattached garage or carport on the premises may be considered as an off-street parking space or spaces.

SECTION 902: Off-Street Parking Required for Class B Multiple Dwellings. Class B Multiple Dwellings shall be required to have one (1) off-street parking space for each individual sleeping unit. If there is a restaurant in connection with the Class B Multiple Dwelling, the off-street parking facilities shall not be less than those required for restaurants in addition to those required hereunder.

SECTION 903: Commercial Off-Street Parking. The following regulations shall be applicable for commercial off-street parking:

1. Theaters, auditoriums, churches, schools, stadiums or any other places of public or private assembly, shall have at least one (1) off-street parking space for every three (3) seats provided for public assembly.
2. Retail stores and other places for trade shall have one (1) off-street parking space for each four hundred (400) square feet of floor area for public use.
3. Restaurants, tea rooms, cafeterias, taverns and nightclubs, shall have one (1) off-street parking space for each four (4) seats.
4. Office buildings shall have one (1) off-street parking space for each two hundred (200) square feet of net usable floor area.
5. Public garages, automobile and gasoline service stations shall be required to have at least one (1) off-street parking space for every two

hundred (200) square feet of floor or fraction thereof, devoted to repair or service facilities which shall be in addition to the space allocated for normal storage of motor vehicles. No parking shall be permitted on public right-of-way.

6. Barber and beauty shops shall have two (2) off-street parking spaces for each operator.
7. Commercial business not herein specifically designated, shall have at least one (1) off-street parking space for each four hundred (400) square feet of floor area thereof.
8. Mortuaries, funeral homes and undertaking establishments shall have at least one (1) off-street parking space for each one hundred (100) square feet of floor area for public use. Such space shall be in addition to the space required for employee parking and a service area for mobile equipment, such as hearses and ambulances.
9. Home occupations shall have, in addition to the parking requirements for residential use, four (4) off-street parking spaces. Should any home occupation fall under any other parking requirements set forth in this section, then the more stringent parking requirement shall apply. However, in all circumstances, the home occupation off-street parking requirements shall be in addition to the off-street parking requirements for the residential use.

SECTION 904: Industrial Manufacturing. All industrial and manufacturing uses shall be required to have one (1) off-street parking space for each one thousand (1,000) square feet of floor area, plus one (1) space for each two (2) employees in the maximum working shift.

SECTION 905: Loading Spaces.

1. In addition to the off-street parking space required above, all commercial and industrial establishments, hospitals or sanitariums and other similar uses shall provide adequate off-street areas for loading and unloading of supplies to and from vehicles.
2. At least one (1) loading berth shall be provided; however, should the gross floor area of the main building and buildings accessory thereto used for commercial and/or industrial purposes exceed ten thousand (10,000) square feet, one (1) additional loading berth shall be provided for each ten thousand (10,000) square feet of gross floor area. The off-street loading berth shall be not less than ten (10) feet wide, thirty-five (35) feet in length and fourteen (14) feet in height.

3. Hotels shall have at least one (1) loading berth, with an additional loading berth when the floor area exceeds fifty thousand (50,000) square feet.

SECTION 906: Location of Off-Street Parking. All off-street parking required above shall be on the same lot or on an adjoining lot. If the adjoining lot is not owned by the owner of the main lot, then any off-lot parking must be by written, recordable agreement in a form acceptable by the Borough Council. The said off-lot parking agreement shall be required before the plan is approved or the Zoning Permit is issued. In any case, all required parking spaces shall be located within three hundred (300) feet of the use or activity for which the parking is provided.

SECTION 907: Parking Areas.

1. Every parcel of land or part thereof hereafter used as a parking area shall have a paved surface using bituminous or concrete material and shall have fixed wheel guards at least five (5) feet from the property line or sidewalk. This requirement shall specifically apply to all parking areas including parking areas in connection with apartment uses.
2. Any lights used to illuminate any parking areas shall be so arranged as to reflect away from adjoining premises and any residential district.
3. The above required areas shall not be abandoned and shall be maintained in connection with the building in which they are to serve in the manner indicated by the minimum requirements for off-street parking and space regulations.
4. Aisles shall be at least twenty (20) feet wide.
5. Parking areas shall be designed so each vehicle may proceed to and from any parking area without requiring the moving of any other vehicle.

