



ZONING ORDINANCE

Geistown Borough

April 13, 2022

BOROUGH OF GEISTOWN

ZONING ORDINANCE

ORDINANCE No. 541

**Geistown Borough, Cambria County,
Pennsylvania**

**Adopted at a Public Meeting Held on
April 13, 2022**

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**ARTICLE I
ZONING PRELIMINARIES AND CONTEXT**

Section 101 Enactment

It is hereby ordained and enacted by the Council of Geistown Borough, Cambria County, Pennsylvania that, from and after the approval of this Ordinance, the classes of Districts specified herein shall be and have been established, and the regulations herein shall be in full force and effect. It is the intention of this Ordinance, or any amendments or supplements thereto, to furnish a complete and exclusive system of zoning regulations for Geistown Borough.

Section 102 Short Title

This Ordinance shall be known and may be cited as the "Geistown Borough Zoning Ordinance". The accompanying map is hereby declared to be part of this Ordinance and shall be known and may be cited as the "Geistown Borough Official Zoning Map" hereinafter referred to as the "Zoning Map".

Section 103 Ordaining Clause

Enactment by the Borough Council of the Borough of Geistown, County of Cambria, is by the authority of and pursuant to the provisions of Articles VI through X-A of Act #247 of 1968, P.L. 805, as reenacted and amended by the Pennsylvania General Assembly, known and cited as the Pennsylvania Municipalities Planning Code (MPC).

Section 104 Validity, Severability and Constitutional Construction

The provisions of this Ordinance shall be severable and should any sentence, clause, section or provision of this Ordinance be declared invalid, illegal or unconstitutional, the validity of any remaining sentences, clauses, sections or provisions shall not be declared invalid, illegal or unconstitutional. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentences, clauses, sections or provisions thereof not have been included herein. Where a section or provision is found to be invalid or unconstitutional the section or provision that enacts the higher standard for the protection of health, safety, and welfare shall prevail.

Section 105 Purpose and Community Development Objectives

This Ordinance has been prepared to reflect the following policy goals of the Borough with respect to land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; the need for protecting land and natural resources and other relevant factors:

- A. To protect and promote the health, safety, and welfare of the residents of the Borough of Geistown and the public in general.
- B. To promote, protect, and facilitate community development, population density, civil defense, adequate light and air, public safety services, transportation and access, water supply, sanitary sewer service, stormwater management, educational facilities, recreational facilities, and other public improvements.
- C. To encourage orderly growth, development, and revitalization in accordance with the character of the community, without resulting in land use conflicts among the various permitted and approved uses.
- D. To carefully plan and control the development of the little remaining vacant areas within the Borough.
- E. To maintain the integrity and value of the existing residential sections of the Borough, while facilitating a no-impact remote working environment for residents, and to minimize the intrusion and impacts of any non-residential development on residential areas.
- F. To encourage the revitalization of earlier developed sections of the Borough.
- G. To provide for low-intensity residential, commercial, light manufacturing and service uses, given the compact size and existing development pattern of the Borough.
- H. To encourage the best and most appropriate use of land and structures throughout the Borough by means of zoning districts and regulations.
- I. To provide for the gradual elimination of those uses of land and structures not in conformance with the requirements of the district in which they are located.
- J. To prevent the overcrowding of land, blight, traffic congestion, and traffic conflicts.
- K. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
- L. To implement measures consistent with the *Cambria County Comprehensive Plan* as well as allied regional and county transportation and economic development plans.

Section 106 Municipal Self-Exemption Clause

Municipal actions carried out for municipal public purposes authorized by Borough Council may be exempt from the provisions of this Ordinance.

Section 107 Relation to State Law

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, such laws shall control where their requirements are in excess of this Ordinance. The Ordinance shall control in all cases where the State requirements are less than herein contained.

Section 108 Disclaimer of Liability

- A. This Ordinance shall not create liability on the part of the Borough of Geistown or any officer or employee thereof for any fire or flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- B. With regard to the floodplain management provisions of this Ordinance, the degree of flood protection sought by these provisions is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages.
- C. Access to a public system (i.e., water or sewerage systems), when stipulated by this ordinance, cannot be guaranteed by the Municipality. The conditions and terms of access shall be set by the receiving authority or utility company.

Section 109 Exemptions for Certain Utilities

In accordance with Section 619 of the MPC the requirements of this Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

ARTICLE II DEFINITIONS

Section 201 General Interpretation

For the purposes of this Ordinance, the terms and words listed shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary.

- A. Words in the present tense include the future tense.
- B. Words in the singular case include the plural and words in the plural case include the singular.
- C. The word "person" includes an individual, a profit or non-profit association or corporation, company, firm, trust, estate, partnership, governmental unit, public utility, or other legal entity recognized by law as subject of rights and duties.
- D. The word "shall" is always mandatory and the word "may" is permissive.
- E. The word "lot" includes "plot", "piece" or "parcel", and the word "building" includes all other "structures" and vice versa.
- F. The words "used" and "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", "maintained" or "designed" to be used to be occupied, or offered for occupancy."
- G. The term "such as" shall be considered as introducing a typical, or illustrative, designation of items, and shall not be interpreted as constituting a complete list.
- H. The particular shall control the general, and in case of any difference of meaning or implications between the text of this Ordinance and any caption or illustration, the text shall control.

Section 202 Definitions

Abandoned: Unless otherwise defined herein, the relinquishment of a property, the cessation of the use by the property by the owner, with neither of transferring rights of the property to another owner nor of resuming the use of the property.

Accessory Building or Use: A building or use customarily incidental or subordinate to the principal building or use and located on the same lot with the principal building or use. Accessory buildings and uses are further described in Section 1003.

Accessory Residential Use Addition: An accessory dwelling unit physically connected to and on a lot of record containing an existing principal single-family residential dwelling, under the ownership of the principal owner of record, containing

habitable living space for a family member or members, with no separate main entrance and using the same US Postal Service address as the existing principal single-family unit. The addition must meet all dimensional requirements of the Zoning District in which it is located.

Alley: A public or private service way of at least fourteen (14) feet in width, and/or as laid out on a recorded site plan or official tax map, providing secondary access to abutting properties, which shall be kept open and unobstructed at all times.

Alterations: As applied to a building, a change or rearrangement in sections or parts of a building or in the existing facilities within a building, as further refined below:

- A. **Alterations, Structural:** Any alteration involving the change in height, footprint, and/or supporting members of a building, such as load-bearing walls, columns, beams, girders or foundations.
- B. **Alterations, Non-structural:** Any alteration not meeting the Structural Alteration definition above.

Apartment: A self-contained dwelling unit consisting of one or more rooms with a private bathroom and kitchen facilities in a building containing two (2) or more separate dwelling units.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including heirs, successors and assigns.

Application for Development: An application, required to be filed and approved by the Borough prior to start of construction or development, including applications such as for a Zoning Permit, a Building Permit, a Subdivision plat, and a land development plan.

Automotive Repair Facility: A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance. For the purpose of this ordinance Automobile Repair Facilities are classified as Retail Services.

Automobile, Truck and other Vehicular Sales: The use of any building, land area, or other premises for the display and sale of new or used automobiles, vans, trucks, trailers, motorcycles, recreational vehicles, and similar vehicles, including warranty and other repair work conducted within an enclosed building.

Automobile, Truck and other Vehicular Service: The use of any building, land area, or other premises for the retail dispensing or sales of vehicular fuels out-of-doors, provision for electric vehicle charging facilities, and the sale and installation of lubricants, tires, batteries and similar accessories when conducted in an enclosed building.

Awning: A roof-like cover that may be temporary or permanent in nature that projects from the wall of a building shielding a doorway or window from the elements.

Basement: Any area of a building having its floor below ground level on all sides. A basement shall not be considered in determining the permissible number of stories.

Base Flood Elevation: The elevation shown on the Flood Insurance Rate Map for the AE Zone, and other Zones for which base flood elevations have been provided, that indicates the water surface elevation resulting from a flood that has a one (1) percent or greater chance of being equaled or exceeded in any given year.

Bed and Breakfast Inn: A non-restaurant short-term transient lodging allowed in a residence that provides pre-arranged meals only to a limited number of lodgers, as qualified persons. It must be owner-occupied, with a minimum of signs, no special non-residential external appearance, with off-street parking required on the site screened from neighbors. Lodgers are limited to a 14 day stay to avoid becoming multi-family rental dwellings.

Billboard: Structure, building wall or other outdoor surface used to display lettered, pictured, sculptured or other matter which directs attention to any product, commodity or service offered only elsewhere other than that on the premises or as a minor or incidental service on the premises, A Billboard must be at least sixty (60) square feet in dimension and shall not exceed more than one hundred twenty (120) square feet in dimension.

Block (noun): A unit of land bounded by streets, or by a combination of streets and public land, waterways, or other barrier to the continuity of development.

Board: The Zoning Hearing Board of the Borough of Geistown.

Building Permit: A permit issued by the Borough or its officially designated 3rd Party agency acting as the Building Code Official (BCO) as per the Pennsylvania Unified Construction Code (UCC) program, implementing the requisite application intake, review, inspection and permit issuance measures, subsequent to the issuance of a Zoning Permit under this Ordinance.

Building or Setback Line: A line established within a property, usually parallel to the property and/or right-of-way line, beyond which a structure may not extend. The term structure implies the footprint of the building, including sun parlors/porches and enclosed or unenclosed porches, but does not apply to uncovered entrance platforms, ramps, terraces and steps.

- A. **Front Building or Setback Line:** The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot and/or right-of-way line.
- B. **Rear Building or Setback Line:** The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot and/or right-of-way line.
- C. **Side Building or Setback Line:** The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot and/or right-of-way line.

Carport: A covered motor vehicle parking structure accessory to a single or duplex dwelling unit that cannot exceed 1,000 square feet in area or one story in height and must be entirely open on two or more sides except for structural supports. There can be no enclosed use above a carport.

Child Care Center: The premises in which care is provided at any one time for seven or more children unrelated to the operator.

Clubs, Lodges and Fraternal Organization: A nonprofit association of persons who are bonafide members paying dues on an annual or other regular basis, with the use of premises being restricted to members and their guests, and any facilities used for civic, cultural, educational, social, or recreational purposes for members and their guests. The serving of food and meals on such premises is permissible providing adequate dining room space and kitchen facilities are available, and the serving of alcoholic beverages to members and their guests shall be allowed, both provided it is in compliance with the applicable federal, state, and municipal laws, permits and regulations.

Collocate or Collocation (for Small Wireless Facilities Deployment): To install, mount, maintain, modify or replace small wireless facilities on an existing utility pole or other wireless support structure.

Commercial: A range of economic activities encompassing an occupation, employment or enterprise carried on for profit by the owner, lessee, or licensee, involving a sale of retail goods, dining and related hospitality goods and services, amusement and entertainment activities, or the provision of personal or business services.

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

Conditional Use: A use reviewable and potentially permitted in a particular zoning district pursuant to the provisions in MPC Article VI, requiring review and approval of Borough Council in accordance with Subsection 1312 of this Ordinance.

Conversion Apartment: An apartment resulting from the portioning of a former single-family residential unit or non-residential structure.

Coverage: That portion of a lot or parcel area covered by a structure.

Day Care Home: A home other than the child's own home, operated for profit or not-for-profit, in which child care is provided at any one time to no more than three (3) children unrelated to the owner.

Deck: A structure which is either freestanding or attached to a principal or accessory structure, constructed at grade or above grade, intended or designed for use as outdoor living space and unenclosed by solid or non-solid walls or a roof. Decks in excess of 30 inches above grade require a Zoning Permit and a Building Permit, while decks below 30 inches require only a Zoning Permit.

Deck Line: The intersection of two roof surfaces of a mansard roof forming the highest horizontal line of the steeper roof.

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Development Plan: The provisions for development including planned residential development; a plat of subdivision; covenants/provisions related to use, location, and bulk of structures; intensity of use or density of development; streets, walkways, and parking facilities; public/community infrastructure and facilities; and open and recreational space.

Dwelling: A structure designed or used exclusively for human habitation as living quarters for one or more families/households, comprised of separate living quarters consisting of cooking, sleeping and sanitary/comfort facilities within each dwelling unit for the exclusive use of a single family/household. Such dwelling shall be constructed, attached, or fabricated permanently in place on a foundation, and shall meet area, dimensional and density requirements of the respective zoning district. Dwelling unit density is further defined as follows:

- A. **One-Family Dwelling:** A detached structure designed to be occupied exclusively by one family or household as a permanent personal residence.
- B. **Two-Family Dwelling:** A structure on a single lot containing two (2) dwelling units, each of which is separate and independent from each other to be occupied exclusively by one family or household as a permanent personal residence, with separate dwelling unit entrances.
- C. **Multiple-family/Multi-family Dwelling:** A dwelling or group of dwellings on one plot or lot containing separate dwelling units or quarters for three or more families or households, but which may have joint services and/or facilities.

Family Based Group Home: Is a public agency licensed, supervised, or operated facility which provides resident service in a private residence to three (3) or fewer individuals who are not related to the resident householder. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided 24-hour service and supervision in accordance with their individual needs. This category

includes group homes for physically, mentally or developmentally challenged persons. This category does not include day care centers, foster care homes, nursing homes, hospitals, halfway houses, or correctional facilities.

Family Child Care Home: A home other than the child's own home, operated for profit or not-for-profit, in which child care is provided at any one time to four, five or six children unrelated to the operator.

Fence: A structure that permanently or temporarily serves as a visual or travel barrier between properties or portions of properties, or between street or public rights-of-way and a property. This structure may be constructed of wood, metal, brick, vinyl, or similar material.

- A. **Fence, Closed:** A solid fence with 0% - 20% open area, including gates, effectively screening the activities conducted on a property from adjacent properties and rights-of-way.
- B. **Fence, Open:** A fence with greater than 20% open area, including gates, including but not limited to split rail fence.

Floodplain: A relatively flat or low land area that is subject to partial or complete inundation from an adjoining or nearby stream, river or other watercourse, and/or any area subject to unusual and rapid accumulations of surface waters from any source, subject to further definition, identification and requirements in this Ordinance and in the Geistown Borough Floodplain Regulation Ordinance.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, subject to further definition, identification and requirements in this Ordinance and in the Geistown Borough Floodplain Regulation Ordinance.

Floor Area: The sum of the total horizontal areas of the building of all floors of a structure sustaining a particular use, measured from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings or uses, excluding interior parking spaces, loading space for motor vehicles, and any space where the floor-to-ceiling height is less than seven and one-half (7 ½) feet and any interior parking/garage/loading space.

- A. **Parking Inclusions:** Parking and loading space calculations as per Sections 1012 and 1013 shall include areas for display of commercial goods/products for view by customers, office space, penthouses, interior balconies/mezzanines, enclosed porches and accessory use areas, other than for off-street parking.
- B. **Parking Exclusions:** Parking and loading space calculations as per Sections 1012 and 1013 shall not include basement/cellar space, lobbies, hallways, elevator shafts, stairwells/steps, warehouse/storage space, mechanical equipment space, terraces, breezeways, open/unenclosed spaces, and dressing/fitting rooms.

Forestry: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

Garage, Private Residential: An accessory structure intended for and used for the storage of the private motor vehicles owned and operated by the residents of the premises or by individuals residing in the immediate vicinity of the private garage, and for no more than one (1) commercial vehicle owned and operated by the residents of the premises.

Governing Body: The elected Borough Council of Geistown Borough.

Greenhouse, Private Domestic: An accessory use structure with walls and roof made chiefly of transparent material, such as glass, in which plants requiring regulated climatic conditions are grown for use by the residents of the principal structure.

Group Child Care Home: A group care home is a facility in which seven to 12 children unrelated to the operator receive child care services.

Group Care Facility: Is a public agency licensed, supervised, or operated facility which provides resident services to four (4) or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided 24-hour services to meet their needs. This category includes group homes (all ages), halfway houses, resident schools, resident facilities, and boarding homes, personal care homes and assisting living arrangements. This category does not include day care centers, family-based group homes, foster homes, nursing homes, hospitals, or correctional facilities.

Habitable Living Space: An area within a building, typically a residential occupancy, used for living, sleeping, eating or cooking purposes, excluding bathrooms, closets, hallways, laundry rooms, storage rooms, utility rooms, and exterior accessory structures.

Hearing: An administrative proceeding conducted by the Zoning Hearing Board or Borough Council, associated with respective powers and responsibilities delineated in this Ordinance, pursuant to MPC Section 909.1.

Height: The vertical measured distance from the finished grade level to the highest point of a structure, unless otherwise denoted in this Ordinance.

Home Occupation: A permitted professional or service occupation conducted entirely within the principle dwelling or accessory structure, other than a No-Impact Home-Based Businesses as defined in this Ordinance, which is clearly consistent and subordinate to the use of the premises for residential purposes. The use shall not require internal or external alterations, fixtures, facilities, and/or construction features

associated with the occupation not customary in dwellings and shall not create parking problems and traffic congestion in a residential area. The use is further subject to Signage (See Section 1102) and Supplementary Regulations (See Section 1019) in this Ordinance.

Hotel: A structure in which lodging is provided to the public, with or without meals, for compensation in which ingress and egress to and from rooms is via an inside lobby or office. A hotel may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally the public.

Land Development: Any of the following activities are included as land developments:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with Section 503 (1.1), MPC Article V.

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Living Fence: A planted visual barrier provided along a property line consisting of low-level shrubs, hedges, or similar landscape screening materials, but excluding deciduous trees.

Loading Area: A space within the main structure or on the same lot providing for the standing, loading, or unloading of vehicles.

Lot: A designated parcel, tract or area of land established by a plat, delineated on a tax map, or otherwise permitted by law and to be used, developed or built upon as a unit.

Lot Area: The computed area contained within the lot lines exclusive of any street rights-of-way but including the area of any easement.

Lot, Building Line: The line that bound the buildable area of a lot, including front, rear and side building lines.

Lot, Conforming: A lot occupied or unoccupied by a structure, fronting on a public street or a street in a plan of land subdivision, and having such area and open space

thereon as are required in this Ordinance for one of the uses permitted in the district in which it is located.

Lot, Corner: A lot abutting upon two or more streets or roads at their intersection or upon two parts of the same road and, in either case, forming an interior angle of less than one hundred thirty-five degrees.

Lot, Interior: A lot other than a corner lot.

Lot, Frontage: The length of the front lot line measured at the street right-of-way.

Lot, Non-conforming: 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.

Lot, Width: The distance between the side lot lines measured along the front building lines of the lot as determined by the prescribed front yard setback requirements.

Junk/Salvage Material: Any discarded material and shall include, but not be limited to, scrap metal; abandoned, inoperable and/or unlicensed motor vehicles; abandoned and/or inoperable machinery and equipment; post-consumer paper, glass and containers; and structures and/or structural components of buildings. It shall not include garbage kept in a proper container for the purpose of prompt collection and disposal.

Junk Yard or Salvage Yard: Any place where any junk as hereinafter defined is stored or disposed of.

Manufacturing, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding heavy industrial uses.

Manufacturing, Heavy: An industrial use involving the manufacture or refining of finished or semi-finished products from raw materials or minerals, typically for sale to other industrial users and not the end consumer.

Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Motel: A building or group of detached or attached buildings designed or used primarily for providing short-term sleeping accommodations for motor vehicle travelers or transients and having a parking space adjacent to a sleeping room. A motel may include a common eating/drinking facilities, meeting rooms and recreational facilities, and may be characterized such as auto courts, motor lodges, and motor inns.

Municipal Building: A structure owned and operated by the Borough of Geistown.

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

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stock piling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

Nit: A measurement of the brightness of light. One nit is equal to one candela (one candlepower) per square meter (1cd/m²).

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

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

Nursing Home: An institution for extended care of greater than three (3) aged or infirm persons, who are residents by virtue of requiring specialized care and supervision relating to health, social and/or rehabilitative services, but not for the care and treatment of alcoholism or narcotics addiction. The facility shall be licensed in accordance with appropriate State and/or County laws and regulations. A correctional/penal institution is specifically excluded from this definition.

Obstruction: Any structure, object, or landscaping that blocks, impedes, or hinders the line of sight at intersections of public streets and rights-of-way.

Parking Lot: A surfaced lot, parcel, or area of two or more parking spaces designed or used for the parking or storage of self-propelled vehicles and available to the public, whether for a fee or as an accommodation to clients or customers, not incidental to or in conjunction with a one- or two-family dwelling.

Parking Space: An area on a lot and/or within a building intended for the use of temporary parking of a personal vehicle, meeting the requirements of Section 1012 of this Ordinance, having a means of access to a public street or alley.

Patio, Covered: A patio structure covered with a roof with open or glazed walls that is used for recreational, dining or relaxation purposes associated with a dwelling unit. A covered patio must meet the setback requirements for the principal structure.

Patio, Open: An open area without walls or roof adjoining a dwelling, paved with concrete, pavers or similar materials adapted especially for outdoor dining, recreation and relaxation. An open patio may meet the setbacks noted, alternatively from those for the principal structure or covered patios, except that if an open patio is converted to a covered patio it shall meet the setbacks for a covered patio.

Permitted Use: A use allowed within a zoning district subject to any specified restrictions therein, which does not require special action by the Zoning Hearing Board or by the Borough Council before a zoning permit is granted by the Zoning Officer.

Physical Expansion: The increase in the square footage devoted to a given use without a change in the footprint, height or roofline of a structure.

Porch: An outdoor structure with a roof that may be open or closed at the sides, and is attached to or projects from the principal structure but contains no habitable living space.

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.

Planning Commission: The Planning Commission of Geistown Borough, unless identified otherwise in this Ordinance.

Plat: A preliminary or final map, plan or layout of a subdivision or land development.

Pool House: An accessory use structure designed to enhance the poolside experience by minimizing the need to enter the actual house during pool time.

Principal Use: The main purpose or use of land or structure for which it is designed, arranged or intended or for which it is occupied or maintained, as distinguished from a secondary or accessory use.

Public Building: Any building or structure erected, altered and/or occupied by a governmental or public agency or organization providing services and facilities for the general public.

Public Hearing: A formal meeting held pursuant to public notice by the governing body, zoning hearing board, or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Municipalities Planning Code and this Ordinance.

Public Meeting: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in Geistown Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Public Park: A passive or active recreational facility owned and operated by the Borough, the public educational system, or a public or quasi-public organization or agency specifically designated by the Borough to provide recreational services open to the public.

Remodel: To update or improve a structure or sign by rebuilding or making over with new materials on the existing foundation and/or footprint of the structure or sign.

Residential Unit: Any dwelling unit or structure built in accordance with the use, dimensional and permitting requirements of this Ordinance and attached to or built on a permanent foundation.

Retail: A type of commercial business involving the selling of goods and merchandise to the general public for personal, business or household use and rendering services incidental to the sale of such goods.

Restaurant, Fast-Food: An eating establishment characterized as providing quick service of hot or cold food offering no or a minimal degree of table service.

Restaurant, Drive-Through: An establishment offering in-premises dining for patrons in tables, booths and/or stools, and/or on a take-out basis either in-establishment or via drive-through facilities.

Restaurant, Food Trucks: An eating establishment consisting of a self-propelled vehicle or hauled trailer or cart on wheels equipped to cook and sell food, primarily for off-premises consumption.

Restaurant, Sit-down: An establishment offering in-premises dining for patrons in tables, booths and/or stools, and/or on a take-out basis in-establishment without drive-through facilities.

Right-of-Way (for Small Wireless Facilities Deployment): The area on, below or above a public roadway, highway, street, sidewalk, alley, utility easement or similar property.

Right-of-Way (for all uses/interpretations other than Small Wireless Facilities Deployment): A strip of land as depicted on a property survey, plat, and/or official tax map, acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied by or reserved for a road or other property access, public walkway, utility facilities, and similar uses.

Self-Service Storage: A warehousing facility where separate storage spaces of varying size are available for lease or rental, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy or nor commercial sales conducted from such storage areas.

Setback: The required specified horizontal distance between the building line and the related front or rear property line or right-of-way line, or the vertical distance between the building line and the related side property line or right-of-way line, whichever is closer to the building line.

Setback, Horizontal (Front) Extension: A calculation of a front yard setback based on the actual setback of the front building line of the existing principal structure from the front property line or right-of-way line, whichever is closer to the building line used.

Setback, Vertical (Side) Extension: A calculation of a side yard setback based on the actual setback of the side building line of the existing principal structure from the side property line or right-of-way line, whichever is closer to the building line used.

Shed: An accessory use structure used as a storage shed or workshop with a maximum size of 160 square feet, built in accordance with the use, dimensional and permitting requirements of this Ordinance.

Short-Term Rentals: The renting out of a furnished one- or two-family home having five (5) or fewer guest rooms otherwise used as a principal residential use on the subject property by an owner/occupant of record, for a short-term business or vacation stay by the day, week or period up to a thirty (30) consecutive day rental period. Marketing may be via Airbnb, FlipKey, Vacation Rentals By Owner (VRBO), or other service providers, or individually by the owner of record.

Sign: Any surface, fabric, or device bearing letter, pictorial, sculptured, or other matter designed to convey information visually and exposed to the public view; any structure or device designed or installed principally to carry the above information as a means of directing or attracting attention, except traffic signs and devices.