ARTICLE X

SIGNS

SECTION 1000: Permits – General Requirements. No signs shall be erected, enlarged or relocated, until a permit has been issued by the Zoning Officer. No permit shall be required for real estate sale signs provided use of such sign is in accordance with other provisions of this Ordinance. (See Section 1008.1; 1009.1 and 1010.1). The Zoning Officer is required to issue promptly a permit for any sign, the use of which does no violate the provisions of or the intent of this Ordinance.

SECTION 1001: Fees. Each application for a signed permit shall be accompanied by a payment of a minimum of five (\$5.00) dollars per one thousand (\$1,000.00) dollars valuation of the sign or portion thereof to cover the handling costs.

SECTION 1002: Maintenance. Every sign shall be kept in a state of good repair from the standpoint of safety, fire prevention and appearance. The Zoning Officer may require such maintenance and in the event of failure of a sign owner to correct unsafe conditions or dilapidated appearance within a specific time, the Zoning Officer may order the removal of the sign by the Borough at the owner's expense. All signs not owned by the person, firm or organization advertising thereon shall carry a clearly legible imprint showing the owner's name and address. Signs with no such imprint shall be presumed to be owned by the advertiser thereon.

SECTION 1003: Measurement of Signs. The area of any sign shall be determined from its outside measurements excluding as a part thereof, the height and overall width of supports and supporting structure and any other portion or portions thereof beneath the normal area upon which an advertisement is posted or intended to be posted. Where a sign is so designed as to permit advertising copy on each side, back to back, only one (1) face shall be counted in determining area. Where a sign is designed in a "V" shape with the angle of the "V" greater than forty-five (45) degrees, each face shall be counted separately in determining area, and where the angle of the "V" is less than forty-five (45) degrees, only one (1) face shall be counted in determining area.

SECTION 1004: Illumination of Signs. Construction and wiring of all electric signs requiring transformers or ballasts shall comply with the requirements of the National Electric Code (and as the same may subsequently be amended) and operating permits will not be issued therefore until a label of the Underwriter's Laboratories has been affixed. No signs which are illuminated as to constitute a nuisance by spilling light on to adjacent residential property.

SECTION 1005: Prohibited Signs. No signs shall be erected, relocated or enlarged:

1. Which constitutes a hazard to traffic as a result of the screening out of a traffic sign which involves red, green or amber lights, reflective material or has flashing action and is so located or constructed as to resemble or render ineffective any traffic sign or signal; or which uses the words "STOP", "SLOW", or "DANGER" or other wording or symbol which can be confused with authorized traffic signs or could confuse or mislead traffic.
2. Which is painted, pasted or otherwise affixed to any tree, rock, utility pole, hydrant, bridge, sidewalk, curb or street except such signs as may be erected by or erected under a permit from an authorized public agency.
3. Which is erected or overhangs public property, except as herein specifically provided, and except when erected by or erected under a permit from an authorized public agency or required by law.
4. Which is illuminated by flashing lights or lights shining directly onto or into adjacent residential property or be any system or intermittently lighted bulbs or tube lights giving an effect of motion. This restriction shall not apply to traffic lights or any nature designed to regulate the flow of traffic or to provide safety warning for hazards on the highways or streets.
5. Which is a roof sign.
6. Which is a temporary sign.

SECTION 1006: Structural Requirements. All signs erected under this Ordinance shall be constructed and erected in accordance with the American Standard Building Requirements for Signs and Outdoor Display Structures, (*A60-1-1949), Sections 3 through 10 inclusive, published by American Standards Associations, or in accordance with other suitable proof to the Zoning Officer that the sign is of good quality and safe construction.

SECTION 1007: General Provisions. In addition to the regulations set forth in the articles regulating the R-1 and R-2 districts, signs advertising for sale, development or rental of the premises upon which they are erected, when erected by a broker, building contractor, developer or any other person interested in the sale, development or rental of such premises, may be erected and maintained, in accordance with size limitations set forth herein.

SECTION 1008: Signs in the R-1 Restricted Residential District. All signs in the R-1 district must be erected and maintained in accordance with provisions of this Article. The following signs are permitted in the R-1 district:

1. Real Estate Signs – not more than two (2) such signs not exceeding six (6) square feet each in area on each street front.
2. Home Occupation Signs – not exceeding two (2) square feet in area.
3. Church Bulletin Boards – not exceeding twenty (20) square feet in area.
4. Signs, which are illuminated, provided that the light source is shielded from direct view.
5. No other signs or advertising means to attract attention will be permitted.