Sign Area: A calculation in square feet including the advertising surface/copy, framing, trim and molding, but not the supporting structure.

Signage, Major Classifications

- A. **Off-Premises Billboard:** A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises or land on which the sign is located. The off-premises billboard shall meet the dimensional, procedural and other applicable requirements of this Ordinance.
- B. **On-Premises:** A sign that directs attention to a business, activity or profession conducted, or to a commodity or service sold, offered or manufactured or to an entertainment event offered on the premises where the sign is located.

Signage, Types

- A. **Abandoned:** Signs as denoted in Section 1101 F. 7. of this Ordinance
- B. **Animated:** A sign depicting action, motion, or light or color changes through electrical or mechanical means.
- C. **Awning:** A sign painted on or attached to a removable frame, of the hinged, rolled or folding type, that may have a covering, either combustible or noncombustible
- D. **Business:** An on-premises sign that directs attention to a business, profession, service or industry where the sign is displayed, to the types of products sold, manufactured or assembled and/or services or entertainment offered on said premises.
- E. **Canopy:** Any sign that is part of, or attached to a canopy.
- F. **Digital:** Digital signage is a form of electronic signage utilizing technologies such as light-emitting diode (LED), liquid-crystal display (LCD), Electronic Paper Display (EPD), projection, and/or other similar technologies to display digital images, video, data, or text.
- G. **Flashing:** Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any electrical, mechanical, or other means.
- H. **Home Occupation:** A non-movable sign identifying a home occupation permitted in conformance with the requirements of this Ordinance, not to exceed 1 square foot.
- I. **Moveable -** A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.
- J. **Multi-Tenant:** A directory on-premises sign used to identify specific enterprises that are located within a multiple-tenant commercial, industrial, business or office center.

- K. Nameplate: A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service, not to exceed 1 square foot.
- L. Permanent: A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.
- M. Pole/Freestanding: Any non-movable sign on a standard not affixed to a building.
- N. Projecting: A sign other than a wall sign that is attached to and projects perpendicularly from a face or wall of a building, or from a structure whose primary purpose is other than the support of the sign.
- O. Roof: A building-mounted sign erected upon, against, or over the roof of a building.
- P. Sandwich Board/A-Frame: A portable sign having changeable letters or sign face that may have up to two (2) sign areas for temporary placement on a sidewalk or other frontage.
- Q. Temporary: A legal non-permanent sign in conformance with the requirements of this ordinance
- R. Wall/Façade: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and does not project more than ten (10) inches from such building or structure.
- S. Window: A sign mounted in a window viewable to the public outside of the building.

Small Wireless Facility (for Small Wireless Facilities Deployment): The equipment and network components, including antennas, transmitters and receivers, used by a wireless provider that meet the following qualifications:

- A. Each antenna associated with the deployment is no more than three cubic feet in volume.
- B. The volume of all other equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet.
- C. Any equipment used solely for the concealment of the small wireless facility shall not be included in the calculation of equipment volume under this paragraph.

Special Exception: A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code, and in conformance with the requirements and procedures in this Ordinance.

Street: A public way formally approved and accepted by Borough Council for vehicular and pedestrian traffic, designated as a street, highway, avenue, drive, lane or way, but not including an alley.

Structure: Anything constructed or erected having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Structural Alteration/Change: Construction, reconstruction and/or rehabilitation activities that change the footprint, height and/or roofline of an existing structure.

Studio/Efficiency Apartment Unit: A self-contained apartment in which the normal functions of a number of rooms, including the living room, bedroom, dining room and

kitchen are combined into a single room. A separate bathroom is provided, and separate utility, storage and laundry rooms/areas may also be provided.

Style: Relative to repair or modifications of existing signs and Billboards, as set forth in Section 1101 D.13., the type of sign or Billboard may not be changed from a paper/vinyl facade to an illuminated or internally lighted Billboard.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new streets or easements of access or any residential dwelling, shall be exempted.

Substantial Damage: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any construction, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. Furthermore, historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this or other Borough ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure.

Swimming Pool, Private: A constructed or installed tank, tub or artificial basin in the ground or one having a depth of two (2) or more feet above ground, intended to be used for swimming and water-based recreation by the property owner or tenant and their private guests without a fee being charged.

Variance: Zoning relief granted pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code, and in conformance with the requirements and procedures in this Ordinance.

Warehousing/Distributive Uses: Terminal facilities and buildings used for the storage of goods and materials and/or handling of freight with or without maintenance facilities.

Wireless Facility (for Small Wireless Facilities Deployment): Includes the following:
A. Equipment at a fixed location that enables wireless service between user equipment and a communications network, including any of the following:

1. Equipment associated with wireless services.
 2. Radio transceivers, antennas, coaxial or fiber optic cables, regular and backup power supplies or comparable equipment, regardless of technological configuration.
- B. The term includes a small wireless facility.
- C. The term does not include any of the following:
1. The structure or improvements on, under or within which the equipment is collocated.
 2. The coaxial or fiber optic cables that are not immediately adjacent to or directly associated with a particular antenna.

Yard: The open, unoccupied space on the plot between the property line and the front, rear and side building lines, as further described below:

- A. **Yard, Front:** An open space between the principal building or group of buildings and the front right-of-way/lot lines, unoccupied and unobstructed from the ground upward, extending the full width of the lot.
- B. **Yard, Rear:** An open space extending the full width of the lot between a principal building and the rear right-of-way/lot line, unoccupied and unobstructed from the ground upward, extending the full width of the lot.
- C. **Yard, Side:** An open space extending from the front yard to the rear yard between a principal building and the nearest side right-of-way/lot line, unoccupied and unobstructed from the ground upward.

Zoning Certification: A zoning permit (a) for commercial, office, institutional and light manufacturing uses, which certifies that a proposed use and/or change in use of land and/or buildings is in conformity with the use, signage and parking requirements under this Ordinance for the District in which it is located, (b) for home occupations as promulgated under this Ordinance; (c) to formally register a pre-existing nonconforming use; and (d) for new one- and two-family residential units and all multi-family units upon completion of the construction work outlined in the respective Zoning Permit (*NOTE: Prior to 2020 known as Geistown Borough Certificate of Use and Occupancy*).

Zoning Appeal: An action requested of the appropriate authority under the requirements of this ordinance by a landowner and/or persons aggrieved by the determination of the Zoning Officer and/or other appropriate agency or authority acting under the requirements of this ordinance.

Zoning Hearing Board: A multi-member board appointed by Borough Council to hear challenges and appeals under Section 909.1(a) of the MPC, and in conformance with the requirements and procedures in this Ordinance.

Zoning Permit: A permit stating that the purpose for which a structure erection, construction, addition, relocation or structural alteration activity, fence, swimming pool, and/or land use is in conformity with the uses permitted, dimensional requirements and all other requirements under this Ordinance for the District in which it is located.

**ARTICLE III
ESTABLISHMENT OF CONTROLS AND DISTRICTS**

Section 301 Minimum and Uniform Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land unless the regulations specify or differentiate otherwise.

Section 302 Uses and Structures

- A. For New Uses and Structures: In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.
- B. For Existing Uses and Structures: In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of Article XII.

Section 303 Types of Controls

The following minimum and uniform regulations shall apply as noted in the respective districts:

- A. Use regulations, including Permitted, Accessory, Special Exception, and Conditional Uses (Reserved);
- B. Density and Height Regulations and Minimum Areas and Dimensions, including maximum building height; minimum lot areas and width; density; maximum building coverage; off-street parking; and minimum front, side, and rear yard setbacks in those districts in which they apply;
- C. Special requirements for overlay Floodplain and Airport zoning above and beyond the requirements of the underlying zoning districts; and
- D. Supplemental regulations for Accessory Structures; Home Occupations; Nonconforming Lots, Structures, Buildings, and Uses; Off-street Parking and Loading; Screening and buffering; Signs; and other unique conditions.

Section 304 Establishment of Zoning Districts

For the purposes of carrying out the Zoning Ordinance, the Borough of Geistown is hereby divided into the following zoning districts:

Single-family Residential District	-	R-1 District
Two-family Residential District	-	R-2 District
Commercial District	-	C District
Commercial/Light Manufacturing District	-	C/M District
Flood Plain Overlay District	-	FP District
Airport Zoning Overlay District	-	AZ District

Articles V-VIX provide definitions, purposes and descriptions of each of the respective Districts as well as use and dimensional requirements.

Section 305 Zoning District Map

The Official Zoning Map is maintained by the Zoning Officer and is located in the Geistown Borough Office. The Zoning District Map attached to this Ordinance and/or on the Borough's web page are for informational purposes only. In the event of any discrepancy between these informational Zoning District maps and the Official Zoning Map, the Official Zoning Map in the Borough Office shall control.

Section 306 Interpretation of District Boundaries

- A. Where District boundaries are indicated as approximately following the centerlines of streets, highways, street lines, highway rights-of-way lines, alleys, or streams, such centerlines shall be construed to be such boundaries.
- B. Where District boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- C. Where District boundaries are so indicated that they approximately follow or are parallel to the centerlines of streets, highways, or rights-of-way of same, such district boundaries shall be construed to be parallel thereto and at such distance there from as indicated on the Zoning Map.
- D. Where District boundaries are so indicated that they approximately follow a stream or watercourse, such features shall be construed as the District boundaries.
- E. Where District boundaries are so indicated that they approximately follow the corporate boundaries of the Borough of Geistown, such municipal boundaries shall be construed as the District boundaries.
- F. Where a buffer is required to be planted and/or maintained between zoning districts, the boundary line shall be construed as that buffer.

- G. Where an existing lot of record appears to be split between zoning districts, development shall be controlled by the use and dimensional requirements of that zoning district where the specific area being developed is located, as demonstrated by documentation provided by the applicant. In this instance, if distinct legal lots can be created, a subdivision of land is required.

- H. If uncertainty exists as to the boundary of any District shown on the Official Zoning Map, the Zoning Officer shall determine the location of such boundary. Such determination may be appealed to the Zoning Hearing Board subject to the requirements of Article XIV.

ARTICLE IV GENERAL PROVISIONS AND REQUIREMENTS

Section 401 Conformance and Permits

No building or land shall, after the effective date of this Ordinance except for legally existing non-conforming uses, be used or occupied and no building or part thereof shall be erected, moved, or structurally altered unless in conformity with the regulations herein specified for the District in which it is located, and then only after applying for and securing all required Zoning and Building Permits and related Certifications as described in Article XIII, and any other permits required by other laws and ordinances.

Section 402 Construction or Alteration

No building shall hereafter be erected or altered to exceed the height to accommodate or house a greater number of households or families, to occupy a greater percentage of lot area, or to have a narrower or smaller yard area, side yard, or front yard than is herein specified for the District in which the building is located.

Section 403 Yard Setbacks

No part of a yard or other open space about any building required for the purpose of complying with yard setback provisions of this Ordinance shall be included as a part of a yard or open space required as a setback for another building.

Section 404 Substandard Dwellings

No structure shall be used or occupied as a dwelling if such structure is determined to be in need of such major structural repairs as to render it unsafe or unsanitary, or if the premises does not have connection with the public sanitary sewer and water systems or approved alternative sanitary sewer or water systems.

Section 405 Uses and Development Requiring Site Plan and/or Site Plan Approval

Section 1302 of this Ordinance delineates the requirements for and content of Zoning Permit applications, which are a prerequisite for Building Permits, as/if required, under the Uniform Construction Code. Submission, general content and submission requirements shall be in accordance with the following:

- A. Uses of Property and Structures for and by One and Two-Family Dwellings: The application for a Zoning Permit shall be submitted to, reviewed and acted on by the Zoning Officer, subject to the following:
 - 1. For all permanent improvements, such as new buildings, additions, sheds, pools, fences and decks, graphic depiction of the improvements shall be provided in relation to property lines, required setbacks and other dimensional requirements related to the specific proposed improvements.

2. It shall be the responsibility of the applicant to document the location of relevant property lines by means of a property survey, scale aerial photograph/map acceptable to the Zoning Officer, or documented monuments in place and visible resulting from a prior property survey.
 3. The application submission shall be in advance of the start of the project and allow the appropriate time for the review of the application in relation to requirements of this Ordinance and field visit by the Zoning Officer.
- B. Uses of Property and Structures other than for One and Two-Family Dwellings: In addition to the requirements in A. above, uses and structures other than for one- and two-family dwellings in all Zoning Districts shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this Ordinance, be in accordance with a Zoning Permit application and conforming to the content requirements as specified in Section 1302 C.
1. In addition, these Zoning Permit applications and/or appeals shall be reviewed by the Geistown Borough Planning Commission for advisory comments to the Zoning Officer. In considering any applications hereunder, the Planning Commission's review will include attention to traffic safety, convenience and movement; harmonious and beneficial relationship of buildings and uses on the site and in relation to contiguous properties; and overall development in a manner not detrimental to the public at large.
 2. Any advisory comments accepted by the Zoning Officer shall be shown on a revised Zoning Permit application and/or supporting documentation, and will be shared with the Zoning Hearing Board (Variances, Appeals and Special Exceptions), Borough Council (Conditional Uses) and/or other agencies with approval responsibilities as the application warrants.
 3. For Zoning Permits requiring Variances or Special Exceptions approved by the Zoning Hearing Board or Conditional Uses approved by Borough Council, the application and/or supporting documentation shall show any conditions as per those respective approvals.

Section 406 Public Utility Lines and Easements

An easement for the transportation, distribution, and control of water, natural gas, electricity, oil, cable television and telecommunications, or the collection of wastewater or stormwater, required to be located on a lot shall not be held to reduce yard dimensions for other buildings on a lot. A plan prepared and/or approved by the respective utility indicating the size, capacity, and location of all facilities shall be filed with the Borough prior to the installation or alteration of any utility within a street right-of-way or easement.

Section 407 Lots of Record Not Meeting Lot Area Requirements

A one-family dwelling may be erected upon a lot on an approved plan of record, which lot has insufficient area and dimensions to meet the lot area and setback requirements, provided said lot, on the effective date of this ordinance, was held under separate ownership from the adjoining lots or is a lot in a recorded plan which complies with all District regulations except lot area requirements. In these instances, front, side, and rear yards shall conform as closely as possible with the requirements of this Ordinance.

ARTICLE V RESIDENTIAL DISTRICTS

Section 501 R-1 One-Family Residential District

This District is intended to preserve for low-density residential development in the form of single-family dwelling units, and certain specified compatible non-residential uses. This District is characterized by larger lot sizes and low-density residential concentrations. Buildings may be erected and altered, and lots used for the following uses in accordance with the specified dimensional requirements.

A. Permitted Uses

1. One-family Detached Dwelling
2. Churches or similar Houses of Worship
3. Rectory, parsonage and similar faith-based residence
4. Cemetery
5. Municipal or Public Building
6. Public Park
7. Public school, or a private or parochial school having a curriculum similar to that of a public school
8. Home Occupation, as defined and regulated by this Ordinance
9. No-Impact Home-Based Business, as defined and regulated by this Ordinance
10. Forestry
11. Small Wireless Facilities (in Rights-of-Way for Small Wireless Facilities Deployment – See Section 1022)
12. Accessory uses customarily incidental to the above permitted uses

B. Accessory Uses

1. Private residential garages, carports and parking areas
2. Private, non-commercial gardens and greenhouses serving residents of the premises
3. Private swimming pools
4. Fences and walls
5. Decks and Patios
6. Storage sheds
7. Accessory Residential Use Addition
8. Other defined accessory uses meeting the R-1 use requirements

C. Special Exception Uses

1. Day Care Home
2. Funeral homes
3. Short-term Rental of Dwelling Unit
4. Bed and Breakfast Inn
5. Family Child Care Home
6. On-premises signs other than those specifically permitted in R-1 District as per Section 1102

7. Structural changes and/or physical expansion of a pre-existing non-conforming use

D. Conditional Uses

1. Planned Residential Developments

E. Maximum Height:

1. One-family dwelling – Thirty-five (35) feet or 2 ½ stories, whichever is less
2. Churches/Houses of Worship – Forty-five (45) feet for building and seventy-five (75) feet for steeples or towers
3. Other Permitted Uses/Special Exception Uses - Thirty-five (35) feet or 2 ½ stories, whichever is less

F. Minimum Lot Area:

1. One-family dwelling/Rectory and Parsonage – 9,000 square feet and a width at the building line of not less than seventy-five (75) feet
2. Schools – public/private/parochial
 - a. Elementary – five (5) acres plus one (1) acre for every one-hundred (100) students at design capacity
 - b. Secondary – Ten (10) acres plus one (1) acre for every one-hundred (100) students at design capacity
3. Other Permitted Uses – Two and one-half (2 ½) acres and a width a the building lot line of not less than two-hundred (200) feet

G. Yard Setbacks: Building construction, additions or alterations shall conform with the following minimum setbacks:

1. One-family detached dwellings, Accessory Residential and other Habitable Living Space:

Yard	Minimum Setback		
	R-1A	R-1B	R-1C
Lots with frontage in excess of 55 feet			
Front	32 ft. or (1) or (2)	24 ft. or (1) or (2)	30 ft. or (1) or (2)
Side abutting street (corner lot)	20 ft.	20 ft.	20 ft.
Side not abutting streets/all interior lots	15 ft.	15 ft.	15 ft.
Rear	25 ft.	25 ft.	25 ft.
Lots with frontage of 55 feet or less			
Front	32 ft. or (1) or (2)	24 ft. or (1) or (2)	30 ft. or (1) or (2)
Side abutting street (corner lot)	10 ft. (3)	10 ft. (3)	10 ft. (3)
Side not abutting streets/all interior lots	5 ft. (3)	5 ft. (3)	5 ft. (3)
Rear	25 ft.	25 ft.	25 ft.

- (1) For additions to existing structures – or Horizontal (Front) Extension of habitable living space of existing principal structure, whichever is greater
- (2) For new principal structures – or Horizontal (Front) Extension of habitable living space of existing principal structures on nearest adjacent parcels
- (3) or Vertical (Side) Extension, whichever is less

2. Other Accessory Structures and/or Non-Habitable Living Space:

Yard	Minimum Setback		
	R-1A	R-1B	R-1C
Attached Garage and/or Utility Rooms – Lots with frontage in excess of 55 feet			
Front	32 ft. or (1) or (2)	24 ft. or (1) or (2)	30 ft. or (1) or (2)
Side abutting street (corner lot)	20 ft.	20 ft.	20 ft.
Side not abutting streets/all interior lots	15 ft.	15 ft.	15 ft.
Rear	25 ft.	25 ft.	25 ft.
Attached Garage and/or Utility Rooms – Lots with frontage of 55 feet or less			
Front	32 ft. or (1) or (2)	24 ft. or (1) or (2)	30 ft. or (1) or (2)
Side abutting street (corner lot)	10 ft. (3)	10 ft. (3)	10 ft. (3)
Side not abutting streets/all interior lots	5 ft. (3)	5 ft. (3)	5 ft. (3)
Rear	25 ft.	25 ft.	25 ft.
Detached Garage and/or Carports – Lots with frontage in excess of 55 feet			
Front	32 ft. or (1) or (2)	24 ft. or (1) or (2)	30 ft. or (1) or (2)
Side abutting street (corner lot)	20 ft.	20 ft.	20 ft.
Side not abutting streets/all interior lots	15 ft.	15 ft.	15 ft.
Rear	10 ft.	10 ft.	10 ft.
Detached Garage and/or Carports – Lots with frontage of 55 feet or less			
Front	32 ft. or (1) or (2)	24 ft. or (1) or (2)	30 ft. or (1) or (2)
Side abutting street (corner lot)	10 ft.	10 ft.	10 ft.
Side not abutting streets/all interior lots	5 ft.	5 ft.	5 ft.
Rear	10 ft.	10 ft.	10 ft.
Storage Sheds - Lots with frontage in excess of 55 feet			
Front	Not Permitted		
Side abutting street (corner lot)	20 ft.	20 ft.	20 ft.
Side not abutting streets/all interior lots	15 ft.	15 ft.	15 ft.
Rear	10 ft.	10 ft.	10 ft.
Storage Sheds - Lots with frontage of 55 feet or less			
Front	Not Permitted		
Side abutting street (corner lot)	10 ft.	10 ft.	10 ft.
Side not abutting streets/all interior lots	5 ft.	5 ft.	5 ft.
Rear	10 ft.	10 ft.	10 ft.

- (1) For additions to existing structures – or Horizontal (Front) Extension of habitable living space of existing principal structure, whichever is greater
- (2) For new principal structures – or Horizontal (Front) Extension of habitable living space of existing principal structures on nearest adjacent parcels
- (3) Or Vertical (Side) Extension, whichever is less

3. Porches, Pools, Patios and Decks:

Yard	Minimum Setback		
	R-1A	R-1B	R-1C
Porches, Decks and Covered Patios – Lots with frontage in excess of 55 feet			
Front	32 ft. or (1)	24 ft. or (1)	30 ft. or (1)
Side abutting street (corner lot)	20 ft.	20 ft.	20 ft.
Side not abutting streets/all interior lots	15 ft.	15 ft.	15 ft.
Rear	25 ft.	25 ft.	25 ft.
Porches, Decks and Covered Patios – Lots with frontage of 55 feet or less			
Front	32 ft. or (1)	24 ft. or (1)	30 ft. or (1)
Side abutting street (corner lot)	10 ft.	10 ft.	10 ft.
Side not abutting streets/all interior lots	5 ft.	5 ft.	5 ft.
Rear	25 ft.	25 ft.	25 ft.
Open Patios (2) – Lots with frontage in excess of 55 feet (2)			
Front	32 ft. or (1)	24 ft. or (1)	30 ft. or (1)
Side abutting street (corner lot)	15 ft.	15 ft.	15 ft.
Side not abutting streets/all interior lots	10 ft.	10 ft.	10 ft.
Rear	10 ft.	10 ft.	10 ft.
Open Patios (2) – Lots with frontage of 55 feet or less (2)			
Front	32 ft. or (1)	24 ft. or (1)	30 ft. or (1)
Side abutting street (corner lot)	5 ft.	5 ft.	5 ft.
Side not abutting streets/all interior lots	5 ft.	5 ft.	5 ft.
Rear	10 ft.	10 ft.	10 ft.
Pools (3)			
Front	Same as for principal structure		
Side	10 feet		
Rear	10 feet		

- (1) Or the median setback of existing Porches, Decks, Open and/or Covered Patios of residential structures on the same block or the Horizontal (Front) Extension of same on nearest adjacent parcels
 (2) If an open patio is converted to a covered patio it shall meet the setbacks for a covered patio.
 (3) For pools with decks, the required setbacks apply to the combined pool/deck structure

4. Permitted Non-Residential Use Structures:

Yard	Minimum Setback		
	R-1A	R-1B	R-1C
All Lots			
Front	50 ft.		
Side abutting street (corner lot)	50 ft.		
Side not abutting streets/all interior lots	50 ft.		
Rear	25 ft.		

5. Fences, Walls and Living Fences: There are no setback requirements for fences, walls and living fences, however, the following is noted:
 - a. Fences, walls and living fences shall not be placed in public rights-of-way.
 - b. The property owner is ultimately responsible for siting and maintenance of fences, walls and living fences within their property lines.
 - c. Fences and walls require a Zoning Permit, while walls in excess of 4 feet in height also require a Building Permit.
 - d. Living fences do not require Zoning or Building permits but should be planted so that growth is accommodated within the subject property.

- H. Lot Coverage: All structures including accessory use structures shall cover no more than thirty percent (30%) of the lot.

- I. Dwelling Standards: Every one-story dwelling hereafter erected or altered shall have a total minimum floor area of not less than one-thousand (1,000) square feet. Every two-story dwelling shall have a minimum floor area of twelve-hundred (1,200) square feet.

- J. Off-Street Parking Facilities: Shall be provided as required under Article X, Section 1012.

Section 502 R-2 Two-Family Residential District

While this District is essentially a low-density residential district, provisions are made for moderate density residential development on appropriately sized lots, and certain specified compatible non-residential uses. Buildings may be erected and altered, and lots used for the following uses in accordance with the specified dimensional requirements.