SECTION 1009: Signs in the R-2 Residential District. All signs in the R-2 district must be erected and maintained in accordance with this Article. The following signs are permitted in the R-2 district:

1. Real Estate Signs – not more than two (2) such signs not exceeding six (6) square feet in area on each street front.
2. Home Occupation Signs – not exceeding two (2) square feet in area.
3. Church Bulletin Boards – not exceeding twenty (20) square feet in area.
4. Signs, which are illuminated, provided that the light source is shielded from direct view.
5. No other signs or any advertising means to attract attention will be permitted.

SECTION 1010: Signs in the CC Community Commercial District and IL Light Industrial District. All signs in the CC district must be erected and maintained in accordance with provisions of this Article. The following are permitted in the CC district:

1. Any signs permitted in the R-1 Restricted Residential District and R-2 Residential District.
2. Business and Identification Signs – such signs may be wall or ground signs. No portion of any wall sign may project above the roof line or be

silhouetted against the skyline without the specific permission of the Borough Council after a public hearing, which may grant an exception where one (1) or two (2) letters of a trademark or distinctive name or word normally projects above the roof line.

3. Other provisions:
 - A. No business or business identification sign can be located in the area one-half ($\frac{1}{2}$) the distance from the curb to the building set back line, nor closer than five (5) feet to the side property lines.
 - B. Total of all business or business identification signs on one (1) building shall not exceed one hundred twenty (120) square feet in area.
 - C. Measurement of sign area – when a sign is framed or placed on a solid background of different material than the structure of the building on which it is placed, and is attached to the building as a unit, the area of the sign shall be measured as set forth in Section 1003 herein above.
 - D. Letters (cut out, cast, molded or preformed with the exception of neon type tubing) may be attached to any commercial building, process or service being conducted therein.
 - i. Such letters shall not be either luminous or reflective in nature.
 - ii. Such letters may either be lighted or flood lighted.
 - iii. Such letters when constituted as a sign shall not cover an area more than ten percent (10%) of the surface area, including windows and doors, facing the pedestrian or automotive traffic.
 - E. Signs on inner courts or walls of shopping centers, not directly fronting on a street, shall not be regulated as above, except such portions of any sign as shall be visible to a street.
 - F. No marquee or marquee sign may project over any public street, sidewalk or alley. Marquees and marquee signs may project into any required yard provided they meet the requirements of the building code.
 - G. Service and real estate signs not exceeding sixteen (16) square feet in total area per business premises.

- H. No roof signs are permitted.
- I. Illumination for signs as specified in Section 1004 of this Ordinance.
- J. Direction or service signs not to exceed two (2) square feet in size and shielded illumination (light source shielded from direct view). Overall height for said directional or service signs shall be no more than three (3) feet. Directional and service signs shall be placed no closer than ten (10) feet from the curb line and no closer than five (5) feet from any side property line.
- K. Height of signs – no sign, whether wall, ground or pylon, which is integral to the structure of the building shall exceed in height from the curb grade level of the lot at the point at which the sign is located more than thirty-five (35) feet.
- L. Off premise advertising signs shall be permitted in IL or Light Industrial District only subject to the following conditions:
 - i. Such signs are not permitted as roof signs.
 - ii. Such signs may not have a height in excess of thirty-five (35) feet as measured vertically from the street level. Said measurement shall be from the nearest street toward which the sign faces.
 - iii. The total area of the sign shall not exceed one hundred twenty (120) square feet. The area of the sign shall be measured as set forth in Section 1003 hereinabove.
 - iv. The minimum distance between off premise advertising signs shall be two hundred (200) feet.
 - v. The minimum set back from the street right-of-way shall be twenty (20) feet.