A. Permitted Uses

1. Two-family Dwelling
2. Multi-family Dwelling
3. One-family Attached Dwelling
4. One-family Detached Dwelling
5. Conversion Apartment
6. Churches or similar Houses of Worship
7. Rectory, parsonage and similar faith-based residence
8. Cemetery
9. Municipal or Public Building
10. Public Park
11. Public school, or a private or parochial school having a curriculum similar to that of a public school
12. Home Occupation, as defined and regulated by this Ordinance
13. No-Impact Home-Based Business, as defined and regulated by this Ordinance
14. Forestry
15. Small Wireless Facilities (in Rights-of-Way for Small Wireless Facilities Deployment – See Section 1022)
16. Accessory uses customarily incidental to the above permitted uses

B. Accessory Uses

1. Private residential garages, carports and parking areas
2. Private, non-commercial gardens and greenhouses serving residents of the premises
3. Private swimming pools
4. Fences and walls
5. Decks and Patios
6. Storage sheds
7. Other defined accessory uses meeting the R-2 use requirements

C. Special Exception Uses

1. Day Care Home
2. Funeral homes
3. Nursing Home
4. Hospital
5. Short-term Rental of Dwelling Unit
6. Bed and Breakfast Inn
7. Family-Based Group Home
8. Family Child Care Home

9. On-premises signs other than those specifically permitted in R-2 District as per Section 1102
10. Structural changes and/or physical expansion of a pre-existing non-conforming use

D. Conditional Uses

1. Planned Residential Developments

E. Maximum Height:

1. Residential dwelling units – Thirty-five (35) feet or 2 ½ stories, whichever is less
2. Churches/Houses of Worship – Forty-five (45) feet for building and seventy-five (75) feet for steeples or towers
3. Other Permitted Uses/Special Exception Uses - Thirty-five (35) feet or 2 ½ stories, whichever is less

F. Minimum Lot Area:

1. One-family dwelling/Rectory and Parsonage – 7,500 square feet and a width at the building line of not less than fifty (50) feet
2. Two-family dwelling – 11,250 square feet and a width at the building line of not less than seventy-five (75) feet
3. Three-family dwelling – 15,000 square feet and a width at the building line of not less than one-hundred (100) feet
4. Four-family dwelling – 22,500 square feet and a width at the building line of not less than one-hundred-fifty (150) feet
5. Schools – public/private/parochial
 - a. Elementary – five (5) acres plus one (1) acre for every one-hundred (100) students at design capacity
 - b. Secondary – Ten (10) acres plus one (1) acre for every one-hundred (100) students at design capacity
6. Other Permitted Uses – Two and one-half (2 ½) acres and a width a the building lot line of not less than two-hundred (200) feet

H. Yard Setbacks: Building construction, additions or alterations shall conform with the following minimum setbacks:

1. One-family detached dwellings and other Habitable Living Space:

Yard	Minimum Setback		
	R-2A	R-2B	R-2C
Lots with frontage in excess of 55 feet			
Front	24 ft. or (1) or (2)	25 ft. or (1) or (2)	20 ft. or (1) or (2)
Side abutting street (corner lot)	20 ft.	20 ft.	20 ft.
Side not abutting streets/all interior lots	15 ft.	15 ft.	15 ft.
Rear	25 ft.	25 ft.	25 ft.
Lots with frontage of 55 feet or less			
Front	24 ft. or (1) or (2)	25 ft. or (1) or (2)	20 ft. or (1) or (2)
Side abutting street (corner lot)	10 ft. (3)	10 ft. (3)	10 ft. (3)
Side not abutting streets/all interior lots	5 ft. (3)	5 ft. (3)	5 ft. (3)
Rear	25 ft.	25 ft.	25 ft.

2. Two-family dwelling structures, One-family attached dwellings and other Habitable Living Space:

Yard	Minimum Setback		
	R-2A	R-2B	R-2C
All Lots			
Front	24 ft. or (1) or (2)	25 ft. or (1) or (2)	20 ft. or (1) or (2)
Side abutting street (corner lot)	20 ft.	20 ft.	20 ft.
Side not abutting streets/all interior lots	15 ft.	15 ft.	15 ft.
Rear	25 ft.	25 ft.	25 ft.

- (1) *For additions to existing structures* – or Horizontal (Front) Extension of habitable living space of existing principal structure, whichever is greater
- (2) *For new principal structures* – or Horizontal (Front) Extension of habitable living space of existing principal structures on nearest adjacent parcels
- (3) or Vertical (Side) Extension, whichever is less

3. Multiple-family dwelling structures

Yard	Minimum Setback		
	R-2A	R-2B	R-2C
Three- family dwelling structures – All Lots			
Front	24 ft. or (1) or (2)	25 ft. or (1) or (2)	20 ft. or (1) or (2)
Side abutting street (corner lot)	25 ft.	25 ft.	25 ft.
Side not abutting streets/all interior lots	20 ft.	20 ft.	20 ft.
Rear	25 ft.	25 ft.	25 ft.
Four-Family dwelling structures – All Lots			
Front	24 ft. or (1) or (2)	25 ft. or (1) or (2)	20 ft. or (1) or (2)
Side abutting street (corner lot)	40 ft.	40 ft.	40 ft.
Side not abutting streets/all interior lots	30 ft.	30 ft.	30 ft.
Rear	25 ft.	25 ft.	25 ft.

- (1) *For additions to existing structures* – or Horizontal (Front) Extension of habitable living space of existing principal structure, whichever is greater
- (2) *For new principal structures* – or Horizontal (Front) Extension of habitable living space of existing principal structures on nearest adjacent parcels

4. Other Accessory Structures and/or Non-Habitable Living Space:

Yard	Minimum Setback		
	R-2A	R-2B	R-2C
Attached Garage and/or Utility Rooms – Lots with frontage in excess of 55 feet			
Front	24 ft. or (1) or (2)	25 ft. or (1) or (2)	20 ft. or (1) or (2)
Side abutting street (corner lot)	20 ft.	20 ft.	20 ft.
Side not abutting streets/all interior lots	15 ft.	15 ft.	15 ft.
Rear	25 ft.	25 ft.	25 ft.
Attached Garage and/or Utility Rooms – Lots with frontage of 55 feet or less			
Front	24 ft. or (1) or (2)	25 ft. or (1) or (2)	20 ft. or (1) or (2)
Side abutting street (corner lot)	10 ft. (3)	10 ft. (3)	10 ft. (3)
Side not abutting streets/all interior lots	5 ft. (3)	5 ft. (3)	5 ft. (3)
Rear	25 ft.	25 ft.	25 ft.
Detached Garage and/or Carports – Lots with frontage in excess of 55 feet			
Front	24 ft. or (1) or (2)	25 ft. or (1) or (2)	20 ft. or (1) or (2)
Side abutting street (corner lot)	20 ft.	20 ft.	20 ft.
Side not abutting streets/all interior lots	15 ft.	15 ft.	15 ft.
Rear	10 ft.	10 ft.	10 ft.
Detached Garage and/or Carports – Lots with frontage of 55 feet or less			
Front	24 ft. or (1) or (2)	25 ft. or (1) or (2)	20 ft. or (1) or (2)
Side abutting street (corner lot)	10 ft.	10 ft.	10 ft.
Side not abutting streets/all interior lots	5 ft.	5 ft.	5 ft.
Rear	10 ft.	10 ft.	10 ft.
Storage Sheds - Lots with frontage in excess of 55 feet			
Front	Not Permitted		
Side abutting street (corner lot)	20 ft.	20 ft.	20 ft.
Side not abutting streets/all interior lots	15 ft.	15 ft.	15 ft.
Rear	10 ft.	10 ft.	10 ft.
Storage Sheds - Lots with frontage of 55 feet or less			
Front	Not Permitted		
Side abutting street (corner lot)	10 ft.	10 ft.	10 ft.
Side not abutting streets/all interior lots	5 ft.	5 ft.	5 ft.
Rear	10 ft.	10 ft.	10 ft.

- (1) For additions to existing structures – or Horizontal (Front) Extension of habitable living space of existing principal structure, whichever is greater
- (2) For new principal structures – or Horizontal (Front) Extension of habitable living space of existing principal structures on nearest adjacent parcels
- (3) or Vertical (Side) Extension, whichever is less

5. Porches, Pools, Patios and Decks:

Yard	Minimum Setback		
	R-2A	R-2B	R-2C
Porches, Decks and Covered Patios – Lots with frontage in excess of 55 feet			
Front	24 ft. or (1) or (2)	25 ft. or (1) or (2)	20 ft. or (1) or (2)
Side abutting street (corner lot)	20 ft.	20 ft.	20 ft.
Side not abutting streets/all interior lots	15 ft.	15 ft.	15 ft.
Rear	25 ft.	25 ft.	25 ft.
Porches, Decks and Covered Patios – Lots with frontage of 55 feet or less			
Front	24 ft. or (1)	25 ft. or (1)	20 ft. or (1)
Side abutting street (corner lot)	10 ft.	10 ft.	10 ft.
Side not abutting streets/all interior lots	5 ft.	5 ft.	5 ft.
Rear	25 ft.	25 ft.	25 ft.
Open Patios (2) – Lots with frontage in excess of 55 feet (2)			
Front	24 ft. or (1)	25 ft. or (1)	20 ft. or (1)
Side abutting street (corner lot)	15 ft.	15 ft.	15 ft.
Side not abutting streets/all interior lots	10 ft.	10 ft.	10 ft.
Rear	10 ft.	10 ft.	10 ft.
Open Patios (2) – Lots with frontage of 55 feet or less (2)			
Front	24 ft. or (1)	25 ft. or (1)	20 ft. or (1)
Side abutting street (corner lot)	5 ft.	5 ft.	5 ft.
Side not abutting streets/all interior lots	5 ft.	5 ft.	5 ft.
Rear	10 ft.	10 ft.	10 ft.
Pools (3)			
Front	Same as for principal structure		
Side	10 feet		
Rear	10 feet		

- (1) Or the median setback of existing Porches, Decks, Open and/or Covered Patios of residential structures on the same block or the Horizontal (Front) Extension of same on nearest adjacent parcels
- (2) If an open patio is converted to a covered patio it shall meet the setbacks for a covered patio.
- (3) For pools with decks, the required setbacks apply to the combined pool/deck structure

6. Permitted Non-Residential Use Structures:

Yard	Minimum Setback		
	R-2A	R-2B	R-2C
All Lots			
Front	50 ft.		
Side abutting street (corner lot)	50 ft.		
Side not abutting streets/all interior lots	50 ft.		
Rear	25 ft.		

7. Fences, Walls and Living Fences: There are no setback requirements for fences, walls and living fences, however, the following is noted:
- e. Fences, walls and living fences shall not be placed in public rights-of-way.
 - f. The property owner is ultimately responsible for siting and maintenance of fences, walls and living fences within their property lines.
 - g. Fences and walls require a Zoning Permit, while walls in excess of 4 feet in height also require a Building Permit.
 - h. Living fences do not require Zoning or Building permits but should be planted so that growth is accommodated within the subject property.

K. Lot Coverage:

1. In the R-2A and R-2B Districts all structures including accessory use structures shall cover no more than thirty-five percent (35%) of the lot.
2. In the R-2C District all structures including accessory use structures shall cover no more than forty-five percent (45%) of the lot.

- L. Dwelling Standards: Every one-story dwelling hereafter erected or altered shall have a total minimum floor area of not less than one-thousand (1,000) square feet. Every two-story dwelling shall have a minimum floor area of twelve-hundred (1,200) square feet.

- M. Off-Street Parking Facilities: Shall be provided as required under Article X, Section 1012.

Section 503 Supplementary Residential Requirements

A. General Ordinance Requirements:

The Zoning Ordinance and Zoning Map establish the location, density and dimensional requirements for residential development in the Borough. Most structural activities require a Zoning Permit, including new construction of principal and accessory buildings and structures, and additions and other structural changes to existing residential buildings and accessory structures including changes in building footprint and height.

1. The provision of conversion apartments requires a Zoning Permit regardless of whether construction activities changing the footprint or height do not occur.
2. The Zoning Officer administers the Zoning Permit process. Article XIII Section 1302 J provides a detailed listing of Zoning Permit exclusions.

B. General Code Requirements:

The Commonwealth of Pennsylvania enacted the Pennsylvania Construction Code Act and began enforcement of a statewide building code, collectively known as the Uniform Construction Code (UCC), in April 2004, through the Department of Labor and Industry (DLI). The various codes enforced are periodically updated by DLI. Construction and related activities involving residential units follow the *International Residential Code* for one- and two-family dwellings no more than 3 stories in height. Other types of residential development may follow the *International Building Code* and/or other relevant codes. The Building Code Official (BCO) administers the Building Permit process and will determine the applicable code(s) to be used.

1. The UCC applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure which occurs on or after April 9, 2004, and all existing structures that are not legally occupied.
2. An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a residential building or erect, install, enlarge, alter, repair, remove, convert or replace an electrical, gas, mechanical or plumbing system regulated by the UCC shall apply to the BCO and obtain the required permit.

Section 504 Animals in the Residential Districts

Domestic pets including dogs, domestic cats (*Felis catus*), fish, caged birds and similar small pets are permitted as pets in the Residential Districts, excluding the breeding and selling of such animals. Farm animals such as equine species (i.e. horses and ponies); other hoofed animals; pigs, hogs and other even-toed ungulates; camelids such as llamas and alpacas and other similar species; poultry, snakes and wild animals are not permitted in the Residential Districts.

ARTICLE VI COMMERCIAL DISTRICT

Section 601 C – Commercial District

This District encompasses the business district of the Borough generally abutting the major highway arteries, sustaining an assortment of retail, office, and commercial uses. Certain types of residential uses may also be permitted. Given the compact size of the typical lots in this District, the orientation of retail uses is towards smaller comparison shopping and convenience goods rather than those commercial developments serving the larger region. Also, the proximity of existing residential areas requires that commercial uses cannot create environmental and/or aesthetic nuisances, and that proper buffering techniques and measures be employed. Buildings may be erected and altered, and lots used for the following uses in accordance with the specified dimensional requirements.

G. Permitted Uses

1. Administrative offices of commercial, institutional and industrial businesses
2. Amusement, Entertainment and Recreational Establishments and Venues
3. Antique, Decorator and Gift Shops
4. Art/Artisan Gallery
5. Automobile, Truck and other Vehicular Sales, Vehicular Accessory/Parts Stores, and Vehicle Service Establishments when conducted wholly within an enclosed structure
6. Bakery Shop, including the baking and/or processing of food products for retail sale on- and off-premises
7. Banks, Savings and Loan Associations, Credit Unions, and other similar financial institutions, including main offices, branch offices, drive-in banking facilities and automated teller machines
8. Barber Shops, Beauty Shops, Tanning, Massage, Piercing and Tattoo Parlors, and other similar personal grooming establishments
9. Book, Magazine and Stationary Stores
10. Business, Charitable, Personal and Professional Service offices
11. Bus, Taxi and Related personal transportation facilities
12. Cabinet and Woodworking Shops
13. Camera, Photographic and Personal Telecommunications sales, supplies, services and studios
14. Child Care Center
15. Clubs, Lodges and Fraternal Organizations
16. Convenience Stores
17. Conversion and Studio/Efficiency Apartments
18. Department, Discount, Variety and Retail Stores
19. Eating and Drinking Establishments, including the sale of alcoholic beverages by State-permitted licensees
20. Electrical, Gas and Microwave appliance sales and service establishments, excluding the assembly/manufacture of appliances
21. Food Trucks, excluding the sale of alcoholic beverages

22. Forestry
23. Florist Shops
24. Funeral Home/Mortuary
25. Furniture, Bedding and Home Furnishing Stores
26. Gardening and Seed Supply, Nurseries and related Gardening establishments
27. Gasoline, Diesel and Electric Fueling establishments and islands
28. Grocery Stores and Supermarkets
29. Group Care Facility
30. Group Child Care Home
31. Hardware, Wall Covering, Home Supply and similar establishments
32. Health Club, Gymnasium, Fitness and Personal Training facility, when wholly conducted within an enclosed structure
33. Hobby Shops
34. Hotels, Motels, Bed and Breakfast Inns and similar accommodations establishments
35. Interior Decorating businesses, including design, upholstering, making of draperies and similar home furnishing items
36. Jewelry Stores
37. Medical, Dental, Chiropractic and Veterinarian Offices
38. Multiple-family Dwelling Structures
39. Nursing Home
40. Office Equipment, Computer and Related sales and services establishments
41. Personal Service establishments
42. Pet Stores and Pet Grooming/Training, excluding kennels and boarding facilities
43. Plumbing, Heating, HVAC and related repair/maintenance businesses
44. Post Office and Private Delivery Service facilities
45. Repair Services for personal and business clients
46. Self-service Storage establishments, when wholly conducted within an enclosed structure
47. Shoe and Apparel Stores
48. Short-term Rental of Dwelling Unit
49. Sporting Goods stores
50. Swimming Pool and Hot Tub establishments, offering sales, service, installation and supplies
51. Theater, indoor
52. Small Wireless Facilities (in Rights-of-Way for Small Wireless Facilities Deployment – See Section 1022)

H. Accessory Uses

1. Off-street Parking areas in accordance with Article X, Section 1012
2. Private Swimming Pools for residents, guests and customers of accommodations businesses and amusement, entertainment and recreational establishments
3. Signs in accordance with Article XI
4. Fences
5. Sheds and Garages

I. Special Exception Uses

1. Billboards
2. Other Similar and compatible commercial sales and services determined not to be within the enumerated Permitted Uses above (See Subsection A)
3. Structural changes and/or physical expansion of a pre-existing non-conforming use
4. Light Manufacturing Uses as per Section XIV, 1402 E 10

J. Conditional Uses [Reserved]

K. Maximum Height:

The maximum height for all structures shall be thirty-five (35) feet, or two and one-half stories, except for specific appurtenances specified in Section 1004.

L. Minimum Lot Area:

On lots for new construction, a minimum of thirteen thousand five-hundred (13,500) square feet is required for all uses in this District, with a minimum lot width at building line of seventy-five (75) feet. In cases of mixed commercial and residential uses, where upper floor and/or adjacent space is used for dwelling units, there shall be a minimum of seven hundred (700) square feet of lot area over and above that noted herein.

I. Yard Setbacks: Building construction, additions or alterations shall conform with the following minimum setbacks:

Yard	Interior Lot Minimum	Corner Lot Minimum
Commercial Structures on lots with frontage in excess of 52 feet		
Front	Fifty (50) feet	Fifty (50) feet
Side abutting street	NA	Twenty (20) feet
Side not abutting street	Fifteen (15) feet	Fifteen (15) feet
Rear	Twenty-five (25) feet	Twenty-five (25) feet
Commercial Structures on lots with frontage of 52 feet or less		
Front	Fifty (50) feet	Fifty (50) feet
Side abutting street	NA	Ten (10) feet or vertical extension of existing commercial side building line *
Side not abutting street	Ten (10) feet or vertical extension of existing commercial side building line *	Ten (10) feet or vertical extension of existing commercial side building line *
Rear	Twenty-five (25) feet	Twenty-five (25) feet
One floor Accessory Structures (except not within any required buffer area)		
Front	Not Permitted	Not Permitted
Side (abutting street)	N/A	Ten (10) feet
Side (not abutting Street)	Five (5) feet	Five (5) feet
Rear	Five (5) feet	Five (5) feet

NOTE: * whichever is greater

- H. Lot Coverage: All structures including accessory use structures shall cover no more than forty percent (40%) of the lot, and shall conform with the Geistown Borough Stormwater Management Ordinance.
- I. Dwelling Standards: Residential dwellings requiring Building Permits shall conform with the relevant sections of the Unified Construction Codes.

Section 602 Supplementary Commercial Requirements

A. General Ordinance Requirements:

The Zoning Ordinance and Zoning Map establish the location, use requirements, density and dimensional requirements for commercial development in the Borough. Most structural activities require a Zoning Permit, including new construction of principal and accessory buildings and structures; additions and other structural changes to existing commercial buildings and accessory structures including changes in building footprint and height; installation of fences and walls; and the installation of signage.

1. The provision of conversion apartments requires a Zoning Permit regardless of whether construction activities changing the footprint or height do not occur.
2. The Zoning Officer administers the Zoning Permit process. Article XIII Section 1302 provides a detailed listing of Zoning Permit exclusions.

B. General Code Requirements:

The Commonwealth of Pennsylvania enacted the Pennsylvania Construction Code Act and began enforcement of a statewide building code, collectively known as the Uniform Construction Code (UCC), in April 2004, through the Department of Labor and Industry (DLI). The various codes enforced are periodically updated by DLI. Construction and related activities involving commercial structures generally follow the *International Building Code* or the *International Existing Building Code*. Residential development provided for in the Commercial District may follow the *International Residential Code* and/or other relevant codes. The Building Code Official (BCO) administers the Building Permit process and will determine the applicable code(s) to be used.

1. The UCC applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure which occurs on or after April 9, 2004, and all existing structures that are not legally occupied.
2. An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a commercial building, structure, and facility or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system regulated by the UCC shall apply to the BCO and obtain the required permit.

**ARTICLE VII
COMMERCIAL/LIGHT MANUFACTURING DISTRICT**

Section 701 C/M – Commercial/Light Manufacturing District

This District is intended to allow light manufacturing as well as wholesale and commercial development at appropriate locations, scope and scale, given the rather dense existing residential and commercial development within the Borough. This District is in an area that requires ready access by trucks and other vehicles, loading and unloading areas, an appropriate public infrastructure, and the need for buffering from adjacent zoning districts as a means of mitigating potential negative impacts.

The limitations and standards on use, height, and lot coverage are intended to provide for modern light manufacturing and commercial development in a largely built-up area. The type of development envisioned to be accommodated and/or retained in this District is confined by the relatively small quantity of vacant developable land, natural and environmental features, and the lack of some industrial infrastructure components such as rail service, regional limited access highways, and large parcels of land.

Development in this District shall be that which creates a minimum of negative impacts and nuisance outside of the structure(s), is conducted entirely within enclosed buildings, and does not use the open area outside such buildings for storage of raw materials, finished products, and/or supplies unless physically screened from public view.

Buildings may be erected and altered, and lots used for the following uses in accordance with the specified dimensional requirements.

A. Permitted Uses

1. Permitted Uses in the C – Commercial District
2. Advanced and High Technology research and development, light manufacturing, data processing and software development, and related advanced materials and technology businesses
3. Baked and Bottled Goods production and distribution businesses
4. Building Materials yards, sales and storage
5. Commercial Laundry and Dry-Cleaning plants
6. Forestry
7. Food and Dairy product distribution
8. Machine Shop
9. Paper product distribution
10. Precision Instruments manufacture/distribution
11. Sheet metal, Fabrication and Welding shops
12. Wholesale and Distributive businesses
13. Small Wireless Facilities (in Rights-of-Way for Small Wireless Facilities Deployment – See Section 1022)

B. Accessory Uses

1. Off-street Parking areas in accordance with Article X, Section 1012

2. Private Swimming Pools for residents, guests and customers of accommodations businesses and amusement, entertainment and recreational establishments
3. Signs in accordance with Article XI
4. Fences
5. Sheds and Garages
6. Offices and Administrative facilities supportive of principal use

C. Special Exception Uses

1. Other similar Light Manufacturing Uses determined not to be within the enumerated Permitted Uses above (See Subsection A)
2. Billboards
3. Junk/Salvage Yard
4. Structural changes and/or physical expansion of a pre-existing non-conforming use

D. Conditional Uses *[Reserved]*

E. Maximum Height:

The maximum height for all structures shall be forty (40) feet, or two and three stories, except for specific appurtenances specified in Section 1004.

F. Minimum Lot Area:

1. Light Manufacturing and Warehousing/Distributive Uses: On lots for new construction, a minimum of one (1) acre, with a minimum lot width at building line of one-hundred fifty (150) feet.
2. Commercial Uses: On lots for new construction, a minimum of thirteen thousand five-hundred (13,500) square feet is required for all uses in this District, with a minimum lot width at building line of seventy-five (75) feet.

J. Yard Setbacks: Building construction, additions or alterations shall conform with the following minimum setbacks:

Yard	Manufacturing Uses - Minimum	Commercial Uses - Minimum	One floor Accessory Structures (except not within any required buffer area)
Front	50 feet	50 feet	Not Permitted
Side abutting street	35 feet	20 feet	Ten (10) feet
Side not abutting street	30 feet	15 feet	Five (5) feet
Rear	25 feet	25 feet	Five (5) feet

J. Lot Coverage: All structures including accessory use structures shall cover no more than fifty percent (50%) of the lot, and shall conform with the Geistown Borough Stormwater Management Ordinance.

- K. Buffer Areas: In addition to the setbacks provided above, a fifteen (15) foot buffer area, or a landscaped buffer area, or a solid fence shall be maintained when a new or expanded existing manufacturing use abuts a residential District, in accordance with Article X, Section 1014.

Section 702 Supplementary Commercial/Light Manufacturing Requirements

C. General Ordinance Requirements:

The Zoning Ordinance and Zoning Map establish the location, use requirements, density and dimensional requirements for commercial/light manufacturing development in the Borough. Most structural activities require a Zoning Permit, including new construction of principal and accessory buildings and structures; additions and other structural changes to existing commercial buildings and accessory structures including changes in building footprint and height; installation of fences and walls; and the installation of signage.

1. The provision of conversion apartments requires a Zoning Permit regardless of whether construction activities changing the footprint or height do not occur.
2. The Zoning Officer administers the Zoning Permit process. Article XIII Section 1302 provides a detailed listing of Zoning Permit exclusions.

D. General Code Requirements:

The Commonwealth of Pennsylvania enacted the Pennsylvania Construction Code Act and began enforcement of a statewide building code, collectively known as the Uniform Construction Code (UCC), in April 2004, through the Department of Labor and Industry (DLI). The various codes enforced are periodically updated by DLI. Construction and related activities involving commercial and light manufacturing structures generally follow the *International Building Code* or the *International Existing Building Code*. Residential development provided for in the Commercial/Light Manufacturing District may follow the *International Residential Code* and/or other relevant codes. The Building Code Official (BCO) administers the Building Permit process and will determine the applicable code(s) to be used.

1. The UCC applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure which occurs on or after April 9, 2004, and all existing structures that are not legally occupied.
2. An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a commercial/light manufacturing building, structure, and facility or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system regulated by the UCC shall apply to the BCO and obtain the required permit.

ARTICLE VIII FLOODPLAIN OVERLAY DISTRICT

Section 801 Identification of the Floodplain Area and District

The identified floodplain area shall be any areas of the Borough of Geistown classified as the AE and A Area/Zone, and any Community Identified Flood Hazard Areas in the Flood Insurance Study (FIS), and the accompanying Flood Insurance Rate Maps (FIRMs) dated June 19, 2012 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the FIS.

This Floodplain Overlay (FP) Overlay District represents the recognition of floodplain areas on the official zoning map and in zoning regulations so as to minimize threats to public health and safety, the loss of life, and property damages in areas identified as having a recurring flooding damage potential. Given the natural characteristics of this area, it is recognized that the FP Overlay District may extend into Residential, Commercial, and other Zoning Districts, thus, the FP Overlay District is an overlay to other Districts as depicted on the Official Zoning Map. For this reason, the provisions and requirements of the FP Overlay District shall supplement the requirements of the respective underlying Zoning Districts.

Section 802 Coordination with Other Ordinances and Regulations

Development, construction, rehabilitation, and other activities in the FP Overlay District are subject to the Definitions, and requirements such as Permitting, Application, Technical Provisions, Activities Requiring Special Permits, Existing Structures in Identified Floodplain Areas, Subdivisions, Manufactured Homes, Variances, Enforcement and Design and Construction Standards in Ordinance #508, entitled Geistown Borough Floodplain Regulation Ordinance, as enacted on April 11, 2012, as subsequently amended. In addition, Subdivisions and Land Developments are subject to the requirements, standards, and regulations of Ordinance #535, entitled Borough of Geistown Subdivision and Land Development Ordinance, as enacted on February 10, 2021, as subsequently amended.

Section 803 Description of the Identified Floodplain Areas

The identified Floodplain Areas comprise the FP Overlay District and shall consist of the following:

- A. AE Area without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined. In this Area, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the base flood elevation (BFE) by more than one (1) foot.

- B. A Area/District the areas identified as Zone A on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For this area elevation and floodway information from other Federal, State, or other applicable sources shall be used when available. Where other acceptable information is not available the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. In lieu of the above, the Borough of Geistown may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a through technical review by the Borough.

- C. Community Identified Flood Hazard Areas shall be those areas where the Borough of Geistown has identified local flood hazard or ponding areas. as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high-water marks, soils or approximate study.

Section 804 Changes in Identification of Area

The identified floodplain area may be revised or modified by Borough Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any change, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, the Borough shall notify the FEMA of the changes by submitting technical or scientific data.

Section 805 Applicability

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough, including the identified Floodplain Areas, unless a Zoning Permit has been obtained from the Zoning Officer, and, if required, a Building Permit from the duly authorized Building Code Officer. This requirement does not apply to minor repairs to existing buildings and structures, and maintenance to same, as determined by the Zoning Officer.

Section 806 Use and Dimensional Requirements

The following FP Overlay District requirements replace and supersede those of the underlying Zoning Districts.

A. Permitted Uses

Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, swimming areas, hiking and horseback trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.

Residential accessory uses such as yard areas, gardens, play areas, and parking areas.

Commercial and light industrial yard areas, parking areas and loading areas.

B. Uses by Special Exception

The following uses and activities are permitted in the FP Overlay District by Special Exception, provided they are permitted in the underlying Zoning District and they are not prohibited by any other Borough ordinance.

Accessory Structures to the Permitted Uses and activities in Section 806 A above, not exceeding 200 square feet, in accordance with Section 5.02 E of Ordinance #508.

Utilities, Public Facilities, and public improvements such as streets, bridges, transmission lines, pipelines, water and sewage treatment facilities, and similar uses, and as/if further regulated or limited by Section 5.03 of Ordinance #508.

Extraction of sand, gravel, stone and other materials.

Temporary entertainment uses and activities.

Storage of materials that are not any of the following – flammable, explosive, dangerous human life (as per Section 5.04 of Ordinance #508), or injurious to human, animal or plant life during flooding events. Permitted storage materials and equipment are further subject to anchoring requirements of Section 5.03 H.

Other similar uses and activities provided that it can be demonstrated that they will not increase the base flood elevation (BFE) by more than one (1) foot.

C. Yard Setbacks

No building shall be erected or altered unless the following yard setbacks are provided and maintained in connection with such erection or alteration.

1. Front Yard – underlying Zoning District setback subject to #4 below if applicable.
2. Side Yards – underlying Zoning District setback subject to #4 below if applicable.
3. Rear Yard – underlying Zoning District setback subject to #4 below if applicable.
4. Within the FP Overlay District, no new construction or development shall be located within an area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the PA Department of Environmental Protection Regional Office.

D. Other Dimensional Requirements

Requirements related to Maximum Height, Minimum Lot Area, Percentage of Lot Coverage and Off-Street Parking Facilities shall conform to requirements of the underlying Zoning District.

Section 807 Existing Structures in Identified FP Overlay District

The provisions of this Article and of Ordinance #508, as amended, to not require changes or improvements to lawfully existing structures within the FP Overlay District; however, when an improvement is made to an existing structure the following shall apply:

- A. No expansion or enlargement of an existing structure shall be allowed within the FP Overlay District, that together with all other existing or anticipated development, increase the BFE more than one (1) foot at any point.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value prior to the proposed modification, alteration, reconstruction, or improvement, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Article and of Ordinance #508, as amended.
- C. The modification, alteration, reconstruction, or improvement shall address the requirements of Title 34 PA Code Uniform Construction Code, and the applicable International Building Code and/or International Residential Code.
- D. The modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount less than fifty (50) percent of its market value prior to the proposed modification, alteration, reconstruction, or improvement, shall be elevated and/or floodproofed to the greatest extent possible.

Documentation related the BFE threshold (A above), the market value calculation (B&D above) and elevation/floodproofing (D above) shall be the responsibility of the applicant.

Section 808 Other Required Reviews and Approvals

Any application for development within the FP Overlay District shall be considered complete when all the following applicable reviews and approvals are completed and submitted to the Zoning Officer:

- A. Review and recommendations by the Cambria County Conservation District;
- B. Review, recommendations and any required permits from the Department PA Department of Environmental Protection Regional Office;
- C. Required review, recommendations and any required permits from other state, county or federal agencies, if any;
- D. Decision on an appeal as per section 3.11 of Ordinance #508, if applicable; and/or
- E. Variance decision as per Article XIV of this Ordinance, if applicable.

**ARTICLE VIX
AIRPORT ZONING OVERLAY DISTRICT**

Section 901 Coordination with Other Ordinances and Regulations

The requirements specified in Ordinance #422, entitled the Geistown Borough Airport Zoning Ordinance, with an effective date of January 8, 1992, are included by reference in this Article. That Ordinance and this Article regulates and restricts the height to which structures may be erected or objects of natural growth, and otherwise which regulates the use of property in the vicinity of the John Murtha Johnstown Cambria County Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the John Murtha Johnstown Cambria County Airport height limitation and Zoning District Map, that portion of located in Geistown Borough, is incorporated in and made part of Ordinance #422 and this Article; providing for enforcement, administration and imposing penalties. The Airport Zoning Overlay District is defined to include the *Non-Precision Instrument Approach Zone* and the *Conical Surface Zone* as depicted on the John Murtha Johnstown Cambria County Airport *Airspace Drawing (MP-04)*, which is excerpted and localized on the Zoning Map in this Ordinance. In addition, Subdivisions and Land Developments are subject to the requirements, standards, and regulations of Ordinance #535, entitled Borough of Geistown Subdivision and Land Development Ordinance, as enacted on February 10, 2021, as subsequently amended.

Section 902 Declaration of Policy

Ordinance #422 and this Article are adopted pursuant to the authority conferred by 1984 Pa. Laws 164, codified at 74 Pa. Cons. Stat. §5101 et. seq. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the John Murtha Johnstown Cambria County Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the John Murtha Johnstown Cambria County Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the John Murtha Johnstown Cambria County Airport and the public investment therein. Accordingly, it is declared:

- A. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the John Murtha Johnstown Cambria County Airport;
- B. That it is necessary in the interest of the public health, safety, morals and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- C. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

Section 903 General Definitions

Section 3: General Definitions of Ordinance #422 is incorporated by reference in this Article.

Section 904 Airport Surface Zones

Section 4: Airport Surface Zones of Ordinance #422 is incorporated by reference in this Article.

Section 905 Airport Surface Zone Height Limitations

Section 5: Airport Surface Zone Height Limitations of Ordinance #422 are incorporated by reference in this Article. Nothing in Ordinance #422 or in this Article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land.

Section 906 Airport Zoning Requirements

Section 6: Airport Zoning Requirements of Ordinance #422 is incorporated by reference in this Article.

Section 907 Permits and Variances

Subsections 7.1 (a)-(c), 7.2, 7.3 and 7.5 of Section 7: Permits and Variances of Ordinance #422 are incorporated by reference in this Article. Subsection 7.4 of Section 7: Permits and Variances of Ordinance #422 is incorporated by reference in this Article, with the exception that the references to "Board of Adjustment" and "Board of Adjusters" are interpreted to refer to the Geistown Borough Zoning Hearing Board, as per Article XIV of this Ordinance.

Section 908 Enforcement

Section 8: Enforcement/Notice of Ordinance #422 is incorporated by reference in this Article.

Section 909 Zoning Hearing Board

Section 9: Board of Adjustment of Ordinance #422 is incorporated by reference in this Article, with the exception that references to "Board of Adjustment" are interpreted to refer to the Geistown Borough Zoning Hearing Board

Section 910 Appeals

Section 11: Appeals of Ordinance #422 is incorporated by reference in this Article, with the exception that references to "Board of Adjustment" are interpreted to refer to the Geistown Borough Zoning Hearing Board.

Section 911 Acquisition of Air Rights

Section 12: Acquisition of Air Rights of Ordinance #422 is incorporated by reference in this Article.

Section 912 Conflicts

In the event of conflict between any airport zoning regulations adopted under this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, and whether the other regulations were adopted by the municipality which adopted the airport zoning regulations or be some other municipality or otherwise, the more stringent limitation or requirement shall govern and prevail.

Section 913 Use and Dimensional Requirements

The following use and dimensional requirements apply to the Airport Zoning Overlay District in relation to the underlying Zoning Districts:

- A. Permitted Uses: Same as the underlying Zoning District
- B. Accessory Uses: Same as the underlying Zoning District
- C. Special Exception Uses: Same as the underlying Zoning District
- D. Conditional Uses: Same as the underlying Zoning District
- E. Maximum Height: Same as the underlying Zoning District, or fifty (50) feet, whichever is less
- F. Minimum Lot Area: Same as the underlying Zoning District
- G. Yard Setbacks: Same as the underlying Zoning District

H. Percentage of Lot Coverage: Same as the underlying Zoning District

I. Dwelling Standards: Same as the underlying Zoning District

J. Off-Street Parking: Same as the underlying Zoning District

ARTICLE X SUPPLEMENTARY REGULATIONS

Section 1001 Intent

This Article lists specific controls over general aspects of land utilization affecting buildings, structures and lots that either further explain requirements of this Ordinance, provide additional requirements or are not included elsewhere in this Ordinance.

Section 1002 General Requirements and Exceptions

- A. Mixed Uses: Except where expressly permitted in the District Requirements, not more than one (1) principal residential structure shall be located on a conforming lot, nor shall a principal detached residential structure be located on the same conforming lot with any other principal structure. Land, buildings/structures and/or additions to existing buildings/structures shall be designed and used only for the authorized uses within respective zoning districts. Except where specifically authorized by the relevant District Requirements of this Ordinance or the design of multi-tenant non-residential use spaces, any multiple uses of individual lots, buildings or structures are prohibited.
- B. Basement/Cellar Dwellings: Any individual dwelling unit contained solely within a below grade basement or cellar is prohibited.
- C. Sight Distance at Intersections: A clear sight distance for vehicular and pedestrian traffic must be maintained at all intersections of public rights-of-way and private driveways in all zoning districts. Buildings, structures, additions, accessory structures, fences, landscaping and other topographic or surface features must be developed and maintained in a manner that preserves the clear sight distance.
- D. Driveway Access: Driveway access to properties in all zoning districts must follow the applicable requirements of the following:
 - 1. State Highways: Access for driveways and other access points to/from roads/streets on the State highway system must follow requirements of the Pennsylvania Department of Transportation (PennDOT), including but not limited to the receipt of a PennDOT Highway Occupancy Permit. Changes in land use affecting existing driveways and other access points to/from the State highway system may also require a PennDOT Highway Occupancy Permit. Processing of municipal Zoning and Building permits in these situations shall be conditioned upon the receipt of the requisite PennDOT approvals.
 - 2. Borough Streets: Access for driveways and other access points, as well as improvements to existing driveways and other access points to/from roads/streets on the Borough system will require a Driveway/Road Occupancy Permit from the Borough of Geistown.

- E. Shoulders and Rights-of-way: All State and Borough rights-of-way and shoulders of road abutting properties shall be kept free of obstructions that create distractions, obstacles, and/or hazards to the free and uncongested flow of traffic.

Section 1003 Accessory Uses

- A. Permitting and Maintenance Requirements: Accessory uses and structures in all zoning districts must follow the applicable requirements of the following:
1. Zoning Permit: All accessory structures and most accessory uses require the issuance of a Zoning Permit in accordance with Article XIII, Section 1302 of this Ordinance.
 2. Building Permit: Most accessory structures require the issuance of a Building Permit in accordance with Article XIII, Section 1304 of this Ordinance. The issuance of this Permit is contingent upon the receipt of a Zoning Permit. The Zoning Officer can provide guidance on whether a given accessory structure requires a Building Permit.
 3. Maintenance: The property owner and/or applicant is responsible for the maintenance of the accessory use or structure in a safe condition.
- B. Permitted Accessory Uses/Structures: Permitted accessory uses and/or structures must meet the definition and requirements of this Ordinance. Examples of permitted accessory uses/structures are such as the following:
1. Private garage, carport, storage shed, and other shed for domestic use/storage;
 2. Children's' playhouse, gazebo, unattached deck, garden house, private domestic greenhouse, pool house, and other domestic accessory structure not used for habitation;
 3. Private residential swimming pool deck, fencing, and appurtenances built and maintained in accordance with applicable construction and permitting regulations in this Ordinance, and tennis court and similar private recreational facility for use by the residents and guests of the property owner;
 4. Fences and walls, as regulated by this Ordinance;
 5. Signs, as regulated by this Ordinance ;
 6. Communications antennae, as regulated by this Ordinance;
 7. In appropriately zoned area, in-door storage of merchandise normally carried in stock on the same lot with any Permitted Use, approved Special Exception Use, or approved Conditional Use, unless such storage or stored materials are specifically excluded by District regulations;
 8. In appropriately zoned area, structures for the storage of goods used in or produced by manufacturing activities on the same lots the permitted manufacturing use, unless expressly prohibited by this Ordinance.
 9. Parking of boats, boat trailers, recreational vehicles, and travel trailers not used as a dwelling on the premises;
 10. Domestic guest house, servants' quarters, or rooms for non-paying guests within a structure meeting applicable permitting regulations, for the occasional housing of guests of the owners of the principal structure;
 11. Off-street motor vehicle parking, loading and unloading areas; and
 12. Home Occupations meeting applicable permitting regulations.

C. Prohibited Accessory Uses: The following are specifically excluded as Accessory Uses as noted:

1. In R-1 and R-2 Districts trucks, trailers and other vehicles in excess of 9,000 pounds registered gross weight or combination weight designated as Class 4A or above by PA Vehicle Code (Title 75), Section 1916, parked along a public right-of-way, or on a lot unenclosed by a structure or buffer area that has been approved by the Zoning Officer.
2. Construction vehicles or equipment parked outdoors on a lot except while permitted construction is underway.
3. Outdoor storage of equipment, supplies and other materials on a Commercial and Commercial/Light Manufacturing lot, excluding properties of construction enterprises, manufacturing, supply and/or construction equipment sales in conformance with the respective zoning regulations.

D. Accessory Use Limitations:

1. All Accessory Uses and Structures shall comply with the use and dimensional limitations and requirements applicable to the respective zoning district in which they are located.
2. No Accessory Structure shall be used for dwelling purposes unless expressly authorized by this Ordinance.
3. No Accessory Structure shall be constructed prior to the construction of the principal structure for which it is an accessory.

E. Height and Lot Requirements for Accessory Uses and Structures:

1. No Accessory Structure shall exceed fifteen (15) feet in height unless otherwise specified in this Ordinance.
2. Supplemental Lot Requirements:
 - a. Front Yard: No Accessory Structure shall be permitted in the required front yard except for fences, signs and private residential swimming pools. In the Commercial and Commercial/Light Manufacturing Districts off-street parking may be permitted provided that a minimum of a five (5) foot landscape buffer is provided from any street or sidewalk.
 - b. Side Yard: In accordance with the district requirements in this Ordinance.
 - c. Rear Yard: In accordance with the district requirements in this Ordinance.
3. No Accessory Structure shall be located closer than ten (10) feet to another structure on an abutting property, other than a fence.
4. If an Accessory Structure that is to be permanently attached or affixed to the land is proposed on a separate lot held in common ownership with an abutting lot having the principal structure for which it is an accessory, the lots shall first be merged in accordance with the Borough's Subdivision and Land Development Ordinance. Permanent attaching and/or affixing includes measures such as providing a foundation, footer, and anchors in the land, and includes accessory structures such as garages, permanently placed storage buildings, and other permanently placed accessory out buildings or facilities.

Section 1004 Additional Height Regulations

The district height regulations set forth in this section qualify or supplement, as the case may be, the respective District height regulations appearing elsewhere in this Ordinance.

- A. Single-family and two-family dwellings may be increased in height by not more than ten (10) feet where the rear and side yard setbacks are increased over the minimum yard requirements of the respective District in which they are located by not less than ten (10) feet, but the structures shall not exceed three (3) stories in height.
- B. Chimneys, cooling towers, elevator bulkheads, communications antennae (see subsection C below), fire towers, monuments, stacks, stage towers, water tanks/towers, ornamental towers, spires/steeple and other necessary mechanical appurtenances, may be erected to a height not to exceed twenty-five (25) feet above the height limitations of the District in which they are to be located.
- C. Applications for communications antenna required to exceed the supplemental height restriction in subsection B above shall be accompanied by appropriate technical information, studies, and/or engineering analyses documenting the need for the proposed height.
- D. Applications within the Airport Zoning Overlay District are subject to and/or superseded by height regulations in Article VIX, Section 913 E of this Ordinance.

Section 1005 Additional Area Requirements

The district area regulations set forth in this section qualify or supplement, as the case may be, the District area regulations appearing elsewhere in this Ordinance.

- A. More than one industrial, commercial, multi-family dwelling, or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by such buildings, nor shall there be any change in the intensity of use.
- B. When more than one multi-family dwelling is erected on a single lot or tract, the minimum distances between such buildings shall be as follows:
 - 1. Building front to building front – seventy (70) feet
 - 2. Building front to building rear – sixty (60) feet
 - 3. Building side to building side – one-half the height of the taller building but not less than twenty (20) feet
 - 4. Building front to building side or building rear to building side - one-half the height of the taller building but not less than thirty (30) feet
 - 5. Building rear to building rear – fifty (50) feet

Section 1006 Additional Yard Regulations

The additional yard regulations set forth in this section qualify or supplement, as the case may be, the District yard setback regulations appearing elsewhere in this Ordinance.

- A. In computing the depth of the rear yard abutting an alley, one-half of the width of the alley right-of-way may be included in the calculation of the rear yard.
- B. An Accessory Structure that is not part of/attached to a principal structure shall not occupy more than thirty percent (30%) of the required yard.
- C. An Accessory Structure other than a fences, signs and private swimming pools shall not be located in the required front yard, and no Accessory Structure other than a fence or a wall shall be located within a required buffer area.
- D. Every part of a required yard shall be open to the sky and unobstructed, except for permitted Accessory Structures built in accordance with this Ordinance.
- E. Projections into Required Yards: The following projections shall be permitted into required yards noted elsewhere in this Ordinance and shall not be considered in the determination of minimum building lines or lot coverage:
 - 1. Projecting architectural features such as bay windows, cornices, eaves, chimneys, window sills, or other architectural features, provided they do not extend more than two (2) feet into any required yard nor closer than five (5) feet to any adjacent property line;
 - 2. Uncovered stairs and handicapped/accessibility ramps/facilities; and
 - 3. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than five (5) feet to any adjacent property line.

Section 1007 Change in Use and Related

Changes in use involving structures or buildings existing at the effective date of this Ordinance or subsequent amendments shall follow the following process:

- A. A change in use from one or more permitted uses in a Zoning District to one or more different permitted uses in that District shall require at a minimum a Zoning Certification in accordance with the requirements of the respective Zoning District, and if proposed improvements warrant, a Zoning Permit and/or Building Permit for activities proposed and covered by the regulations of this Ordinance and/or the Uniform Construction Code.
- B. A change in ownership or tenancy involving a use in the Commercial and Commercial/Manufacturing Districts shall require at a minimum a Zoning Certification in accordance with the requirements of the respective Zoning District,

and if proposed improvements warrant, a Zoning Permit and/or Building Permit for activities proposed and covered by the regulations of this Ordinance and/or the Uniform Construction Code.

- C. A change in use from one or more permitted uses in a Zoning District to one or more different uses in that District that does not meet the present requirements of that Zoning District shall require a Special Exception, or if designated by this Ordinance or subsequent amendments a Conditional Use, in accordance with Section XIII of this Ordinance.
- D. A change in use from one or more allowed by a Special Exception or Conditional Use in a Zoning District to one or more different Special Exception or Conditional Use allowed in that District shall require a Special Exception, or if designated by this Ordinance or subsequent amendments a Conditional Use, in accordance with Section XIII of this Ordinance.
- E. A change in ownership or tenancy involving a use allowed by a Special Exception or Conditional Use in a Zoning District shall require a Special Exception, or if designated by this Ordinance or subsequent amendments a Conditional Use, in accordance with Section XIII of this Ordinance, regardless if the use remains unchanged.

Section 1008 Fences and Walls

Fences, walls and living fences shall be in accordance with the following requirements.

- A. Fences and walls require the application for and receipt of an approved Zoning Permit.
- B. Fences shall not exceed six (6) feet in height, except within thirty (30) feet of the intersection of two or more intersecting streets, in which case the fence shall not block sight distance.
- C. A fence, wall or living fence cannot be erected in a public or dedicated right-of-way.
- D. The property owner is responsible for the siting of the fence or wall in relation to any property lines and public rights-of-way.
- E. Fences, walls and living fences publicly or privately owned shall not block the clear sight distance at intersections or driveways.
- F. Fences shall not include barbs or other harmful projections unless approved as a Variance by the Zoning Hearing Board for security reasons.
- G. If a fence or wall has a finished side, the finished side shall face the abutting street or property.

- H. A swimming pool shall be enclosed by a fence at least four (4) feet in height, or other enclosure in conformance with the barrier requirements of the Uniform Construction Code.

Section 1009 Swimming Pools, Private

A private swimming pool or hot tub meeting the definition in this Ordinance may be an Accessory Use Structure, subject to the following requirements.

- A. The pool shall require a Zoning Permit subject to the requirements of this Ordinance, and a Building Permit subject to the requirements of the Uniform Construction Code.
- B. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use structure of the property and their guests, and no fee shall be charged.
- C. The pool and surrounding deck, if provided, shall conform to the front yard setbacks for the principal structure and shall be no closer than ten (10) feet from the side and rear property lines.
- D. The pool or the entire property on which it is located shall be so walled or fenced in accordance with the barrier requirements of the Uniform Construction Code, so as to prevent uncontrolled access from an adjacent street or property.

Section 1010 Conversion or Replacement of Buildings

The conversion of any non-residential building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or households, shall be permitted only within a Zoning District in which a new building for a similar occupancy would be permitted under this Ordinance. The resulting dwelling(s) shall comply with all requirements governing new construction in such District and shall require application for and receipt of a Zoning Permit and a Building Permit.

Section 1011 Temporary Uses

- A. Temporary Events – Temporary sales events such as outdoor fairs, exhibits, festivals and flea markets may be conducted in the Commercial and Commercial/Light Manufacturing Districts, subject to the submission of a Transient Merchant Permit application, and subsequent approval by Borough Council.
- B. Temporary Construction – Temporary structures and trailers used in conjunction with construction work may not be moved onto a site until the Zoning and Building Permit has been issued and shall be removed within thirty (30) days after the end of work. A Zoning Permit for such temporary structures/trailers is required and shall expire within one (1) year.

Section 1012 Off-Street Parking

Except when specifically exempt from the regulations of this Ordinance, off-street parking shall be provided in accordance with the requirements of this section at the time a new building or use is established or when any existing building or lot is converted to a new use or expanded in size. The facilities shall be available during the entire hours of operation of the use for which they are provided.