ARTICLE XI

OBSCENE MATERIAL

SECTION 1100: No person, knowing the obscene character of the materials involved, shall:

1. Display or cause or permit the display of any explicit sexual materials as defined in Section 1101 in or on any window, showcase, newsstand, display rack, billboard, display board, viewing screen, motion picture screen, marquee or similar place in such a manner that the display is visible from any public street, highway, sidewalk, transportation facility or public thoroughfare, or in any business or commercial establishment where minors, as a part of the general public or otherwise, are or will probably be exposed to view all or any part of such materials.
2. Sell, lend, distribute, exhibit, give away or show any obscene materials to any persons seventeen (17) years of age or younger or offer to sell, lend, distribute, exhibit, give away or show or have in his possession with intent to sell, lend, distribute, exhibit, give away or show any obscene materials to any persons seventeen (17) years of age or younger, or knowingly advertise any obscene materials in any manner.
3. Design, copy, draw, photograph, print, utter, publish or in any manner manufacture or prepare any obscene materials.
4. Write, print, publish, utter or cause to be written, printed, published or uttered any advertisement or notice of any kind, giving information, directly or indirectly, stating or purporting to state where, how, from whom or by what means any obscene materials can be purchased, obtained or had, or
5. Hire, employ, use or permit any minor to do or assist in doing any act or thing mentioned in this subsection.

SECTION 1101: Definitions. As used in this Article the following words and phrases shall have the meanings given to them in this Section.

1. Community: For the purpose of applying the “contemporary community standards” in this Section, community means the State.
2. Knowing: As used in Section 1100, knowing means having a general knowledge of, or reason to know or a belief or grounds for belief which warrants further inspection or inquiry of, the character and content of any material described therein which is reasonably susceptible of examination.

3. Obscene Material: Any literature, including any book, magazine, pamphlet, newspaper, story paper, comic book or writing and any figure, visual representation or image, including any drawing, photograph, picture or motion picture, if:
 - i. The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest;
 - ii. The subject matter depicts or describes in a patently offensive way, sexual conduct of a type described in this Section, and
 - iii. The subject matter, taken as a whole, lacks serious literary, artistic, political, education or scientific value.
4. Sexual conduct: Patently offensive representations of descriptions of ultimate sexual acts, normal or perverted, actual or simulated and patently offensive misrepresentations or descriptions or masturbation, excretory functions and lewd exhibition of the genitals.

SECTION 1102: Dissemination to Minors. No person shall knowingly disseminate by sale, loan or otherwise, explicit sexual materials to a minor. "Explicit sexual materials" as used in this subsection, means materials which are obscene or:

1. Any picture, photograph, drawing, sculpture, motion picture film or similar visual representations or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors, or
2. Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in paragraph 1. Or explicit and detailed verbal descriptions or narrative accounts or sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

SECTION 1103: Admitting Minor to Show. It shall be unlawful for any person knowingly to exhibit for monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly admit a minor for a monetary consideration to premises whereon there is exhibited, a motion picture show or other presentation which, in sole or in part, depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors, except that the foregoing shall not apply to any minor accompanied by his parent.

SECTION 1104: Definitions. As used in Section 1102 and 1103 of this Article:

1. Minor: Means any person under the age of seventeen (17) years.
2. Nudity: Means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genitals in a discernibly turgid state.
3. Sexual Conduct: Means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breast.
4. Sexual Excitement: Means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
5. Sadomasochistic Abuse: Means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one (1) so clothed.
6. Harmful to Minors: Means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, when it:
 - A. Predominantly appeals to the prurient, shameful or morbid interest of minors, and
 - B. is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and
 - C. is utterly without redeeming social importance for a minor.
7. Knowingly: Means having general knowledge of, or reason to know or a belief or grounds for belief which warrants further inspection or inquiry to both:
 - A. The character and content of any material described herein which is reasonably susceptible of examination by the defendant, and
 - B. the age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the

defendant, made a reasonable bona fide attempt to ascertain the true age of such minor.

SECTION 1105: Requiring Sale as Condition of Business Dealings. No person shall knowingly require any distributor or retail seller as a condition to sale or delivery for resale or consignment of any literature book, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, drawing, photograph, figure or image, or any written or printed matter, or article or instrument to purchase or take by consignment for purposes of sale, resale, or distribution any obscene literature, book, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, drawing, photograph, figure or image, or any written or printed matter of an obscene nature or any article or instrument of an obscene nature.

SECTION 1106: Injunction. The Borough may institute proceedings in equity in any court of competent jurisdiction when any person violated or clearly is about to violate this Article for the purpose of enjoining violation.

SECTION 1107: Prosecution. Any person who violated the provisions of this Article shall be subject to penalties pursuant to Article XII of this Ordinance.