A. Development and Maintenance of Parking Facilities

Whenever off-street parking is required, the parking area, turning aisle and space shall be designed, constructed and maintained in accordance with the following minimum standards. -

1. Parking facilities shall be located on the same lot as the use to which they are necessary unless alternate arrangements and/or agreements have been made to provide parking on an adjacent or nearby lot owned, rented or controlled by the applicant or that shared parking facilities are provided in accord with Subsection A. 7 below.
2. Adequate provisions shall be made for ingress and egress to all parking spaces using driveways into/out of and aisles within the parking lot. Access to off-street parking areas shall be limited to a minimal number of well-defined locations. New driveways accessing Borough streets require a Borough Drive Permit, while new driveways and/or existing driveways experiencing a change of use accessing State Highways may require a PennDOT Highway Occupancy Permit.
3. For new construction in the Commercial and Commercial/Light Manufacturing Districts, parking areas shall be a minimum of five (5) feet from a structure and five (5) feet from a public or private street right-of-way, by providing a reserve strip. These reserve strips shall be protected by wheel bumpers or curbs and shall be paved in accordance with Subsection 4 below and/or planted with grass or shrubs. No parking or plantings shall be permitted within the clear sight triangle of any intersection.
4. The parking area in the Commercial and Commercial/Light Manufacturing Districts shall be constructed of a stabilized base with a suitable all-weather surface, such as concrete, asphalt/bituminous, grouted brick, paving blocks or similar material. The area shall be graded for proper drainage, conform with the Borough Storm Water Management Ordinance as/if applicable, and be maintained in good repair. Parking areas/driveways in the R-1 and R-2 Residential Districts may be paved with a suitable all-weather surface or crushed stone or gravel.
5. Parking areas for new construction for non-residential uses, or a physical expansion for existing non-residential uses shall be effectively screened on each side that adjoins or faces a Residential District or residential use. Such screening shall be in conformance with Section 1014 of this Ordinance.
6. Parking areas shall be illuminated as is necessary to protect the public safety and provide on-site security; such illumination shall be of the sharp cut-off variety designed, directed, or shielded to effectively eliminate direct glare on adjacent property or roadways.

7. Joint use of parking spaces may be permitted by the Zoning Officer after review by the Geistown Borough Planning Commission in any of the following:
 - a. Two (2) or more uses may share a common parking area as long as the total number of spaces is equal to or greater than the sum of spaces required individually.
 - b. Two or more uses can demonstrate a reduction in the number of total spaces required individually due to them having distinct and different peak hour demand patterns.
 - c. Two or more uses can demonstrate a reduction in the number of total spaces required individually due to them serving patrons, clients or customers who may visit more than one of the uses at the same peak hour demand.

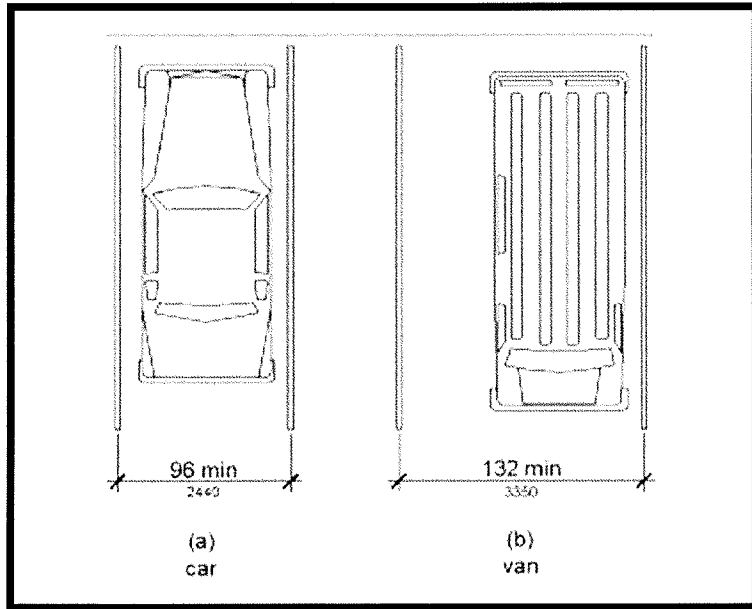
All of the uses involved in the joint use shall be located no further than 250 feet from the joint parking area and is connected by safe pedestrian access. Changes made in the joint sharing arrangement shall require a review of parking requirements and an increase in parking spaces via the same review/approval process used in the original Borough action.

8. The required parking spaces for two or more uses within a common structure or development may be shared provided that the applicant demonstrates that the uses have distinct and different peak hour requirements; such as a use with evening or Sunday hours may share parking with a use that has daytime or weekday hours.
9. Off-site parking facilities proposed in a parking plan within the Zoning Certification may be permitted by the Zoning Officer after review by the Geistown Borough Planning Commission for the provision of some but not all of the required off-street spaces on a lot other than where the principal use is located, subject to the following:
 - a. The lots are held in the same ownership or lease arrangement by the same applicant;
 - b. The off-site spaces are located no further than 250 feet from the joint principal use and are connected by safe pedestrian access;
 - c. The availability of the off-street parking facility shall be continued and maintained by the principal use, otherwise the Zoning Certification shall be revoked;
 - d. The parking lot shall be used primarily for passenger vehicles;
 - e. No commercial repair work or storage of vehicles or equipment for a period of greater than twenty-four (24) consecutive hours shall be permitted on the lot;
 - f. No sign other than designating entrances/exits, ownership or use restrictions shall be located on the lot, and total signage shall not exceed twelve (12) square feet;
 - g. Access ways shall be at least thirty-five (35) feet from an intersecting street and at least ten (10) feet from any property line; and
 - h. A buffer area shall be provided in accordance with Section 1014.

B. Design Requirements

1. Parking Space Dimensions - Parking spaces shall have minimum dimensions of nine (9) feet by eighteen (18) feet however lots of ten (10) spaces or more may designate a up to 20% of the number of spaces for compact vehicles having minimum dimensions of eight (8) by sixteen (16) feet.
2. Rows and Aisles – When rows of parking spaces are required in a lot, each parking space shall open directly onto an aisle or driveway with a minimum width of twenty-five (25) feet when serving vehicles parked perpendicularly, or eighteen (18) feet when serving vehicles parked at a 45-degree angle in one direction.
3. Access Ways – Access/egress points shall be designated so that safe access to and from the street shall be provided. Unless superseded by PennDOT requirements for access/egress points on State highways, the minimum centerline distance between multiple access/egress points for a single property shall be seventy-five (75) feet.
4. Handicapped/Accessible Parking – As a supplement to required spaces noted in Subsection C below, this subsection shall apply to projects where parking is provided including at the time a new building or use is established or when any existing building or lot is converted to a new use or expanded in size. for commercial, industrial, office, institutional, multi-family residential and educational uses.
 - a. The number and location of handicapped accessible parking spaces shall conform to the requirements of the *Americans with Disabilities Act*, as noted on the table and illustration on the following page.
 - b. Accessible parking spaces are also subject to the following:
 - i. Car parking spaces shall be 96 inches (2440 mm) wide minimum (See Illustration)
 - ii. Van parking spaces shall be 132 inches (3350 mm) wide minimum and have a 98-inch minimum height clearance. (See Illustration)
 - iii. Accessible parking spaces shall be marked to define the width, and shall have an adjacent access aisle.
 - iv. Access aisles serving car and van parking spaces shall be 60 inches (1525 mm) wide minimum. Two parking spaces shall be permitted to share a common access aisle.
 - v. Access aisles shall adjoin an accessible route. (See Illustration)
 - vi. Van parking spaces shall be permitted to be 96 inches (2440 mm) wide minimum where the access aisle is 96 inches (2440 mm) wide minimum.
 - vii. Parking space identification signs shall include the International Symbol of Accessibility. Signs identifying van parking spaces shall contain the designation "van accessible."
 - viii. Signs shall be 60 inches (1525 mm) minimum above the finish floor or ground surface measured to the bottom of the sign.
 - ix. Accessible parking spaces must be located on surfaces with a maximum slope of 2 percent in all directions, and shall be most accessible and approximate to the building or buildings that the parking spaces shall serve.

Total Parking Spaces Required for Use	Required Minimum Accessible Spaces	Accessible # Required to be Van Accessible
1 – 25	1	1
26 – 50	2	1
51 – 75	3	1
76 – 100	4	1
101 – 150	5	1
151 – 200	6	1
201 – 300	7	1
301 – 400	8	1
401 – 500	9	1
501 – 1,000	2% of total	1 in every 6 accessible spaces
More than 1,000	20 plus 1/each 100 over 1,000	1 in every 6 accessible spaces over 1000



C. Required Spaces

1. In all districts, the required number of off-street parking spaces shall be provided as set forth in this subsection. In the case of any building or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Officer with the recommendation of the Geistown Borough Planning Commission, shall apply. In the case of mixed uses or multiple uses of one structure, the total number of required parking or loading spaces shall be the sum of the required spaces for the uses computed separately.
2. When calculating the number of spaces for a type of use, a fractional space of one-half (1/2) or over shall be considered a whole space while a fraction below one-half (1/2) may be dismissed.
3. Parking spaces for residential uses may include garages, car ports and driveways, the latter using the dimensions in subsection B-1 above.
4. Where employee parking is required, the number of spaces shall be calculated for the number of employees on the peak shift.

Type of Use	Minimum Required Spaces
<i>Residential Uses</i>	
Single and Two-Family	2 per dwelling unit
Multi-family	2 per dwelling unit
Multi-family (55 years and older)	1 per dwelling unit
<i>Administrative/Professional</i>	
Medical, Dental, Chiropractic and Veterinarian Offices	1 per examining room plus 1 for every 2 chairs in the waiting room, plus 1 per staff
Banks/Financial	1 per 300 sq. ft. Gross Floor Area (GFA)
Administrative, Professional, Social Service and other offices not otherwise classified	1 per 500 sq. ft. GFA
<i>Automotive/Vehicular/Related</i>	
Vehicle Service	3 spaces per service bay plus 1 per employee
Vehicle Sales	1 per 1,000 sq. ft. GFA
Other Equipment/Outdoor Retail	1 per vehicle/equipment used in conduct of business, plus 1 per every 500 Sq. ft. used for business purposes
<i>Amusement/Entertainment/Educational/Religious</i>	
Houses of worship, Social Halls, Auditoriums and similar places of public or private assembly, or community buildings	1 for each 4 seats of total facility capacity
Libraries, museums or other arts/cultural galleries/facilities	1 per 300 sq. ft. GFA
Elementary and Middle Schools	2 for each classroom plus 1 for each administrative employee, <u>or</u> 1 per 4 seats in the auditorium, gymnasium or assembly area, whichever is greater

Type of Use	Minimum Required Spaces
<i>Amusement/Entertainment/Educational/Religious (continued)</i>	
High School and Post-Secondary Facility	8 for each classroom plus 1 administrative employee, <u>or</u> 1 per 4 seats in the auditorium, gymnasium or assembly area, whichever is greater
Recreational Facilities – public or private	1 for 4 persons of maximum capacity plus 1 for each employee
<i>Commercial/Retail</i>	
Convenience Stores	1 for every 200 sq. ft. of GFA, except 50% of the parking provided at pump islands may be credited toward meeting parking requirements
Department Stores, Discount Stores and Supermarkets	1 for every 200 sq. ft. of GFA retail space
Shopping Centers	1 for every 200 sq. ft. of gross floor area, with up to 20% allowed for parking requirements for restaurants, theaters, fitness centers and office uses located therein
Restaurant, Sit-down and Clubs, Lodges and Fraternal Organizations	1 for every 4 seats at a table, 1 for every 2 seats at a bar/counter plus 1 for every 2 employees
Restaurant, Fast Food and Drive-Through	1 for every 50 sq. ft. of GFA, plus 1 for each employee per shift, plus a 3-space reservoir for each drive-through window
Restaurant, Food Truck	1 off-street space for the truck/vehicle, plus availability of 1 for any table provided or if no tables provided 4 per truck/vehicle
Gardening and Seed Supply, Nurseries and similar establishments	1 for every 350 sq. ft. of GFA, plus 1 space for each 1,000 sq. ft. of outdoor sales area
Furniture, Bedding and Home Furnishing Stores	1 for every 1,000 sq. ft. of GFA
Hardware, Wall Covering, Home Supply, and similar establishments	1 for every 350 sq. ft. of GFA
Outdoor Retail	Parking or storage space for all vehicles and equipment used directly in or for the conduct of business, plus 1 for each employee, plus 1 for each 1,000 sq. ft. of outdoor sales area
Self-service Storage establishments	1 for every 2,000 sq. ft. of GFA
Specialty Food Products - donuts, ice cream, bakery, pizza with no inside dining	1 for every 150 sq. ft. of GFA
Retail, not otherwise specified	1 for every 300 sq. ft. of GFA retail space

Type of Use	Minimum Required Spaces
<i>Other Services</i>	
Business, Personal and Repair services	1 for each 300 sq. ft. of GFA, plus 1 for each employee
Hotels, Motels, Bed and Breakfast Inns and similar accommodations establishments	1 space for each unit, plus 1 space for each employee, plus meeting parking requirements if eating and drinking facilities are available for non-registered guests
Short-Term Rentals	1 space for each bedroom
Day Care Home	1 in addition to that required for dwelling unit
Family Child Care Home	2 in addition to that required for dwelling unit plus 2 client drop-off spaces
Group Child Care Home and Child Care Center	1 for every 5 clients plus 1 for each employee
Funeral Home/Mortuary	1 for every 3 seats in chapel or viewing room but not less than 10 for each viewing room, plus 1 for each employee
Nursing Home	1 for every 2 beds, plus 1 for each employee on the maximum work shift
Health Club, Gymnasium, Fitness and Personal Training facility	1 for each 300 sq. ft. of GFA, plus 1 for each employee
Family-Based Group Home	2 per dwelling unit plus 2 spaces for other residents/visitors
Group Care Facility	1 for each 2 residents plus 1 for each employee on the maximum work shift
<i>Light Manufacturing/ Wholesale/Distributive</i>	
Light Manufacturing Permitted Uses	1 for every employee (if shift work number on largest shift) plus 2 for visitors
Wholesale and Distributive establishments	1 for every employee (if shift work number on largest shift) plus 2 for visitors
Note: if on-site sales are involved	Add relevant requirements Commercial/Retail for GFA devoted to sales
Other, not otherwise specified	As per Zoning Hearing Board (if applicable) or as reviewed and recommended by the Geistown Borough Planning Commission
<i>Other</i>	
Unspecified Uses	As per Zoning Hearing Board (if applicable) or as reviewed and recommended by the Geistown Borough Planning Commission

Section 1013 Off-Street Loading

A. Application:

1. In all zoning districts, all uses, buildings or structures that require the receipt or distribution of materials by trucks, vans, trailers or similar vehicles, shall provide a sufficient number of off-street loading and unloading spaces in accordance with the requirements of this Section.

2. When a new building or structure is proposed, and when an existing structure, building or use is expanded, meeting the requirement of Subsection 1 above, off-street loading spaces shall be provided in accordance with this Section.
3. Off-street loading requirements may be changed or waived by action of the Zoning Hearing Board where the applicant can show that existing site constraints affect the application of the standards of this Section.

B. General Provisions:

1. Location:
 - a. Off-street loading spaces shall have direct access to a public alley or street.
 - b. All required spaces shall be located on the same lot as the use it serves.
 - c. The physical point of loading/unloading shall not be located within the required front or side yard setbacks.
 - d. Loading spaces bordering an existing residential property or residential district shall provide a ten (10) foot wide landscape buffer or solid fence/wall.
 - e. Spaces shall have appropriate access/exit way that will provide the least interference with traffic movement, designed to avoid any loading/unloading vehicle from projecting into a public street.
2. Design and Operation:
 - a. Loading and unloading spaces shall be at least ten (10) feet wide, sixteen (16) feet of vertical clearance, have adequate length to suit the specific use and/or typical vehicle expected, and shall have an adequate maneuvering area.
 - b. All spaces provided shall be improved and have a compacted base and shall be surfaced with an all-weather dustless material of adequate thickness to support the weight of fully loaded vehicles expected.
 - c. Motor vehicle repair work shall not be permitted to occur in any off-street loading space.
 - d. Off-street parking spaces provided for a use as per Section 1012 may be used to meet off-street loading requirements only when the parking spaces provided exceed the minimum number required for that use.
3. Specific Requirements:
 - a. New and/or expanded uses that exceed 2,500 sq. ft. GFA shall provide off-street loading spaces in accordance with the following:

Use	Required Spaces
Light Manufacturing, wholesale, and Distributive	1 for every 10,000 sq. ft. up to a maximum of 3 spaces, then 1 for each additional 25,000 sq. ft.
Business, Professional and similar offices	1 for every 20,000 sq. ft. up to a maximum of 2 spaces
Supermarkets and other Retail	1 for every 10,000 sq. ft. up to a maximum of 2 spaces, then 1 for each additional 20,000 sq. ft.
Multi-family Dwelling Buildings	In excess of 10 units – 1 space

- b. Uses that require off-street facilities but are under the standard minimum floor area requirements shall provide adequate facilities in relation to need, and shall adhere to any other requirement of this Section that may be applicable.

Section 1014 Buffer Areas

A. Applicability:

1. It is the intent of the screening provisions to provide visual and auditory separation between potentially incongruous land uses. It is a further intent of the following provisions to provide flexibility to the developer or property owner to create effective concealment through performance design requirements in this Section.
2. Uses within any Zoning District may be required to provide a buffer area where it is necessary to screen or block vision and/or sound associated with the use, specifically:
 - a. Non-residential uses within a residential district as reviewed and approved by the Zoning Hearing Board (for Variances, Special Exceptions and Appeals), Borough Council (for Conditional Uses) or the Zoning Officer, with the review and recommendation by the Geistown Borough Planning Commission, for permitted uses;
 - b. Multi-family dwelling structures in the R-2 District as reviewed and approved by the Zoning Officer, with the review and recommendation by the Geistown Borough Planning Commission;
 - c. For Commercial and Light Manufacturing uses bordering existing residential uses or Zoning Districts as reviewed and approved by the Zoning Hearing Board (for Variances, Special Exceptions and Appeals), Borough Council (for Conditional Uses) or the Zoning Officer, with the review and recommendation by the Geistown Borough Planning Commission, for permitted uses; and
 - d. Any other instance where screening is required by this Ordinance, or deemed necessary by the Zoning Hearing Board (for Variances, Special Exceptions and Appeals), Borough Council (for Conditional Uses).

B. General Requirements:

1. A buffer area shall provide year-round screening and may consist of the following:
 - a. A living fence consisting of evergreen and deciduous plants of various species, with at least fifty percent (50%) comprising evergreen species;
 - b. Existing natural landscapes (i.e. hedges, woodlands, hedgerows, etc.) provided that such an area is preserved from future development by easement, deed restriction, covenant, or other similar device;
 - c. Utilization of an existing earthen berm, or a proposed earthen berm as part of the approved Zoning Permit; and/or
 - d. A closed fence or wall between 4 and 6 feet in height with at least eighty percent (80%) of the surface being opaque.

2. Unless otherwise specified, the required depth of a buffer area shall be as follows:

Feature/Use Triggering Buffering	Bordering Feature/Use being Buffered	Minimum Depth
Off-street parking/loading area	Residential District or existing residential dwelling	10 FT.
Off-street parking/loading area	Public street/right-of-way	5 ft.
Commercial & Commercial/Light Manufacturing District	Residential District	15 ft.
Commercial & Commercial/Light Manufacturing Use	Residential District or existing residential dwelling	10 ft.
Planned Residential Development	Adjacent property lines	50 ft.

NOTE: The width of the planted buffer may be reduced by means of employing other methods as noted in Subsection B. 1. above, as approved by the Zoning Officer (for permitted uses), the Zoning Hearing Board (for Variances, Special Exceptions and Appeals) or Borough Council (for Conditional Uses).

3. Site Design, Operation and Related Standards:
- a. When living fences are included in the buffer area, the following shall apply:
 - i. Evergreens shall be at least three (3) feet in height at planting and the maximum distance between plant centers shall be three (3) feet, unless other spacing requirements to achieve screening is provided in writing from a nursery, landscape architect, or other landscape professional.
 - ii. Deciduous plantings shall be of varying heights.
 - b. Fences and walls shall achieve screening by meeting the definition for "Closed Fence" and conforming to Section 1008 of this Ordinance.
 - c. The property owner is responsible for the maintenance of buffer areas on said property, including but not limited to replacement of dead plant material, mowing of grass, removal of any debris or rubbish, maintaining any fences or walls and general maintenance in accordance with the Borough Property Maintenance regulations.
 - d. No structure, parking area, loading area, storage area or vehicular circulation driveway shall be allowed in the buffer area.
 - e. Buffer areas shall be contiguous along property lines except for areas used for vehicular or pedestrian access/egress.
 - f. Modifications in the otherwise applicable buffer area regulations may be made as follows:
 - i. The Zoning Hearing Board may make modifications for buffers involving Variances, and Special Exceptions and Appeals;
 - ii. Borough Council may make modifications for buffers involving Conditional Uses; and
 - iii. The Zoning Officer may authorize modifications for buffers involving permitted uses after review and recommendation of the Geistown Borough Planning Commission.

- g. Streets and opened alleys may be used as a part of the buffer requirements, reducing the depth of the buffer area but still requiring the provision of other buffer options, such as a closed fence, wall, living fence or earthen berm along the property line.

Section 1015 Planned Residential Development

Planned Residential Developments (PRD) as defined in this Ordinance may be permitted in the R-1 and R-2 Residential Districts in accordance with application, review and associated procedures as per Article VII of the Pennsylvania Municipalities Planning Code (MPC). Specific applicable MPC subsections include the following:

- Section 704. Jurisdiction of County Planning Agencies;
- Section 706. Enforcement and Modification of Provisions of the Plan;
- Section 707. Application for Tentative Approval of Planned Residential Development;
- Section 708. Public Hearings;
- Section 709. The Findings;
- Section 710. Status of Plan After Tentative Approval; and
- Section 711. Application for Final Approval.

In addition, the PRD Development Plan will be treated as a Land Development under the Geistown Borough Subdivision and Land Development Ordinance (SALDO).

- A. Administration: Geistown Borough Council shall administer PRD's pursuant the provisions of MPC.
- B. Community Development Statement: Applications for PRD's shall be based on and interpreted in relation to the Statement of Community Development Objectives as per Section 105 of this Ordinance.
- C. Physical and Special Requirements: The following requirements apply to PRD requirements:
 - 1. Permitted Uses: Multiple-/Multi-family dwellings and associated accessory buildings; community buildings for the cultural, entertainment and recreational use by residents of the PRD, and non-residential uses customarily supportive of and incidental to the primary residential use, provided such uses and required parking do not comprise more than ten percent (10%) of the total land area of the PRD. Permitted non-residential uses may include use such as dining, convenience shopping, and personal services primarily for residents of the PRD.
 - 2. Lot Area and Coverage: Minimum size of a PRD shall be four (4) acres. All buildings including accessory buildings shall cover no more than thirty percent (30%) of the area of the PRD.
 - 3. Building Height: The maximum building height shall be thirty-five (35) feet.
 - 4. Yard and Buffer Requirements: There shall be a fifty (50) foot buffer area along all property lines of the PRD in accordance with Section 1014 B.2.

Within the PRD the buildings shall be located no closer to one another than a distance equal to the height of the taller building of the two, but in no case less than twenty-five (25) feet.

5. Density and Open Space: The maximum density of the PRD shall not exceed twenty (20) units per acre. At least two-hundred fifty (250) square feet per dwelling unit shall be set aside and maintained as a recreation area by the owner of the PRD for the use of the residents of the PRD and/or his/her successors and assigns. At least one-half of the required recreation area shall contain active recreational equipment and facilities, including but not limited to play equipment: hiking, biking or exercise trails; tennis, paddle tennis, basketball, volleyball or other playing courts; swimming pool and related facilities; golf course or putting green; community building for meetings and social activities; picnic pavilions; and other recreational uses deemed appropriate to the proposed residents.
 6. Dwelling Unit Standards: Each dwelling unit shall have a minimum of eight-hundred (800) square feet of floor area.
 7. Off-street Parking: Shall be provided by use in accordance with Section 1012.
- D. Additional Design and Construction Standards: In addition to requirements as per the SALDO, the Development Plan for the PRD shall address:
1. Spacing and orientation of residential dwelling buildings shall be so oriented as to ensure adequate light and air exposures; avoid exposure to concentrated loading or parking area facilities; ensure privacy; and ensure access at all times for emergency vehicles and depicted on the Development Plan.
 2. Recreation and open space areas shall be delineated on the Development Plan, along with a plan or statement of how the owner shall maintain the facilities.
 3. Vehicle and pedestrian circulation facilities shall be displayed on the Development Plan, depicting roadways, sidewalks, driveways, loading areas and off-street parking.

Section 1016 Solid Waste Containers for Certain Uses

All zoning permit applications for Commercial, Light Manufacturing, Institutional and Multi-Family Residential uses, intending to utilize temporary outside waste enclosures and dumpsters on-site shall be in accordance with the following:

- A. Solid Waste shall be stored in a dumpster or enclosure of adequate capacity to internally hold the waste generated until regular collection occurs.
- B. All dumpsters and enclosures shall be maintained in a clean and sanitary manner, and no waste shall be stored outside the dumpster or enclosure.
- C. Dumpsters and enclosures shall be appropriately located to facilitate collection away from adjoining properties.