SECTION 1108: Exemptions. Nothing in this Article shall apply to any recognized historical society or museum accorded charitable status by the Federal Government, any county, city, borough, township or town library, any public library, any library of any school, college or university or any archive or library under the supervision and control of the Commonwealth or a political subdivision.

ARTICLE XII

ENFORCEMENT AND ADMINISTRATION

SECTION 1200: Amendments to Zoning Ordinance. The Borough Council may, from time to time, amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

SECTION 1201: Zoning Hearing Board and Alternates.

1. The Borough Council shall by resolution appoint three (3) residents of the Borough of Liverpool to act as a Zoning Hearing Board. The terms of office shall be three (3) years and so fixed that the terms of office of one (1) member shall expire each year. Members of the board shall hold no other office in the municipality, including membership in the Planning Commission and Zoning Officer.
2. The Borough Council shall appoint by resolution two (2) residents of the municipality to serve as alternate members of the Board. The term of office of the alternate members shall be three (3) years. When seated pursuant to the provisions of Section 906 of the Municipalities Planning Code and this Section, 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 set forth in the Municipalities Planning Code and as otherwise provided by law. Alternates shall hold no other office in the municipality, including a membership in 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 alternate member pursuant to Section 906 of the Municipalities Planning Code and this Section.
3. 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 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 Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

- A. Zoning Hearing Board Functions. The Zoning Hearing Board shall have the following functions:
- i. Hearings – The Board shall conduct hearings and make decisions in accordance with Article IX of the Municipalities Planning Code.
 - ii. Fees – The Borough Council shall, by resolution, establish reasonable fees, as authorized by the Municipalities Planning Code, to be paid by the applicant.
 - iii. Jurisdiction – The Zoning Hearing Board shall have such jurisdiction, hear such appeals and make such decisions as authorized in Article IX of the Municipalities Planning Code.
 - iv. Appeals – The Board shall hear and decide appeals where it is alleged, by the appellant that the Zoning Officer has misinterpreted or misapplied any provision of a valid rule or regulation governing the action of the Zoning Officer. Nothing herein contained shall be construed to deny to the appellant the right to proceed directly in court where appropriate and authorized by the Municipalities Planning Code.
 - v. Variances – The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board shall prescribe the form of application to the Zoning Officer. All applications must be accompanied by a fee, as may be set from time to time by resolution of Borough Council. The Board may grant a variance, provided the following findings are made where relevant in a given case:
 - a) That there unique physical circumstances or conditions, including irregularity, narrowness or shallowness of a lot size, shape or exceptional topographical physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
 - b) That, because of such physical circumstances or conditions, there is no possibility that the property

can be developed in strict conformity to the provisions of the Zoning Ordinance and the authorization of the variance therefore is necessary to enable the reasonable use of the property.

- c) That, such unnecessary hardship has not been created by the appellant.
 - d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
 - e) That the variance, if authorized, will represent the minimum variance, which will afford relief and represent the least modification possible of the regulation in issue.
 - f) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance.
- vi. Party Appellant Before Board – Appeals under Section 1201 Section 1201 (3) A, iv above, and proceedings to challenge the Ordinance may be filed with the Board, in writing, by the landowner affected. Requests for variance under variance under Section 1201, Section 1201 (3) A, v above, may be filed with the Board by any landowner or any tenant with permission of such landowner.
- vii. All hearings held pursuant to this Section shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- a) Time limitations – The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:
 - 1) No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an

appropriate municipal officer, agency or body if such proceedings are 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.

- 2) The failure to anyone other than the landowner to appeal from an adverse decision on a tentative or preliminary plan by the governing body or from the adverse decision by the Zoning Officer on a challenge to validity of an Ordinance or map shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.
- b) Stay of Proceedings – Upon filing of any proceeding referred to in Section 1201, and during its pendency before the Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certified to the Board facts indicating that such stay would cause imminent peril to life or property; in which case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved are filed with the Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

- viii. 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 an appeal is made, 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.
- ix. The Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issues involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- x. The Board 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 reason therefore. Conclusions based on any provisions of the Ordinance, rule or regulation shall contain a reference to the provisions relied on the reasons why the conclusions are deemed appropriate in the light of the facts found. 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) day from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of 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 shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any

party opposing the application to appeal the decision to a Court of competent jurisdiction.

- xi. A copy of the final decision or the findings shall be delivered to the applicant personally 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.

SECTION 1202: Zoning Appeals to Court. Zoning appeals shall include appeals from the decisions of the Zoning Hearing Board and appeals upon report of the Board in proceedings to challenge the validity of any Ordinance or map. Any party before the Board or any officer or agency of the Borough may take zoning appeals to Court. The procedure to be followed in filing appeals to the Courts shall be in accordance with Article X-A of the Municipalities Planning Code, as amended.

SECTION 1203: Enforcement Officer. A Zoning Officer, who shall be appointed by the Borough Council and who shall not hold any elective office in the municipality, shall administer this Zoning Ordinance. The Zoning Officer shall be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his or her employment. It shall be the duty of the Zoning Officer, and he is hereby given the power and authority to enforce the provisions of the Ordinance and Borough Codes. The Zoning Officer shall examine all applications for permits, issue applications for permits for construction and permits for uses which is in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents, and make reports as Borough Council may require. Applications for zoning permits for constructions and uses that are a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use that does not conform to the Zoning Ordinance.

SECTION 1204: Zoning Permits.

1. Requirements of Zoning Permit: A zoning permit shall be required prior to a building permit being issued; the erection, addition, or alteration of any building or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use, or the establishment of a home occupation. It shall be unlawful for any person to commence work for the erection or

alteration of any building or for a change in land use, until a zoning permit has been duly issued therefore.

2. Application for permits: All applications for permits, and applications for issues to be determined by the Zoning Hearing Board shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot the be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this chapter and all other ordinances. One (1) copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applicants with accompanying plans and documents shall become a public record after a permit is issued or denied.
3. Issuance of permits.
 - A. No building permit shall be issued by the Building Permit Officer until the Zoning Officer has certified that the proposed building, addition or alteration, complies with all the provisions of this chapter, as well as the provisions of all other applicable ordinances.
 - B. Zoning Officer and Building Permit Officer shall act upon request within thirty (30) days following a complete application.
 - C. A zoning permit issued hereunder shall become void twelve (12) months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least thirty (30) days prior to the permit expiration date.
4. Temporary permits.
 - A. A temporary zoning permit may be authorized by the Zoning Officer for a temporary structure/building or use, such as, but not limited to, a construction trailer and temporary sales office.
 - B. Such permit shall be issued for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding two (2) years.

- C. All temporary structures/buildings or uses shall comply with the provisions of this chapter.

SECTION 1205: Conditional Uses.

1. Applications for any conditional use permitted by this Ordinance will be made to the Zoning Officer at least fifteen (15) days prior to the next regularly scheduled meeting of the Liverpool Borough Planning Commission. The Zoning Officer shall refer such applications to the Liverpool Planning Commission and the Borough Engineer upon receipt.
2. The Planning Commission will review the application and submit its recommendations to the Borough Council for approval or denial. Recommendations made will be based on, but not limited to, the following standards and criteria:
 - A. Compatibility – The proposed use will be reviewed as to its relationship to and effect upon surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation of air.
 - B. Purpose – Review the intended purpose of proposed use as it relates to the Borough’s development objectives established in the Comprehensive Plan of the Borough of Liverpool.
 - C. Suitability – The nature of activity and population served, numbers of participating population served, numbers of participating population, frequency of use, adequacy of space and special requirements, potential generation and impact of congestion will be reviewed as suitably related to the proposed location of potential use.
 - D. Accessibility – Ingress and egress to the site of the proposed use, circulation and movement of the pedestrian and vehicular traffic, parking requirements and accessibility to the existing and proposed Borough highway system will be reviewed.
 - E. Serviceability – Review will be made as to the adequacy and availability of the utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal and the ability of the Borough to supply such services.