- D. Permanently or semi-permanently placed dumpsters and enclosures shall employ one or more of the following methods to screen dumpsters and enclosures adjacent to and/or visible from adjacent properties:
1. Placement of features to be screened behind an existing or proposed earthen landform or berm;
 2. Use of existing or proposed closed architectural barrier, wall or fence; and/or
 3. Use of existing or planted evergreen vegetation masses such as hedges, woodlands and hedgerows.

Section 1017 Family-Based Group Home

The following shall apply to Family-Based Group Homes as defined in this Ordinance:

- A. The Family-Based Group Home shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.
- B. No Family-Based Group Home shall be established within 500 ft. of another Family Based Group Home or a Group Care Facility.
- C. The Family-Based Group Home shall be similar in appearance to a single-family dwelling in the neighborhood.
- D. The Family-Based Group Home zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.
- E. The Family-Based Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- F. Off-street parking spaces shall be provided for all vehicles associated with the Family-Based Group Home including the householder, residents, attendant caregivers, and visitors, as per Section 1012.

Section 1018 Group Care Facility

The following shall apply to Group Care Facility as defined in this Ordinance:

- A. The Group Care Facility shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.
- B. The Group Care Facility zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or

agency affiliation. In the case of changes, the zoning approval shall not be transferable.

- C. The Group Care Facility zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- D. No Group Care Facility shall be established within 2,500 ft. of another Group Care Facility or existing Family Based Group Home.
- E. Off-street parking spaces shall be provided for all vehicles associated with the Group Care Facility including the householder, residents, attendant caregivers, and visitors, as per Section 1012.

Section 1019 Child Care Facilities

Facilities so noted shall require documentation of receipt of appropriate licenses from the Pennsylvania Department of Human Services (DHS) and any applicable Day Care Occupancy Permit under UCC requirements prior to action on a Zoning Permit. The following describes and further regulates various types of care environments:

- A. A child care center is a facility in which seven or more children unrelated to the operator receive child care services. A child day care center must have a certificate of compliance (license) from the DHS in order to operate, as per 55 Pa. Code, Chapter 3270, Child Care Centers. (Permitted Use in Commercial and Commercial/Light Manufacturing Districts)
- B. A group care home is a facility in which seven to 12 children unrelated to the operator receive child care services. A group child care home must have a certificate of compliance (license) from DHS in order to operate, as per 55 Pa. Code, Chapter 3280, Group Child Care Homes. (Permitted Use in Commercial and Commercial/Light Manufacturing Districts)
- C. A family child care home is a home other than the child's own home, operated for profit or not-for-profit, in which child care is provided at any one time to four, five or six children unrelated to the operator. A family care home must be located in a home and must have a certificate of compliance (license) from DHS in order to operate, as per 55 Pa. Code, Chapter 3290, Family Child Care Homes. (Special Exception Use in R-1 and R-2 Districts)
- D. The above facilities require a DHS Certificate. The DHS certificate of compliance requires the legal applicant to provide a certificate of occupancy as proof of compliance with the applicable requirements of the Department of Labor and Industry (DLI) in 34 Pa. Code § 403.23 relating to child day care facilities under section 1016(c) of the act (62 P.S. § 1016(c)). In addition, the legal applicant is required to maintain ongoing compliance with these above referenced applicable DLI requirements following issuance of any certificate of compliance issued by the DHS.

The legal applicant shall document adherence to these DHS requirements to the Zoning Officer.

- E. A day care home is a home other than the child's own home, operated for profit or not-for-profit, in which child care is provided at any one time to no more than three (3) children unrelated to the owner. (Special Exception Use in R-1 and R-2 Districts)

Section 1020 Home Occupations

A home occupation as defined in this Ordinance is further subject to the requirements of this Section.

- A. A Zoning Certification must be issued by the Zoning Officer, after review and recommendation by the Geistown Borough Planning Commission.
- B. Permitted home occupations include:
 - 1. The professions, such as architects, artists, clergy, engineer, musician, accountant, tax preparer, tax collector, consultant, writer, and similar professions not requiring clients to regularly visit the premises, and tutors.
 - 2. Customary domestic and related service occupations including seamstress, crafts persons, household repair services, excluding vehicle and equipment repairs.
 - 3. Day Care Home, as defined in this Ordinance.
 - 4. Other similar by Special Exception.
- C. Home Occupations shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) sign or name plate not exceeding 1 sq. ft. (see Section 1102).
- D. Home Occupations shall not involve the purchase, sale, and/or display of retail goods.
- E. Home Occupations shall be limited to the employment of the immediate members of the household occupying the dwelling unit.
- F. Home Occupations conducted wholly within the dwelling unit and shall not occupy more than twenty (20%) percent of the GFA of the structure. The floor area standards shall not apply to family day care homes.
- G. Home Occupations shall not involve the outdoor storage of goods, equipment, and/or commercial vehicles.

- H. Home Occupations shall not create objectionable noise, fumes, odor, dust, electrical interference, or excessive traffic.
- I. Home Occupations generating occasional visitors and/or deliveries other than those typified by the US Postal Service shall provide off-street spaces for these purposes.

Section 1021 Junk/Salvage Yards

Within the Commercial/Light Manufacturing District, junk/salvage yards meeting the definition of this Ordinance shall be a use by Special Exception, subject to the following requirements:

- A. No material shall be placed in any junk/salvage yard in such a manner that is capable of being transferred out of the junk/salvage yard by wind, water, or other natural causes.
- B. The boundaries of any junk/salvage yard shall at all times be clearly delineated by a closed fence.
- C. All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be kept within fully enclosed buildings.
- D. The land area used for junk/salvage yard purposes shall not be less than one (1) acre with a minimum lot width of one-hundred fifty (150) feet.
- E. Screening of the junk/salvage yard from neighboring land uses shall, as a minimum, require the following:
 - a. The junk/salvage yard shall be entirely enclosed by a closed fence with access only through solid gates. Such fence or wall shall be kept in good repair. A brick wall, stockade fence or a chain link fence with opaque inserts that shields the view of the property will meet this requirement.
 - b. The contents of such a junk/salvage yard shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
- F. All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising of materials above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures, or other means.
- G. Fire shall be prevented and hazards avoided by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary by the provision of adequate aisles at least fifteen (15) feet for escape and firefighting, and by other necessary measures.

Section 1022 Small Wireless Facilities Deployment

Enacted by Act 50 of 2021 Pennsylvania created the Small Wireless Facilities Deployment Act, establishing standards for deploying small cell infrastructure while preserving local authority over rights-of-way. Small Wireless Facility Deployment projects shall follow the requirements of Act 50 as well as Geistown Borough Ordinance #539, entitled the Geistown Borough Small Wireless Facilities Ordinance, both as periodically updated. Specific zoning requirements for these developments shall adhere to the following:

- A. Zoning and Code Compliance: Under the Act, small cell wireless facilities are a permitted use in the public rights-of-way in all areas except underground districts and would be reviewed by municipal staff in accordance with applicable codes. The definition of applicable codes in the legislation includes local zoning, land use, streets and sidewalks, rights-of-way and permitting ordinances. Wireless providers and contractors have the right to collocate small cell facilities on existing poles; replace an existing utility pole with added small cell infrastructure; or install a new utility pole with added small cell infrastructure.
- B. Permits: A municipality shall require an applicant to obtain one or more permits of general applicability to perform the following within the right-of-way:
 1. Collocate, maintain and modify small wireless facilities;
 2. Replace existing utility poles for collocation; and/or
 3. Install new utility poles with attached small wireless facilities.
- C. Applications:
 1. An application shall be submitted in accordance with Ordinance # 539 and processed on a nondiscriminatory basis and deemed approved if the Borough fails to approve or deny the application within 60 days of receipt of a complete application to collocate and within 90 days of receipt of a complete application to replace an existing utility pole or install a new utility pole with small wireless facilities attached. A permit associated with an application deemed approved under this subsection shall be deemed approved if the municipality fails to approve or deny the permit within seven business days after the date of filing the permit application with the municipality unless there is a public safety reason for the delay.
 2. An applicant seeking to collocate within the jurisdiction of a single municipality shall be allowed at the applicant's discretion to file a consolidated application for collocation of multiple small wireless facilities as follows:
 - a. The consolidated application does not exceed 20 small wireless facilities.
 - b. The denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same consolidated application.
 3. Within ten (10) business days of receiving an application, a municipality must determine and notify the applicant in writing whether the application is incomplete. If an application is incomplete, the notice must specifically identify the missing information. The processing deadline shall restart at zero on the date

the applicant provides the missing information. The processing deadline may be tolled by agreement of the applicant and the municipality.

4. Application fees are as established by Ordinance # 539 an/or by Resolution by Borough Council.

D. Specific Dimensional Requirements: The dimensions of the small cell facilities shall match those in the Federal Communications Commission Order, as summarized below:

1. The size of the antenna is limited to three (3) cubic feet in volume;
2. Accessory equipment may only be twenty-eight (28) cubic feet in volume; and
3. The maximum utility pole height would be fifty (50) feet. Height waivers are subject to applicable codes and local ordinances.

The Borough reserves the right to develop and/or adopt objective guidelines for small wireless facilities regarding the minimization of aesthetic impact, as long as the guidelines are technically feasible and nondiscriminatory.

E. Abandonment and Discontinuance: Small Wireless Facilities and/or dedicated equipment will be considered abandoned if not operated for a period of twelve (12) months, in accordance with Section 6A of Ordinance # 539. Furthermore, the Borough may require discontinuance of a Small Wireless Facility in accordance with criteria in Section 6B of Ordinance # 539.

Section 1023 Short-Term Rental of Dwelling Units

A. General: This use is not considered a permanent personal dwelling, but it shall be considered a use by Special Exception in the R-1 and R-2 Residential Districts residence under the definitions of this Ordinance, subject to the applicable requirements of the International Residential Code and/or the International Building Code under UCC.

B. Specific Requirements: This use is subject to the following requirements:

1. Application for and receipt of a Zoning Certification as per Section 1303 of this Ordinance;
2. Application for and receipt of a Zoning Permit, as per Section 1302 for certain construction activities, and/or a Building Permit, as per Section 1304 for any required construction activities, and/or a Certificate of Use and Occupancy, as per Section 1305 if required under the UCC;
3. Registration of updated emergency contact information with the Borough;
4. Meeting parking requirements as per Section 1012 of this Ordinance; and
5. Structure must provide emergency lighting, smoke detectors and fire extinguishers.

Short-term rentals not meeting the definition in this Ordinance are interpreted as a use within the Hotels, Motels, Bed and Breakfast Inns and similar accommodations establishment category of this Ordinance.

**ARTICLE XI
PROVISIONS REGARDING SIGNS AND BILLBOARDS**

Section 1101 General Provisions

Any on-premises sign or off-premises billboards erected, altered, relocated, remodeled, or enlarged, after the date of this Ordinance shall comply with the provisions and regulations contained in this Section, and any other applicable Borough ordinances. The following on-premises signs shall be exempt from the requirements of this article, provided that clear sight distance be retained at intersections, in the opinion of the Zoning Officer or Zoning Hearing Board as provided herein:

- Address numerals and a name plate sign in the R-1 and R-2 Districts.
- Directional, traffic, legal notices, or similar instructional and/or regulatory signs erected by a unit or agency of government.
- Flags and/or other types of emblems, symbols and non-commercial activities, which are displayed on private property, provided that the supporting structure or flagpole does not exceed the applicable height and setback limitations of the zoning district.
- On-premises temporary signs less than three (3) square feet in the R-1 and R-2 Districts in accordance with Subsection 1102 E, and in the Commercial and Commercial/Light Manufacturing Districts in accordance with Section 1104.
- Signs mounted on interior walls and/or not readable from the nearest public right-of-way.

All on-premises signs and off-premises billboards shall be constructed of permanent and durable materials and be maintained in good condition. All on-premises signs and off-premises billboards shall also be constructed and maintained in a safe and orderly manner. No on-premises sign or off-premises billboard shall be placed in such a position that it will cause danger to vehicular or pedestrian traffic by obstructing view, causing distraction, or creating congestion.

- A. Permits: All on-premises signage in excess of three (3) square feet shall require a permit issued by the Zoning Officer in accordance with the provisions of Article XIII of this Ordinance. Off-premises billboards, as defined in the Definitions section of this Ordinance shall require a permit by Special Exception from the Zoning Hearing Board as per Section 1101 E. 2. herein.
- B. Location and Placement for all on-premises signs and for off-premises billboards when noted:
1. All on-premises signs shall be located on the same lot containing the use or structure to which it relates.

2. All on-premises signs and off-premises billboards shall be set back at least five (5) feet from the nearest right-of-way and/or property line.
3. No on-premises sign or off-premises billboard except traffic and other official directional sign shall be erected or extend onto any public street or right-of-way.
4. All on-premises signs and off-premises billboards except Temporary on-premises signs (see Section 1104) erected on the ground shall be permanently placed into the ground so that they cannot be moved.
5. All on-premises signs erected directly on the ground shall have at least three (3) feet of clear space between such sign and the ground, however, necessary supports may be extended through such open space. See Section 1103 H. for off-premises billboard clear space height.
6. No on-premises signs shall be permitted that are posted, stapled or otherwise permanently attached to public utility poles or trees within a right-of-way line.
7. No off-premises billboard that is a part of or is supported by a building shall be erected upon the roof of such a building.
8. On-premises signs or off-premises billboards may not be placed within ten (10) feet of a point of intersection of public streets measured at a 45-degree angle, or within five (5) feet from the nearest property line, whichever is greater.

C. Height: The height of any on-premises sign may not exceed twenty (20) feet, as measured from the ground level to the top of the sign. The height of any off-premises billboard may not exceed twenty (20) feet measured from ground level to the top of the Billboard.

D. Additional Requirements:

1. On-premises signs and off-premises billboards may be non-illuminated, internally illuminated or externally illuminated. During daylight hours between sunrise and sunset, luminance shall be no greater than two-thousand five-hundred (2,500) nits, and all other times, luminance shall be no greater than two-hundred-fifty (250) nits. Certification must be provided to the Borough demonstrating that the on-premises sign or off-premises billboard has been preset to automatically adjust to the brightness to these levels.
2. On-premises signs or off-premises billboards shall have no flashing, moving, rotating, scrolling, glittering, oscillating, animated, sequential, intermittent, blinking, dissolving, fading or fluttering signs or displays.
3. Illumination shall be effectively located, screened, directed and shielded so as to prevent beams or rays of light from being directed at any property zoned Residential or containing residences in any case, the amount of illumination reaching any property zoned Residential or containing residences from an on-premises sign or off-premises billboard shall not exceed two-tenths of a foot candle (0.2fc) at the property line, directly or indirectly.
4. Between 12:00 midnight and 6:00 am prevailing local time, no on-premises sign shall be illuminated. Between closing time and opening time, when the business is not in operation, any business's on-premises sign shall not be illuminated.

5. Illuminated signs and off-premises billboards shall be non-flashing, shall be of an enclosed lamp design, and shall be lighted in a manner not detrimental to any adjacent property or public right-of-way.
6. A digital on-premises sign or off-premises billboard may not allow the display or message to change more frequently than once every eight (8) seconds, with a transition period of one (1) second or less.
7. All on-premises signs and off-premises billboards for which a permit is required shall identify the name and operating telephone number of the person responsible for the sign or billboard.
8. All on-premises signs and off-premises billboards shall conform to the latest applicable building and electrical codes being enforced by the certified UCC Building Code Officer.
9. The owner of the parcel on which an on-premises sign or off-premises billboard and the owner of the on-premises sign or off-premises billboard are each equally responsible for the condition and the maintenance of the on-premises sign or billboard.
10. On-premises sign displays shall go to dark if there is a malfunction.
11. Any façade or wall on-premises sign attached to or painted on a building may extend a maximum distance of six (6) inches from the wall to which it is attached, may cover a maximum of 15% of the total area of the wall to which it is attached and shall not extend beyond any point of the line of the building to which the sign is attached.
12. If a use ceases for six (6) consecutive months, all on-premises signs and off-premises billboards and supporting structures for that use shall be removed.
13. An on-premises sign or off-premises billboard in conformance with the Ordinance may be temporarily removed for repair and/or repainting without obtaining a permit, providing that such repair and repainting does not exceed the dimensions of the original on-premises sign or off-premises billboard and the style of the billboard is not changed. Non-conforming on-premises signs or off-premises billboards, once otherwise removed, shall be replaced only with on-premises signs or off-premises billboards which conform with this Ordinance, and shall require obtaining the required permit(s). Non-conforming on-premises signs or off-premises billboards may be repainted or repaired but the style may not be changed. All repairs or replacements shall be completed within thirty (30) days to qualify for the allowances of this subsection.
14. The Zoning Officer has the authority to enforce these requirements in the permitting of new and/or replaced on-premises signs or off-premises billboards. The Zoning Officer may require the existing on-premises sign or off-premises billboard owner, or the property owner in the case of abandoned on-premises signs or off-premises billboards, to comply with such enforcement orders within thirty (30) days of notification or be in violation of this Ordinance.

E. Special Exceptions:

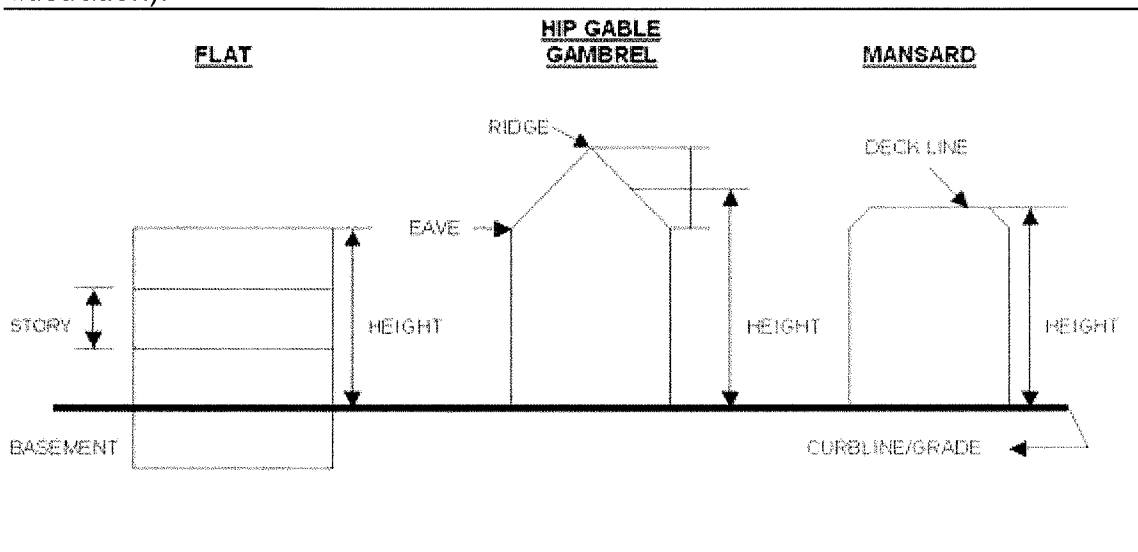
Permits may be issued for the following on-premises signs or off-premises billboards after approval by the Zoning Hearing Board:

1. Other than those on-premises signs specifically permitted in residential districts, as per Section 1102, on-premises signs, excluding off-premises billboards, may be permitted in Residential districts by Special Exception.
2. Off-premises billboards by Special Exception from the Zoning Hearing Board in the Commercial and Commercial/Light Manufacturing Districts subject to the following conditions:
 - a. The off-premises billboard must be a minimum distance of 300 feet from the nearest residential zoning district border (R-1 or R.2) or from a residential dwelling seen if in a Commercial or Commercial/Light Manufacturing District, church, library, park, school or other public building owned and used by the public; and
 - b. The off-premises billboard must be at least 1,000 feet from any other existing or proposed billboard. The measurement shall be on a radius from the proposed billboard.

F. Prohibited on-premises signs or off-premises billboards:

The following on-premises signs or off-premises billboards are prohibited or deemed abandoned in all districts except as noted below:

1. Roof signs above the ridge line of a hip gable/gambrel (sloped) roof, above the deck line of a mansard roof, and above the eaves line of a flat roof (see illustration).



2. "Sandwich Board"/A-frame on-premises signs in excess of 8 square feet and/or creating an obstacle for pedestrian or vehicular access.
3. Flashing and/or animated on-premises signs or off-premises billboards unless approved by the Zoning Hearing Board.

4. Moveable on-premises signs or off-premises billboards other than "Sandwich Board"/A-frame, in accordance with Subsection 1 above.
5. On-premises signs or off-premises billboards illuminated by unshielded bare light bulbs.
6. Off-premises signs other than off-premises billboards in compliance with this Ordinance.
7. Abandoned on-premises signs and off-premises billboards that meet one or more of the following:
 - a. It does not display a current or maintained message for a consecutive 120-day period;
 - b. The owner of the sign or billboard cannot be located at the owners last known address, as reflected on the records of the Borough for a period of thirty (30) days;
 - c. A structure designed to support a sign or billboard no longer supports the sign or billboard for a period of 120 consecutive days;
 - d. The on-premises sign or off-premises billboard is animated, rotating or otherwise moving or a sign/billboard with moving parts;
 - e. Any sign or billboard that emits noise or odor;
 - f. Any sign or billboard exceeding a vertical measurement of twenty (20) feet;
 - g. Any on-premises sign or off-premises billboard erected, painted or maintained upon fences, trees, bushes, rocks or similar natural feature; and/or
 - h. Any on-premises sign or off-premises billboard that is structurally unsafe or in disrepair.

Section 1102 Sign Provisions in R-1 and R-2 Residential Districts

All permitted signs erected in Residential districts shall be on-premises signs and pertain only to activities being conducted on the lot that the sign is located, and include the following:

- A. A nameplate sign not exceeding one (1) square foot in area indicating, the name and address of the owner.
- B. A home occupation sign not exceeding one (1) square foot in area for which a Borough Zoning Certificate has been granted.
- C. One (1) identification sign for a multi-family dwelling structure or a permitted non-residential structure or use not to exceed twenty (20) square feet in area per sign face.
- D. A sign customarily incidental to public and/or semipublic use, not to exceed six (6) square feet in area, and at least twenty-five (25) feet from the nearest existing residential property or residential district line.
- E. Temporary on-premises signs related to a permitted and/or allowable activity and/or acknowledgement of occupants directly related to the property where it is displayed,

not exceeding six (6) square feet in area and set back at least fifteen (15) feet from the property line. Signs shall be displayed for no more than thirty (30) consecutive days for any one activity or acknowledgement.

- F. Street signs, directional signs, and traffic control signs as erected by and/or approved by the Borough, County, State, and/or other authorized agency of government.

Section 1103 Sign Provisions in Commercial and Commercial/Light Manufacturing Districts

In Commercial and Commercial/Light Manufacturing Districts on-premises signs and off-premises billboards shall be permitted subject to the following regulations:

- A. On-premises signs permitted in the Residential Districts as per Section 1102.
- B. Permitted On-premises signs in these Districts include:
 - 1. Awning
 - 2. Business
 - 3. Canopy
 - 4. Multi-Tenant
 - 5. Pole/Freestanding
 - 6. Projecting
 - 7. Roof (subject to Section 1101 F 1 restrictions above)
 - 8. Sandwich Board/A-Frame (subject to Section 1101 F 2 restrictions above)
 - 9. Temporary (subject to Section 1104 restrictions below)
 - 10. Wall/Façade
 - 11. Window
- C. On-premise business signs or identification signs not to exceed one (1) square foot for every two (2) lineal feet of frontage occupied by the on-premises use, but not exceeding seventy-five (75) square feet for any one business. In the case of double frontage and/or corner lots, the occupied frontage calculation may take into account each frontage separately for individual signs on each frontage, or may be combined to allow the installation of one or more signs, visible from both frontages, not to exceed one (1) square foot for every two (2) lineal feet of combined frontage occupied, but not exceeding one hundred-fifty (150) square feet for any one business.
- D. The computation for allowable square footage for double-faced on-premises signs shall include only one side if the two sides are identical.
- E. Wall or facade on-premises signs attached to a building shall cover no more than fifteen (15) percent of the surface area of the wall on which the sign is to be erected, and shall not project above the roof of the structure. Billboards shall not be permitted as a wall or facade sign.

- F. Projecting on-premises signs shall project perpendicularly no more than six (6) feet from the wall of the building, structure or supports and shall allow for a clearance of at least eight (8) feet from the bottom of the sign to the ground. Billboards shall not be permitted to be attached to a building.
- G. On-premises signs mounted or applied flush on awnings or canopies shall not exceed a total of nine (9) square feet.
- H. Multi-tenant on-premises signs are permitted for structures having two or more tenants, up to fifty (50) square feet for structures with five (5) or fewer tenants to one-hundred (100) square feet for structures with six (6) or more tenants. Any signage panels within these structures associated with the individual tenants are used in the computation of maximum signage for the individual tenants.
- I. Maximum on-premises signage computation shall consider all signage listed in Subsection B. above except Sandwich Board/A-Frame and Temporary signage.
- J. Off-premises billboards shall be a minimum of sixty (60) square feet and a maximum of one hundred twenty (120) square feet in dimension with a minimum clearance of at least eight (8) feet from the bottom of the sign to the ground.