- F. Applicability – The proposed use will be reviewed as to its application to and coordination with the planning policies of the Borough and its Comprehensive Plan and plans for land use, highways, schools, parks, sewers, water distribution and population growth.
3. A Nursing Home, when allowed in a district as conditional use, shall be permitted only when it meets the following conditions and criteria:
- A. Minimum lot size shall be 1.5 acres.
 - B. Minimum lot area per resident shall be five hundred (500) square feet.
 - C. The maximum allowable impervious coverage shall be seventy percent (70%).
 - D. The use shall provide a minimum of fifteen percent (15%) of the site suitable and developed for passive recreation. This area shall include an outdoor sitting area and pedestrian or wheelchair pathways.
 - E. Parking shall be provided in accordance with Article IX of this Ordinance, however, all parking areas shall be constructed with an impervious surface and there shall be one (1) parking space for each three (3) beds and one (1) space for each employee on maximum shift.
 - F. Lot width shall be not less than eighty (80) feet as the building setback line.
 - G. Each lot shall have a front side and rear yard of not less than the following:
 - i. Front yard depth – thirty (30) feet.
 - ii. Side yard width – twenty-five (25) feet combined with a minimum of ten (10) feet on one (1) side.
 - iii. Rear yard depth – thirty (30) feet.
 - H. In addition to the above described required yards, a buffer yard and screening shall be required in all side and rear yards which about an R-1 District and shall meet the following requirements:
 - i. The buffer yard shall be at least fifty (50) feet in width.

- ii. In all buffer yards, the exterior twenty-five (25) foot width shall consist of screening and shall be kept clear of all debris, rubbish, weeds and tall grass.
- iii. No structure or storage of material shall be permitted in the buffer yard, however, parking of passenger automobiles shall be permitted in the portion of the buffer yard exclusive of the exterior twenty-five (25) foot width.
- iv. Screening shall be a barrier to visibility, air burn particles, glare and noise and shall be composed entirely of trees, shrubs or other plant materials and shall meet the following requirements:
 - a. Plant materials used in screen planting shall be at least four (4) feet in height when planted and of such species as will produce, within two (2) years, a complete visual screen of at least eight (8) feet in height.
 - b. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within three (3) months or as soon as weather permits.
 - c. The screen planting shall be so placed that at maturity it will not be closer than three (3) feet from any street or property line.
 - d. A clear-site triangle shall be maintained at all street intersections and where private access ways intersect public streets.
 - e. The screen planting shall be broken only at points of vehicular or pedestrian access.
- I. No building shall be erected to a height in excess of twenty-five (25) feet.
- J. All other district requirements must be met.

SECTION 1206: Fees. All fees for hearings, permits, applications, statements or the like shall be established by Resolution of Borough Council.

SECTION 1207: Permit Administration.

1. It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following:
 - A. Verify ownership or applicant's authority as agent of the owner.
 - B. Verify water and sewer hookup fees are paid and if a Street Disturbance Permit is needed.
 - C. Issue Building Permit package.
 - D. Establish setbacks and see that they are adhered to.
 - E. Issue Land Disturbance Permit.
 - F. Upon completion, reconcile the Street Disturbance Permit; verify receipt of the Certificate of Compliance.
 - G. Issue Certificate of Occupancy & Use issued no more than fifteen (15) business days after the receipt of the Certificate of Compliance from the Building Inspector.
 - H. To establish a relationship with the PCCOG as stated in Liverpool Borough Ordinance 02-2003.

SECTION 1208: Certificate of Occupancy & Use.

1. A Certificate of Use shall be a statement issued by the Zoning Officer, or his duly appointed representative, setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance, or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.
2. No vacant land shall be occupied or used, and no structure or part of a structure, hereafter structurally altered or changed in use shall be occupied or used, until a Certificate of Use shall have been regularly issued therefore by the Zoning Officer, or his duly appointed representative.
3. A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for, coincident with the application, for a building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part shall have been completed in conformity with provisions of this Ordinance.

4. A Certificate of Use for the use or occupancy of vacant land or for a change in the use of the land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used, or such land or building changed in use, and the Certificate shall be issued within fifteen (15) days after the application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.
5. A Certificate of Use for changing or extending a nonconforming use, existing at the time of passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.
6. A record of all Certificates of Use shall be kept on file in the Office of the Zoning Officer, or his duly appointed representative, and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

SECTION 1209: Enforcement Notice.

1. If it appears to the municipality that a violation of any Zoning Ordinance enacted under this act or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
2. The enforcement notice shall be sent to the owner of 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 or records.
3. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the municipality 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 the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in the 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 1210: Enforcement Remedies. 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 any ordinance enacted under this act or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or persons will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time of action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

SECTION 1211: Jurisdiction. Magisterial District Judges shall have initial jurisdiction over proceedings brought under Section 1212.