Section 1104 Temporary Signs

Temporary on-premises signs may be permitted in the Commercial and Commercial/Light Manufacturing Districts for special sales events subject to the following requirements:

- A. Temporary signs in excess of three (3) square feet shall require a Temporary Sign Permit.
- B. Total temporary signage may not exceed twenty-five (25) square feet for any one business.
- C. Temporary signs may be displayed for no more than thirty (30) consecutive days for any one hundred-fifty (150) day period.
- D. Temporary signs shall be located outside of the public right-of-way, and no closer than five (5) feet from any property line.

Section 1105 Administration and Enforcement

The Zoning Officer shall administer and enforce all requirements related to on-premises signs and off-premises billboards as follows:

- A. Zoning Permits are required for all permanent new and replacement signs and off-premises billboards installed after the date of the adoption of this Ordinance, as follows:
 - 1. With the exception of on-premises temporary signs less than three (3) square feet subject to Subsection 4 below, a Zoning Permit shall be obtained from the Zoning Officer before any sign is erected, displayed, replaced or structurally altered so as to change its overall dimension or style. Every application for a sign permit shall be accompanied by payment of a permit fee required in accordance with a schedule of fees adopted by the Borough Council and by plans showing:
 - i. The area of the sign, the size, structure, character and design proposed;
 - ii. The method of illumination, if any, and
 - iii. The exact location proposed for the sign.
 - 2. New and replacement on-premises signs and off-premises billboards include signage erected on existing or new structures and/or supports.
 - 3. Replacement signs for conforming on-premises signs and off-premises billboards replacing non-conforming signage at the time of the adoption of this Ordinance.
 - 4. A Temporary Sign Permit is required for temporary on-premises signs in excess of three (3) square feet
 - 5. A Building Permit is required for signage requiring the construction of a new structure, support, or pole, with the issuance of the Zoning Permit being a prerequisite.
- B. Procedures
 - 1. Zoning Permit applications for on-premises signage shall be reviewed by the Geistown Borough Planning Commission for advisory comments prior to action on the Permit by the Zoning Officer.
 - 2. Zoning Permit applications for off-premises billboards in the Commercial and Commercial/Light Manufacturing Districts shall be reviewed by the Geistown Borough Planning Commission for advisory comments and submitted to the Geistown Borough Zoning Hearing Board for consideration as a Special Exception, prior to action on the Permit by the Zoning Officer.
- C. Other Enforcement Powers of the Zoning Officer
 - 1. Prepare and send notifications to businesses and/or owners regarding improper maintenance of signs and off-premises billboards in accordance this Ordinance.
 - 2. Carry out other enforcement measures for violations in accordance with Article XIII of this Ordinance.

ARTICLE XII NONCONFORMING USES AND BUILDINGS

Section 1201 Continuation

Any nonconforming lot, building, structure or use legally existing at the time of adoption of this Ordinance, or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, sold, or maintained even through it does not conform to the regulations of the district in which it is located, subject to the following provisions of this Article.

- A. A nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification, provided that no structural alterations and/or physical expansions are made that would require a Zoning and/or Building Permit.
- B. Structural changes and/or physical expansion of a pre-existing non-conforming use shall require the issuance of a Special Exception by the Zoning Hearing Board in accordance with Article XIV prior to the issuance of a Zoning and/or Building Permit.
- C. Whenever a nonconforming use has been changed to a more restrictive use, such use shall not thereafter be changed to a less restrictive use. Whenever a nonconforming use has been changed to a conforming use, such use shall not be changed to a nonconforming use.
- D. Whenever the use of a building becomes nonconforming through a change or amendment of the Zoning Ordinance or district boundaries, such use may be continued and may be changed to another nonconforming use of the same or more restrictive classification, provided that no structural changes and/or physical expansions are made that would require a Zoning and/or Building Permit. In the case where Zoning and/or Building Permits are required, Subsection B. above would apply.
- E. In all cases involving the determination of same/less/more restrictive use classification by the Zoning Officer, the applicant and/or person proposing the change in use is responsible for documenting the use for purposes of the classification process to the satisfaction of the Zoning Officer.
- F. In the determination of the existence of a pre-existing nonconforming use, the Zoning Officer shall use readily available records, maps and past zoning actions as a base.
 - 1. In the event of a dispute over the pre-existing nonconforming use as per readily available records, the applicant and/or person involved in the determination of the nonconforming use shall supply any documentation that furthers their contention.

2. An owner of record may formally notify the Zoning Officer in writing, documenting a nonconforming lot, structure, building or use, as of the effective day of this ordinance, and applying for a Zoning Certification.

Nothing in this Article shall prevent the maintenance of a structure to a safe and habitable condition. Also, the provisions of this Article shall not apply to structures that may be designated as historic landmarks by the Geistown Borough Planning Commission, and as approved by Borough Council. This designation may use a nomination to the National Register of Historic Places, designation by the Pennsylvania Historic and Museum Commission, and/or designation by local or county agencies as inputs into the process of determining historic landmarks.

Section 1202 Discontinuance

A nonconforming use shall be defined as being discontinued or abandoned when at least one (1) of the following occurs:

- A. Whenever a nonconforming use of a structure or portion thereof has been discontinued for a period of twelve (12) consecutive months, unless it is being actively marketed for sale/lease/rent to the public in a conspicuous manner.
- B. Whenever a nonconforming use has been replaced by a conforming use in a structure or portion thereof.
- C. Whenever a conforming use has been replaced by a more restrictive nonconforming use.
- D. In the case where no enclosed structure is involved, whenever a nonconforming use has been discontinued for a period of six (6) consecutive months.

When a nonconforming use has been discontinued or abandoned in a structure or portion thereof, all proposed uses shall be in accordance with the requirements of the zoning district.

Section 1203 Alterations

Proposed enlargements, extensions, reconstructions and structural alterations, which meet the definitions of Structural Alteration/Change and/or Physical Expansion (See Article II Definitions), devoted to a nonconforming use in the District in which the structure or portion thereof is located shall be by Special Exception.

- A. This restriction does not apply to instances where the proposed use is a Permitted Use in the District in which the structure or portion thereof is located.
- B. Repairs, non-structural alterations, and other general maintenance may be made to a nonconforming building or structure or a building or structure occupied by a

nonconforming use, but such repairs shall be subject to all applicable Zoning and Building Permit requirements.

Section 1204 Reconstruction Provisions

A structure or portion thereof containing a nonconforming use which is damaged by fire, flood, or other natural causes may be reconstructed, restored, and used as before provided that:

- A. The extent of the damage does not exceed seventy-five percent (75%) of the fair market value of the structure or portion thereof prior to the damage.
 - 1. The applicant is responsible for documenting damage costs and fair market value prior to the damage at the time the Zoning Permit application is submitted to the Zoning Officer.
 - 2. In the event that the Zoning Officer's review and determination on the Zoning Permit based on the submitted documentation is not acceptable to the applicant, the applicant may appeal the determination to the Zoning Hearing Board in accordance with Article XIV.
- B. The reconstruction and repairs must be initiated within three (3) months of the issuance of the Zoning or Building Permit, and must be completed within one (1) year of the issuance of the Zoning or Building Permit, with the actual dates determined as per the last issued permit;
- C. The reconstruction shall not exceed the size, bulk, and area that existed prior to the damage, unless approved by the Zoning Hearing Board as a Special Exception;
- D. The location of the reconstruction does not create a safety hazard; and
- E. The reconstruction of a nonconformity located in the 100-year floodplain shall comply with Article VIII of this Ordinance and Ordinance #508, entitled Geistown Borough Floodplain Regulation Ordinance.

Section 1205 Construction in Progress

No structure designed or intended to be utilized for a nonconforming use shall be constructed or allowed unless construction is already underway at the time of the enactment or subsequent amendment of this Ordinance and is being diligently prosecuted so that such structure shall be completed for occupancy within twelve (12) months from the time of the enactment or subsequent amendment of this Ordinance. All outstanding Zoning and Building Permits for construction or reconstruction that do not meet these requirements are hereby rendered null and void.

Section 1206 Residential Nonconforming Lot of Record

A one-family residential dwelling may be erected on any lot of record in any residential district as long as the following requirements are met:

- A. The lot is displayed on a recorded plat or deed to have been owned separately and individually from adjoining properties at a time when the creation of a lot of such size was not regulated by any zoning ordinance; and
- B. The lot has remained separate and individual from any other lot or lots during the time that the creation of such lots has been prohibited or regulated by applicable zoning ordinances.

Construction on such lots shall be permitted and shall comply with all regulations except lot area.

Section 1207 Uses by Special Exception

The following describe the legal status of Special Exception Uses:

- A. Any use for which a Special Exception has been issued as provided for in Article XIV shall remain to be considered as a legal nonconforming use, and subject to Section 1201 for continuation of use.
- B. Where a use exists at the time of enactment or subsequent amendment of this Ordinance and is permitted as a Special Exception use in the Zoning District in which it is located, then it shall be considered as a legal nonconforming use in such zoning district, subject to Section 1201 for continuation of use.

Section 1208 Changes in Districts

Whenever the boundaries of a district change so as to transfer an area from one District to a different district, the provisions of this Article shall apply to any nonconforming use, structure, or lot of record existing herein.

**ARTICLE XIII
ADMINISTRATION AND ENFORCEMENT**

Section 1301 Zoning Officer

- A. Zoning Enforcement: For the administration of the zoning ordinance, a zoning officer, who shall not hold any elective office in the Borough, shall be appointed by Borough Council. The zoning officer shall meet qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning.
- B. Duties and Powers of the Zoning Officer: The zoning officer shall administer the zoning ordinance in accordance with its literal terms, and he/she shall have such powers and duties as are conferred on her/him by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to the zoning ordinance. Specific duties shall include but not be limited to the following:
1. Receive applications for and issue Zoning Permits and Zoning Certifications in accordance with the requirements of Sections 1302 and 1303, respectively.
 2. Maintain an official record of all business and activities related to zoning, including complaints and actions taken consequent on each complaint; Zoning Permits and Zoning Certifications issued and denied; and administrative files associated with Special Exceptions, Conditional Uses and Appeals. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, sign or land shall be retained as long as they remain in existence.
 3. Make inspections as required to fulfill the duties of the office, including having the right to enter and structure or any land at any reasonable hour in the course of his/her duties.
 4. Issue permits for Special Exception Uses and Variances only after such uses and/or structures have been approved by the Zoning Hearing Board, and for Conditional Uses only after such uses and/or structures have been approved by Borough Council, in accordance with the regulations of this Ordinance.
 5. Maintain the Zoning Ordinance and Zoning Map to include all amendments thereto.
 6. Institute civil enforcement proceedings as a means of enforcement.
 7. Send notification notices on nonconforming uses and on violations of the Zoning Ordinance.
- C. Notice of Violations: If it appears to the Borough that a violation of the zoning ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
1. The Zoning Officer, acting for the Borough, shall serve a written notice of a violation on any person, firm, corporation, or partnership responsible for violating any of the provisions of this Ordinance, or in violation of a detailed statement or plan approved thereunder.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any other person determined have some involvement in the violation, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:
 - a. The name of the owner of record and any other person against whom the Borough intends to take action;
 - b. The location of the property in violation;
 - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of 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 procedures set forth in the ordinance; and
 - 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.

If the notice of violation is not complied with, the Zoning Officer shall order the discontinuance of such unlawful use of the structure, sign and/or land.

Section 1302 Zoning Permit

A Zoning Permit is required prior to the erection, construction, addition, relocation or structural alteration of a building, structure, sign, garage, deck, patio, carport, fence, swimming pool and/or shed. Persons desiring to undertake the construction, alteration, or to change the use of any structure or lot shall apply to the Zoning Officer for a Zoning Permit by filing the appropriate form and by submitting the required fee. The Zoning Officer will then either issue or refer the application to the Zoning Hearing Board (i.e., Variance, Special Exception or Appeal) or the Borough Council (i.e., Conditional Use), as provided in this Ordinance, or upon the order of a Court of competent jurisdiction.

A. Process:

A request for a Zoning Permit shall be made by completing the appropriate official Borough application form and submitting it to the attention of the Zoning Officer, along with the required fee payable to the Borough. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by authorization from the owner. The Zoning Officer shall have thirty (30) days after receipt of a completed application to issue or deny the Permit. A denial shall be in writing and shall state the reason(s) for such action. Permits requiring action by the Zoning Hearing Board or Borough Council shall be issued after and in accordance with any conditions set forth in the ruling of the respective approving agency.

B. Form of Application:

All applications shall be made in writing on a form as prescribed by the Zoning Officer, and shall be accompanied by one (1) set of plans, unless otherwise prescribed by the Zoning Officer. At a minimum, the following information shall be considered as a complete application, if applicable:

- The Name, Address and Telephone Number of the Property Owner, the Applicant (if different from the owner).
- The estimated construction costs of any proposed improvements.
- The Zoning District and County Tax Parcel Number of the property involved.
- Actual property lines, dimensions and shape of the lot to be used, displayed on a scale drawing, scale aerial photograph/map, property survey or other graphic depiction acceptable to the Zoning Officer.
- The exact size and location on the lot of buildings, structures, or signs existing and/or proposed, including any proposed extensions, additions and expansions thereto, also displayed on a scale drawing, scale aerial photograph/map, or other graphic depiction acceptable to the Zoning Officer.
- The number and location of dwelling units and/or other non-residential units being provided.
- Statement indicating any existing or proposed use(s).
- Front, rear and side yard setbacks associated with the proposed building activities.
- Height of any structure, building, fence, pool or sign existing or proposed.
- In the case of paid contracted work, documentation of Workers Compensation coverage for the contractor.
- For projects proposing new residential or non-residential buildings and land developments, a statement indicating the provider of essential services such as water supply, sewage disposal, electrical service, natural gas service, etc.
- Any other information deemed necessary by the Zoning Officer in order to determine compliance with this and any other applicable Borough Ordinances.

C. Supplemental Requirements:

In addition to B. above, applications for multiple-family residential, commercial, light manufacturing and institutional buildings and additions shall address the following:

- Traffic capacity, circulation, and off-street parking plans/information.
- Landscape and/or Site Development plans.
- Architectural drawings/renderings.
- Consultation and/or approvals from other agencies, such as the Highland Sewer and Water Authority, PennDOT (i.e., Highway Occupancy Permits on State Highways), and PA Department of Environmental Protection.
- In relevant situations, any state or federal licenses or permits required for the conduct of business or provision of services proposed in the application.

After the receipt of a completed application, the applications in this subsection shall be reviewed to the Planning Commission by the Zoning Officer for advisory comments prior to any final action on the Zoning Permit.

D. Changes:

After the issuance of a Zoning Permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing and shall be submitted by the applicant to the Zoning Officer for consideration.

E. Expiration of Zoning Permit:

The Zoning Permit shall expire ninety (90) days from the date of issuance if work described in the application has not been initiated, unless the applicant advises the Zoning Officer of the reasons causing the delay prior to the expiration date. If the work described in the application has begun in the 90-day timeframe, the Permit shall expire one (1) year from the date of issuance thereof.

F. Extension of Zoning Permit:

The Zoning Permit may be extended for one (1) additional year, by the applicant applying for the extension at least fifteen (15) days prior to its expiration and must submit an application fee in the same amount as submitted for the original permit. Any changes to the cost, scope, terms and conditions of the original permit shall require a new permit.

G. Permit and Permit Placard:

The Zoning Officer shall issue a Zoning Permit Placard that shall be displayed or posted at a conspicuous place on the premises during the construction time period. The Zoning Permit Placard also notes if a Building Permit (See Section 1304) is required. The Permit Placard shall remain on display until completion of the project and/or final inspection has been made by the Zoning Officer. Said placard shall bear the permit number, date of issuance, and the signature of the Zoning Officer.

H. Inspections:

During the application review and construction periods, the Zoning Officer may inspect the premises to determine the accuracy of the application, and that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Borough laws. He/she may make as many inspections as necessary to determine compliance.

I. Revocation of Permit:

The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such cases, the person holding the Permit shall immediately surrender it to the Zoning Officer and cease and desist all work. The applicant may reapply for a new Zoning Permit or appeal the determination of the Zoning Officer to the Zoning Hearing Board.

J. Exclusions:

The following activities are specifically excluded from Zoning Permit requirements:

1. Replacement of windows in existing openings;
2. Installation of siding or brick facing;
3. Replacement of roofing materials such as shingles, metal roofing, etc., when there is no change in pitch, height, slope, or roof trusses/joists of the existing roof;
4. Concrete, bituminous, stone or other driveways (although subject to requirements for Driveway/Road Occupancy permits as per Ordinance #519, as/if amended);
5. Retaining walls on within the property lines on private property that are not over 4 feet in height measured from the lowest level of grade to the top of the wall unless the wall supports a surcharge (i.e. an excessive load or burden);
6. Repair and replacement of soffit and/or fascia;
7. Bay windows requiring no foundation;
8. Replacement of existing garages, sheds, or steps on existing foundations; and
9. Enclosing existing porches, except for conversions to living space.

Section 1303 Zoning Certification

The Borough requires a Zoning Certification for commercial, manufacturing, office and other agencies and establishments locating and/or located in existing or newly constructed structures within the Borough, verifying compliance with the Zoning Ordinance and Map. In addition, all permitted and legal home occupations and other home businesses require a Zoning Certification. The Certification application requests information on the use of the structure/property, proposed signage and available parking for employees, customers and clients. The application is reviewed with the Geistown Borough Planning Commission prior to issuance of a Certificate. Owners of new residential structures or additions may request a Zoning Certification if/as required after the completion of work included in an approved Zoning Permit.

Section 1304 Building Permit

After the Zoning review and action, a Zoning Permit may be issued, but the proposed project may require a Building Permit and inspection(s) under the Pennsylvania Uniform Construction Code (UCC) before proceeding. The Zoning Permit Placard will designate whether the proposed project will require a Building Permit. UCC requires an owner or authorized agent who intends to construct, enlarge, alter, repair, move, and/or demolish a structure; or change the occupancy of a commercial building, structure, and facility; or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system regulated by the UCC to apply for a Building Permit. The Building Permit may be issued by the Borough or by a duly authorized third-party agency designated as the Building Code Official (BCO) by the Borough. In the latter case, the Borough Zoning Officer can provide guidance and information to applicants on the Building Permit process; however, the applicant is responsible for application

submission along with the required fee to the authorized BCO third-party agency.

- A. Generally, a Building Permit is required for any new construction, additions, renovations, alterations, repairs/replacements, demolition, decks with an elevation higher than 30 inches, certain sheds, and installations of swimming pools. The Zoning Officer and/or the BCO can supply a complete list of activities requiring and exempt from a Building Permit.
- B. The Building Permit application may include application, drawings and certifications beyond that required for the Zoning Permit.
- C. Emergency repairs or replacement of equipment may be made without first applying for a permit if a permit application is submitted to the building code official within 3 business days of the repair or replacement.

Section 1305 Certificate of Use and Occupancy

Implementing the UCC, Title 34 PA Code Section 403.46 requires that a building, structure or facility may not be used or occupied without a Certificate of Use and Occupancy issued by the BCO. A UCC Certificate of Use and Occupancy is also required for changes of occupancy in existing commercial buildings and may be issued by the Borough or by a duly authorized third-party agency as designated by the Borough. The Borough Zoning Officer can provide guidance to applicants on the Certificate of Use and Occupancy process; however, the applicant is responsible for application submission along with the required fee to the authorized BCO third-party agency.

Section 1306 Schedule of Zoning Fees

Each application for a Zoning Permit and a Zoning Certification shall be accompanied by cash, check or money order payable to Geistown Borough in accordance with the schedule of fees adopted by Resolution by Borough Council.

Section 1307 Remedies

In case any structures, signs or other improvements governed by this Ordinance are erected, constructed, reconstructed, altered, converted or expanded, or any structure or land is used, in violation of this Ordinance, Borough Council or the Zoning Officer of the Borough, in addition to other remedies, may institute in the name of the Borough any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion or expansion, or to use to restrain, correct, or abate such violation, to prevent the occupancy of said structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

In addition, any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such

action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council of the Borough. No such action may be maintained until such notice has been given.

Section 1308 Penalties

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this zoning ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Borough whose ordinance has been violated.

- A. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment. While an aggrieved party may petition the Court for a stay regarding the daily accrual of fines while the party's appeal is pending, the Borough may counter said petition with a request that the aggrieved party post a bond with the Court as a condition to proceeding with the appeal. The bond shall be used to pay for the accumulated fines which may be stayed in order to act as a deterrent to frivolous appeals and delay tactics for the enforcement of the Borough's Ordinance. The amount of bond to be posted shall be in the discretion of the Court, but the Court shall take into consideration the following factors: the alleged violation being enforced, the alleged length of time the violation has been occurring, the appearance of the merits of the appeal and the nature of the fines being imposed. At the time the appeal is heard by the Court, the Court shall first determine the validity of the appeal. If the appeal is denied, the Court shall render a determination related to the amount of fines owed and/or the portion of the bond posted that will be forfeit commensurate with the merits of the appeal to cover the accumulated fines.

An order regarding a petition for a stay of daily fines or the posting of bond shall be interlocutory. If an appeal is taken by a respondent to the petition for the posting of a bond from an Order of the court dismissing a land use appeal for refusal to post a bond, such responding party, upon motion of petitioner and, after hearing in the

court having jurisdiction of land use appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by petitioner.

- B. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

Section 1309 Changes and Amendments

Whenever it is deemed desirable in order to meet the public needs; promote the convenience, welfare and safety of the public; conform to good zoning practice and the intent and purpose of this Ordinance; and to adhere to the current guiding principles of land use planning; the Borough may amend, supplement, or change the regulations, district boundaries, or classifications of property, now or hereafter established by this Ordinance, subject to the procedures provided in this Section. Furthermore, periodic updates to this Ordinance and map of a comprehensive rezoning nature shall be in accordance with MPC Section 607 entitled Preparation of Proposed Zoning Ordinance.

A. Procedural Considerations:

Any amendment, supplement, reclassification, modification, or change to this Ordinance may be initiated by any of the following:

1. The Geistown Borough Planning Commission may initiate action by filing a written report, mapping of the requested change, and reason for the requested change to Borough Council: or
2. Borough Council may initiate action by filing a written request to the Geistown Borough Planning Commission, requesting a review and written report back; or
3. Owners of at least fifty-one percent (51%) of the properties between two (2) intersecting streets that are included in or fronting the property(ies) included in the requested zoning change file a notarized petition of appeal to Borough Council, including information as per Subsection B.1. below.

B. Petition for Map Change, Amendment or Reclassification:

1. Petitions for change of district boundaries or reclassification of districts as shown on the official Zoning Map submitted by property owners shall be on forms supplied by the Zoning Officer. At a minimum, supportive documentation for the requested change, amendment or reclassification shall include the following:
 - a. A narrative description of the requested change by street name, tax parcel(s), and other recognizable physical features;
 - b. A map of the area included in the request, including adjacent, fronting, and abutting properties;
 - c. A statement of the specific reason for the requested change; and
 - d. A statement of the specific use, type of development, and type(s) of structures planned for the area included in the request.
2. Requests for change of district boundaries or reclassification of districts as shown on the official Zoning Map submitted by the Geistown Borough Planning Commission or Borough Council shall be on forms supplied by the Zoning

Officer. At a minimum, supportive documentation for the requested change, amendment or reclassification shall include the following:

- a. A narrative description of the requested change by street name, tax parcel(s), and other recognizable physical features;
- b. A map of the area included in the request, including adjacent, fronting, and abutting properties;
- c. A statement of the specific reason for the requested change.

C. Preliminary Review by Planning Commission:

After petitions from property owners, or requests from Borough Council, or the written report of the Borough Planning Commission is approved, the Geistown Borough Planning Commission shall submit the petitions, or requests, or written report to Borough Council, within fifteen (15) days after the regularly scheduled meeting where they were considered, with its preliminary recommendation. This preliminary recommendation serves as a means of providing a format and context for Borough Council, and not a final recommendation.

D. Action by Geistown Borough Council:

1. Subsequent to the introduction of the petition for change, and/or the preliminary report by the Geistown Borough Planning Commission before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to Public Notice, and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land located within a Borough or an owner of the mineral rights in a tract or parcel of land within the Borough who has made a timely request in accordance with MPC Section 109.
2. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
3. In addition to the requirement that notice be posted under clause 2 above, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Borough at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

E. Geistown Borough Planning Commission Review:

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

F. Cambria County Planning Commission Review:

Borough Council shall submit the proposed amendment to the Cambria County Planning Commission for recommendation at least thirty (30) days prior to the public hearing.

G. Conduct of Public Hearing:

Borough Council or an examining officer appointed by Borough Council shall be responsible for the conduct of the Public Hearing, advertised in conformance with Public Notice. The purpose of the Public Hearing is to receive relevant facts, data, public comments and testimony, opinions, and other material desirable and necessary for a decision on the petition for change.