SECTION 1212: Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of the Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than five hundred (\$500.00) dollars plus all Court costs, including reasonable attorney's fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the municipality 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 Magisterial District Judge determining that there has been a violation further determines that

there was good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected or the violation of the zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem find pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this Section.

SECTION 1213: Appeals. An appeal or application for a variance from the terms of this Ordinance may be filed with the Zoning Officer, or his duly appointed representative, and shall state:

1. The name and address of the applicant.
2. The name and address of the owner of the real estate to be affected by such proposed change.
3. A brief description of the location of the real estate to be affected by such proposed change.
4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
5. A statement of the section of this Ordinance or the Flood Plain Management Ordinance under which the variance may be allowed and the reasons why it should be granted.
6. A reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for the building permits, indicating the location and size of the lot, and size of the improvements now erected, and the proposed to be erected thereon.

SECTION 1214: Validity. Should any section or provisions of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this Ordinance as a whole, or any part thereof.

SECTION 1215: Buildings In Mapped Streets, Watercourses or Other Public Grounds. For the purpose of preserving the integrity of the official map of the municipality, no permit shall be issued for any building within the lines of any street, watercourse or public ground shown or laid out on the official map. No person shall recover any damages for the taking for public use of any building or improvements constructed within the lines of any street, watercourse or public ground after the same shall have been included in the official map, and any such building or improvement shall be removed at the expense of the owner. However, when the property which the reserved location forms a part, cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the governing body for the grant of a special encroachment permit to build. Before granting any special encroachment permit authorized in this Section, the governing body may submit the application for a special encroachment permit to the local planning agency and allow the planning agency thirty (30) days for review and comment and shall give public notice and hold a public hearing at which all parties in interest shall have an opportunity to be heard. A refusal by the governing body to grant the special encroachment permit applied for, may be appealed by the applicant to the Zoning Hearing Board in the same manner, and within the same time limitation, as is provided in Article IX of the Municipalities Planning Code.

SECTION 1216: Validity of the Ordinance – Substantive Questions.

1. A land owner, who on substantive grounds, desires to challenge the validity or an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:
 - A. To the Zoning Hearing Board under Section 909.1(a) of the Municipalities Planning Code;
 - B. To the governing body under Section 909.1(b)(a) of the Municipalities Planning Code together with a request for curative amendment under Section 609.1 of the Code.
2. Persons aggrieved by a use for development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under Section 909.1(a)(1) of the Municipalities Planning Code.

3. The submissions referred to in Subsections above shall be governed by the following:
 - A. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment until Section 609.1 of the Municipalities Planning Code, his application to the governing body shall contain, in addition to the requirement of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use of development and a sufficient basis for evaluating the challenge ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.
 - B. If the submission made by the landowner to the governing body under Section 1.a., the request shall also be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects herein.
 - C. If the submission is made to the governing body, the municipal solicitor shall represent and advise it at the hearing or hearings referred to in Section 909.1(b)(4), of the Municipalities Planning Code.
 - D. The governing body may retain an independent attorney to represent the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.
 - E. Based upon the testimony presented at the hearing or hearings, the governing body or the Zoning Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the governing body is found to have merit, the governing body shall proceed as provided in Section 609.1 of the Municipalities Planning Code. In reaching its decision it may also consider:

- i. The impact of the proposal on roads, sewer facilities, water supplies, schools and other public service facilities;
 - ii. if the proposal is for residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
 - iii. the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
 - iv. 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
 - v. the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

- F. The governing body or the Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing.

- G. If the governing body or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in paragraph f, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.

- 4. The Zoning Hearing Board or governing body, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.

- 5. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the time when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.

6. The challenge shall be deemed denied when:
- A. The Zoning Hearing Board or the governing body, as the case may be, fails to commence the hearing within the limits set forth in Subsection 4;
 - B. The governing body notifies the landowner that it will not adopt the curative amendment;
 - C. The governing body adopts another curative amendment which is unacceptable to the landowner; or
 - D. The Zoning Hearing Board or governing body, as the case may be, fails to act on the request forty-five (45) days after the close of the last hearing on the request unless the time is extended by mutual consent by the landowner and municipality.

SECTION 1217: Repealer. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

BOROUGH OF LIVERPOOL

By _____
President

ATTEST:

Secretary
(Seal)

Approved this _____ day of _____, 2014.

Mayor