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

H. Final Report by the Geistown Borough Planning Commission:

The Geistown Borough Planning Commission shall review all material, data, testimony and facts submitted for consideration in the petition for change, within thirty (30) days of the Public Hearing. The Commission shall make its final report on the petition for change setting forth in detail reasons wherein public necessity, convenience and general welfare do or do not justify the proposed change, and determining that the proposed change is or is not in accord with the Community Development Objectives of this Ordinance (Article I, Section 105), the current guiding principles of land use planning, and good zoning practice. The report shall be forwarded to Borough Council.

If the Planning Commission fails to file such a report within the time specified above, it shall be presumed that the Planning Commission has approved the amendment, supplement or change as submitted for review by Borough Council. In any event, the recommendation of the Planning Commission shall be regarded as advisory in nature and not binding on the Borough or other parties to the issue.

I. Publication:

Proposed zoning ordinance amendments, supplements and changes shall include notice of the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed amendment, supplement or change may be examined without charge or obtained for a charge not greater than the cost thereof. Borough Council shall publish the proposed ordinance or amendment once in a newspaper of general circulation in the Borough not more than 60 days nor less than 7 days prior to passage.

1. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- a. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.
 - b. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, Borough Council shall, at least ten (10) days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
 3. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

J. Final Action by Borough Council:

1. The passage of an ordinance amending, supplementing, or changing the regulations, district boundaries, or classifications of property, included in the foregoing steps outline in this Section, now or hereafter established by this ordinance shall require an affirmative vote of a majority of Borough Council.
2. Any ordinance amending, supplementing, or changing the regulations, district boundaries, or classifications of property, included in the foregoing steps outlined in this Section, hereinafter established by this ordinance, if not passed within ninety (90) days after the required Public Hearing, shall require a new Public Hearing.
3. Within thirty (30) days after enactment, Borough Council shall forward a copy of the enacted amendment to the Cambria County Planning Commission.

K. Fees:

Any person other than Borough Council or the Geistown Borough Planning Commission requesting an amendment of the Zoning Ordinance shall pay a fee by check or money order payable to Geistown Borough, or by cash in person at the Borough Office. At the conclusion of the proceedings the Borough may assess the applicant for additional costs incurred by the Borough in the conduct of the proceedings in excess of the initial fee. All fees shall be deposited into the General Fund, and no part of the fees shall be refunded to the applicant.

L. Appeals to the Zoning Hearing Board:

In accordance with MPC, substantive challenges to the validity of any land use ordinance may be made to the Zoning Hearing Board, except those brought before Borough pursuant to MPC Sections 609.1 [e.g., Landowner Curative Amendments] and 916.1(a)(2) [e.g., Curative Amendments], both of which are within the purview of Borough Council.

Section 1310 Procedure for Landowner Curative Amendments

A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he or she has an interest may submit a curative amendment, in accordance with MPC Section 609.1 to Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in MPC Section 916.1. The Borough Council shall commence a hearing thereon within 60 days of the request. The curative amendment and challenge shall be referred to the Borough and County Planning Commissions, and notice of the hearing thereon shall be given, both in accordance with Section 1309 of this Ordinance.

- A. The hearing shall be conducted in accordance with MPC Section 908 and all references therein to the zoning hearing board shall, for purposes of this section be references to the Borough Council: provided, however, that the provisions of MPC Section 908 (1.2) and (9) shall not apply and the provisions of MPC Section 916.1 shall control. If the Borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- B. Borough Council that has determined that a validity challenge has merit may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
 - 3. 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;
 - 4. 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
 - 5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

Section 1311 Procedure for Municipal Curative Amendments.

If a municipality determines that its zoning ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. A municipality shall declare by formal action, its zoning ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the governing body of the municipality shall:
 1. By resolution make specific findings setting forth the declared in validity of the zoning ordinance which may include:
 - a. references to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b. reference to a class of use or uses which require revision; or
 - c. reference to the entire ordinance which requires revisions.
 2. Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.
- B. Within 180 days from the date of the declaration and proposal, the municipality shall enact a curative amendment to validate, or reaffirm the validity of its zoning ordinance pursuant to the provisions required by MPC Section 609 in order to cure the declared invalidity of the zoning ordinance.
- C. Upon the initiation of the procedures, as set forth above, Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under MPC Section 609.1 nor shall the Zoning Hearing Board be required to give a report requested under MPC Sections 909.1 or 916.1 subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Subsection A.1. above. Upon completion of the procedures as set forth in Subsections A.1. and A.2. above, no rights to a cure pursuant to the provisions of MPC Sections 609.1 and 916.1 shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this section.
- D. A municipality having utilized the procedures as set forth in clauses (1) and (2) may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its zoning ordinance, pursuant to Subsection A.2. above; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the municipality may utilize the provisions of this section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

Section 1312 Conditional Uses

In accordance with MPC Section 909.1(b)(3), Borough Council has the power to act upon applications for Conditional Uses specified in this Ordinance. Applications for Conditional Uses to be allowed or denied by Borough Council occurs after recommendations by the Geistown Borough Planning Commission and a Public Hearing, pursuant to express standards and criteria set forth in the zoning ordinance. Borough Council shall hear and decide upon Conditional Uses in accordance with the following procedure:

- A. A written application for a Conditional Use must be submitted to the Zoning Officer indicating the section of the Zoning Ordinance under which the use is being sought, and stating the grounds on which it is being requested. The burden of proof and documentation is entirely the responsibility of the applicant. The application must be accompanied by payment of the required fee as established by Borough Council.
- B. A copy of the Conditional Use application shall be submitted to the Geistown Borough Planning Commission for review and advisory recommendations to Borough Council.
- C. A Public Hearing shall be held by Borough Council, at which time the applicant and any party may appear in person, by agent, or by attorney.
 - 1. Public Notice shall be given and written notice shall be given to the applicant, the zoning officer, and property owners within one-hundred (100) feet of the proposed Conditional Use, via US Mail or in-person at least seven (7) days prior to the Hearing.
 - 2. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least seven (7) days prior to the hearing.
- D. Borough Council Action Considerations:
 - 1. In granting a conditional use, the governing body may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act in the zoning ordinance.
 - 2. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the board not later than the last day of the hearing, the board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
 - 3. If Borough Council determines that the Conditional Use application meets the requirements of this Ordinance and receives assurance that and conditions and safeguards deemed necessary shall be fulfilled, it shall direct the Zoning Officer to issue a Zoning Permit, have the Zoning Officer advise the Building Code

Official if a Building Permit is required, and issue a Zoning Certification, if required for the approved Conditional Use.

4. Violations of the conditions and safeguards when made part of the granted Conditional Use shall be deemed a violation of this Ordinance with penalties as prescribed in Section 1308.

E. Borough Council's Functions; Conditional Uses:

1. Where Borough Council has stated conditional uses to be granted or denied pursuant to express standards and criteria, Borough Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by Borough Council or Borough Council may appoint any member or an independent attorney as a hearing officer.
2. The decision, or, where no decision is called for, the findings shall be made by Borough Council. However, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by Borough Council and accept the decision or findings of the hearing officer as final. In granting a conditional use, Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act in the zoning ordinance.
3. Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before Borough Council.
 - a. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
 - b. Where Borough Council fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in MPC Section 908 (1.2), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of Borough Council to meet or render a decision as hereinabove provided, the Borough Council shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If Borough Council shall fail to provide such notice, the applicant may do so.
 - c. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

4. Appeals – In accordance with MPC Section 1002-A, all appeals from all land use decisions rendered pursuant to this Article shall be taken to the Cambria County Court of Common Pleas and shall be filed within thirty (30) days after entry of the decision as provided in 42 Pa.C.S. § 5572 (relating to time of entry of order) or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in MPC Section 908(9).

ARTICLE XIV ZONING HEARING BOARD

Section 1401 Creation and Organization

The Borough previously created and has maintained a Zoning Hearing Board (ZHB), operating under the authority and processes of the Pennsylvania Municipalities Planning Code (MPC).

A. Membership

The membership of the ZHB shall consist of three (3) residents of the Borough appointed by resolution by Borough Council. The terms of office of the ZHB shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Borough, nor shall any member be an employee of the Borough.

B. Alternates

Borough Council may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of this ordinance (i.e., Subsection 1401 D) 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 MPC and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the municipality. 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 nor be compensated pursuant unless designated as a voting alternate member pursuant to this Ordinance (i.e., Subsection 1401 D).

C. Removal of Members

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

D. Organization of Board

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the

taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf. The chairman of the Board may designate alternate members of the Board to replace any absent or disqualified as may be needed to reach 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 decision on the matter or case. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a report of its activities to Borough Council as requested by Borough Council.

E. Expenditures for Services

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

Section 1402 Powers and Duties

The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render final adjudication in accordance with MPC Sections 909.1 (a), 910.2 and 912.1.

- A. The zoning hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters involving appeals:
1. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to sections 609.1 and 916.1(a)(2) [i.e., Curative Amendment].
 2. Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 3. Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 4. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.

5. Applications for Variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Subsection 1402 B.
 6. Applications for Special Exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Subsection 1402 C.
 7. Applications for Variances (Section 907) and Appeals (Section 910) in the Airport Overlay Zoning District as prescribed in Article VIX of this Ordinance, and in accordance with Geistown Borough Ordinance #422, as amended.
 8. Appeals from the zoning officer's determination under MPC Section 916.2 (Procedure to Obtain Preliminary Opinion).
 9. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications.
- B. The Zoning Hearing Board shall have the exclusive jurisdiction to hear applications for Variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance. 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 may by rule prescribe the form of application and may require preliminary application to the zoning officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 3. That such unnecessary hardship has not been created by the appellant.
 4. 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.
 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any Variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of MPC and this zoning ordinance.

- C. The Zoning Hearing Board shall have exclusive jurisdiction to hear applications for Special Exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance. Where the zoning ordinance provides Special Exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such Special Exceptions in accordance with the following standards and criteria:
1. The size, scope and character of the Special Exception, Variance (if applicable) or use requested is consistent applicable local plans, the Cambria County Comprehensive Plan as it relates to the Borough, and pertinent Community Development Objectives as per Section 105 of this Ordinance; and promotes the harmonious and orderly development of the zoning district involved.
 2. The proposed use, modification or changes constitutes an appropriate use consistent with the character and type of development in the area surrounding the location for which the request is made and will not impair, alter or detract from the use of surrounding property or the character of the neighborhood in light of the zoning classification of the area affected; the effect on other properties in the area; the number, extent and scope of nonconforming uses; and the presence or absence in the neighborhood of conditions or uses that are the same or similar in character to the condition of use for which the applicant seeks approval.
 3. The proposed use is suitable with respect to traffic and highways in the areas and provides for adequate access and off-street parking arrangements in order to protect major streets and highways from undue congestion and hazard.
 4. Major street and highway frontage will be developed so as to limit the total number of access points and encourage the frontage of building on parallel marginal roads/drives or roads/drives perpendicular to the major street or highway.
 5. The proposed change is reasonable in terms of logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police, fire protection, and public schools, and assure adequate arrangements for sanitation.
 6. All commercial or industrial parking, loading, access or service areas will be adequately illuminated at night when in use.
 7. Conditions are being imposed on the grant of the request necessary to insure that the general purpose and intent of this zoning ordinance is complied with and that the use of the property adjacent to the area included in the Special Exception is adequately safeguarded with respect to harmonious design of buildings, aesthetics, planting and its maintenance as a sight or sound screen, landscaping, hours of operation, lighting, number of persons involved in proposed activities, ventilation, noise, sanitation, safety, smoke and fume control, and the minimizing of noxious, offensive or hazardous elements.
 8. The proposed Special Exception is implemented in a manner that protects and promotes the safety, health, morals, and general welfare of the Borough and its residents.

- D. In addition, upon application the Zoning Hearing Board shall be empowered to hear and take action on the following Special Exceptions in addition to those otherwise specifically set forth in the district requirements noted elsewhere in this Ordinance:
1. To permit for either of the uses to be accommodated under either of the zoning districts in cases where the district boundary line divides a lot of record under single ownership.
 2. To permit the enlargement, extension, reconstruction and structural alteration of a non-conforming structure as provided for in Article XIII, Section 1203.
 3. To interpret the provisions of this Ordinance where the actual street layout on the ground varies from the street layout as shown on the official Zoning Map.
 4. To vary parking requirements of this Ordinance whenever the character of the use of a structure is such as to make unnecessary the full provision of parking facilities otherwise prescribed in this Ordinance, and/or when such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience to the applicant.
- E. Special Requirements – In addition to regulations otherwise specified in this Ordinance, the following provisions apply to certain uses by Special Exception.
1. Funeral Home Requirements:
 - a. Maximum Height – As permitted in District
 - b. Minimum Lot Area – One (1) acre
 - c. Minimum Yard Setbacks - As permitted in District
 - d. Maximum Lot Coverage Percentage - As permitted in District
 - e. Supplemental Requirements – As per Article XIII, Section 1302 C
 - f. Off-street Parking – As per Article X, Section 1012
 2. Bed and Breakfast Inn:
 - a. Maximum Height – As permitted in District
 - b. Minimum Lot Area – 12,000 square feet
 - c. Minimum Yard Setbacks - As permitted in District
 - d. Maximum Lot Coverage Percentage - As permitted in District
 - e. Off-street Parking – As per Article X, Section 1012
 3. Short-Term Rentals:
 - a. Maximum Height – As permitted in District
 - b. Minimum Lot Area – As permitted in District
 - c. Minimum Yard Setbacks - As permitted in District
 - d. Maximum Lot Coverage Percentage - As permitted in District
 - e. Supplemental Requirements – As per Article X, Section 1023
 - f. Off-street Parking – As per Article X, Section 1012
 4. Hospital
 - a. Maximum Height – As permitted in District
 - b. Minimum Lot Area – Five (5) acres
 - c. Minimum Yard Setbacks - As permitted in District
 - d. Maximum Lot Coverage Percentage - As permitted in District
 - e. Supplemental Requirements – As per Article XIII, Section 1302 C
 - f. Off-street Parking – As per Article X, Section 1012

4. Nursing Home
 - a. Maximum Height – As permitted in District
 - b. Minimum Lot Area – One (1) acre
 - c. Minimum Yard Setbacks - As permitted in District
 - d. Maximum Lot Coverage Percentage - As permitted in District
 - e. Supplemental Requirements – As per Article XIII, Section 1302 C and Article X Section 1021
 - f. Off-street Parking – As per Article X, Section 1012
5. On-premises signs other than those specifically permitted in R-1 and R-2 Districts as per Section 1102, subject to the following:
 - a. Maximum Height – Fifteen (15) feet, from ground level to the top of the sign
 - b. Minimum Yard Setbacks – Fifteen (15) feet from property and/or right-of-way lines
 - c. Special Requirement – Digital signage prohibited
6. Day Care Home
 - a. Off-street Parking – As per Article X, Section 1012
 - b. Special Requirement – Quarterly reporting of average number of children/day submitted to Zoning Officer
7. Family Child Care Home
 - a. Off-street Parking – As per Article X, Section 1012
 - b. Special Requirement – Quarterly reporting of average number of children/day submitted to Zoning Officer
8. Family-Based Group Home
 - a. Off-street Parking – As per Article X, Section 1012
 - b. Special Requirement - Documentation showing adherence with the spacing requirement as per Section 1017 B
9. Junk/Salvage Yard
 - a. Maximum Height (for structures) – As permitted in District
 - b. Minimum Lot Area – One (1) acre
 - c. Minimum Yard Setbacks (for structures) - As permitted in District
 - d. Maximum Lot Coverage Percentage - As permitted in District
 - e. Supplemental Requirements – As per Article XIII, Section 1302 C and Article X Section 1021
 - f. Off-street Parking – As per Zoning Hearing Board
10. Light Manufacturing: In the Commercial District the use shall be one that:
 - a. Creates minimal nuisance outside of the principal and/or accessory use structures, in relation to noise, smoke, dust, fumes, gas, light, odors and/or vibrations;
 - b. Conducted within enclosed buildings;
 - c. If the open area around such principal/accessory use buildings is used for storage of materials or products, it shall be screened from public/adjacent property view in accordance with Section 1014 Buffer Areas, and is clearly incidental to the principal use of the property; and

- d. Reviewable principal uses for a Special Exception shall include only those in Article VII, Section 701 A, with the exception of Sheet metal, Fabrication and Welding shops
- F. In granting a Special Exception under Subsections C, D and E above, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the zoning ordinance.
- G. Special Requirements for Appeals - In addition to regulations otherwise specified in this Ordinance, the following provisions apply to appeals from the determination of the Zoning Officer.
 - 1. In exercising powers associated with appeals from the determination of the Zoning Officer, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the Officer from whom the appeal is taken.
 - 2. In considering all appeals, the Board shall, before making any finding in a specific case, first determine that the proposed change will not permit a non-permitted use for the respective Zoning District, will not impair an adequate supply of light and air to increase the fire danger, will not materially diminish the property values of the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the Borough.
 - 3. Every appeal affirmed, reversed or modified by the Board shall be accompanied by a written finding of fact based on the sworn testimony and evidence, specifying the reason(s) for affirming, reversing or modifying the order.
 - 4. The decision of the Board shall be made part of the respective Zoning Permit related to the action.
- H. Required Actions – The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer, or grant or deny any Variance or Special Exception under the requirements of this Article.
- I. Additional Factors – When considering applications for Special Exceptions the Zoning Hearing Board may consider all relevant factors and procedures specified in the Ordinance and additional factors including the following:
 - 1. Special Exception applications may be required to demonstrate that the proposed use will not increase the base flood elevation (BFE) by more than one (1) foot prior to action by the Zoning Hearing Board, and may address the following considerations:
 - a. Minimizing dangers to life and property due to encroachments and development

- b. Controls over keeping materials secured so they are not swept downstream during flooding events
 - c. The availability of alternate locations for the use not subject to flooding and/or not contributing to potential flood damage
 - d. Accessibility to emergency service providers during flooding events
 - 2. Special Exception requests within the identified FP Overlay District shall be in conformance with the regulations, use requirements and procedures outlined in Article VIII Floodplain Overlay District and Ordinance #508 the Geistown Borough Floodplain Regulation Ordinance.
 - 3. Special Exception requests outside of the service areas of one or more of the elements of a community infrastructure shall demonstrate the manner in which the missing element(s) - i.e., public water, sanitary sewer, stormwater management, electric, natural gas, etc., shall be met.
 - 4. The relative importance of the good, service, etc., of the proposed use to the community may be documented by the applicant and considered.
 - 5. The compatibility of the proposed use with the existing development and likely future development in area adjacent may be documented by the applicant and considered.
 - 6. The applicant may offer other factors determined to be relevant to for the consideration of the proposed use.
- J. In considering a Special Exception, Variance or Appeal request the Zoning Hearing Board may refer any plan, study, drawing or other documentation that is submitted in support of the request to an engineer, consultant, agency, or other qualified provider of technical assistance in evaluating the request in relation to floodplain management, storm water management, land use, public health, public safety and infrastructure matters.
- K. Appeals - All appeals from all land use decisions rendered pursuant to this Article shall be taken to the Cambria County Court of Common Pleas and shall be filed within thirty (30) days after entry of the decision as provided in 42 Pa.C.S. § 5572 (relating to time of entry of order) or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in MPC Section 908(9), and Section 1403 12 of this Ordinance.

Section 1403 Procedural Matters

- A. The Board shall conduct hearings and make decisions in accordance with the following requirements:
 - 1. Public notice shall be given and written notice shall be given to the applicant, the zoning officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board.
 - 2. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

3. Borough Council may prescribe reasonable fees with respect to hearings before the zoning hearing Board. Fees for said hearings may include compensation for the secretary and members of the zoning hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
4. The first hearing before the Board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. And applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
5. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
6. The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
7. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
8. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
9. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

10. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
11. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
12. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under MPC Section 916.1 (i.e., Validity of Ordinance; Substantive Questions) where the Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Subsection 4 above, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in Subsections 1 and 2 of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
13. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and

address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

B. Stay of Proceedings

1. Upon filing of any proceeding referred to in MPC Section 913.3 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the zoning officer or of any agency or body, and all official action thereunder, shall be stayed unless the zoning officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with The Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.
2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

C. Jurisdiction and Venue on Appeal; Time for Appeal.

1. All appeals from all land use decisions rendered pursuant to this Article shall be taken to the court of common pleas of the judicial district wherein the land is located and shall be filed within 30 days after entry of the decision as provided in 42 Pa.C.S. § 5572 (relating to time of entry of order) or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in MPC Section 908(9).

2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption shall be raised by appeal taken directly to the court of common pleas of the judicial district in which the municipality adopting the ordinance is located in accordance with 42 Pa.C.S. § 5571.1 (relating to appeals from ordinances, resolutions, maps, etc.)
- D. Time for Appeal; Procedural Defects of Decisions. All appeals challenging the validity of a land use decision on the basis of a defect in procedures prescribed by statute or ordinance shall follow MPC Section 1002.1-A.
- E. Appeals to Court; Commencement; Stay of Proceedings.
1. Land use appeals shall be entered as of course by the prothonotary or clerk upon the filing of a land use appeal notice which concisely sets forth the grounds on which the appellant relies. The appeal notice need not be verified. The land use appeal notice shall be accompanied by a true copy thereof.
 2. Upon filing of a land use appeal, the prothonotary or clerk shall forthwith, as of course, send to the governing body, board or agency whose decision or action has been appealed, by registered or certified mail, the copy of the land use appeal notice, together with a writ of certiorari commanding said governing body, board or agency, within 20 days after receipt thereof, to certify to the court its entire record in the matter in which the land use appeal has been taken, or a true and complete copy thereof, including any transcript of testimony in existence and available to the governing body, board or agency at the time it received the writ of certiorari.
 3. If the appellant is a person other than the landowner of the land directly involved in the decision or action appealed from, the appellant, within seven days after the land use appeal is filed, shall serve a true copy of the land use appeal notice by mailing said notice to the landowner or his attorney at his last known address. For identification of such landowner, the appellant may rely upon the record of the municipality and, in the event of good faith mistakes as to such identity, may make such service nunc pro tunc by leave of court.
 4. The filing of an appeal in court under this section shall not stay the action appealed from, but the appellants may petition the court having jurisdiction of land use appeals for a stay. If the appellants are persons who are seeking to prevent a use or development of the land of another, whether or not a stay is sought by them, the landowner whose use or development is in question may petition the court to order the appellants to post bond as a condition to proceeding with the appeal. After the petition for posting a bond is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the landowners to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for posting a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question of the amount of the bond shall be within the sound discretion of the

court. An order denying a petition for bond shall be interlocutory. An order directing the respondent to the petition for posting a bond to post a bond shall be interlocutory. If an appeal is taken by a respondent to the petition for posting a bond from an order of the court dismissing a land use appeal for refusal to post a bond, such responding party, upon motion of petitioner and, after hearing in the court having jurisdiction of land use appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by petitioner.

- F. Intervention. Within the 30 days first following the filing of a land use appeal, if the appeal is from a board or agency of a municipality, the municipality and any owner or tenant of property directly involved in the action appealed from may intervene as of course by filing a notice of intervention, accompanied by proof of service of the same, upon each appellant or each appellant's counsel of record. All other intervention shall be governed by the Pennsylvania Rules of Civil Procedure.

- G. Hearing and Argument of Land Use Appeal. If, upon motion, it is shown that proper consideration of the land use appeal requires the presentation of additional evidence, a judge of the court may hold a hearing to receive additional evidence, may remand the case to the body, agency or officer whose decision or order has been brought up for review, or may refer the case to a referee to receive additional evidence, provided that appeals brought before the court pursuant to MPC Section 916.1 shall not be remanded for further hearings before any body, agency or officer of the municipality. If the record below includes findings of fact made by the governing body, board or agency whose decision or action is brought up for review and the court does not take additional evidence or appoint a referee to take additional evidence, the findings of the governing body, board or agency shall not be disturbed by the court if supported by substantial evidence. If the record does not include findings of fact or if additional evidence is taken by the court or by a referee, the court shall make its own findings of fact based on the record below as supplemented by the additional evidence, if any.

**ARTICLE XV
REPEALER AND ENACTMENT**

Section 1501 Repealing Clause

If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared as the intent of Geistown Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentences, clauses, or sections thereof not have been included herein.

All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 1502 Enactment and Effective Date

This Ordinance shall become effective five (5) days from the date of the signature of the Mayor. It is the intention of this Ordinance, or any amendments or supplements hereto, to furnish a complete and exclusive system of zoning and regulations for zoning in Geistown Borough, Cambria County, Pennsylvania.

Ordered and enacted this 13th day of April, 2022.

GEISTOWN BOROUGH

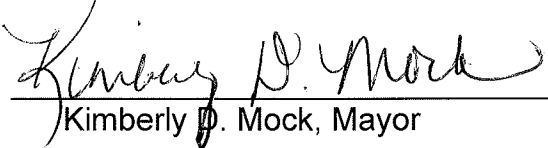
BY: _____


Donald Scott, President of Council

ATTEST: _____


Secretary

Approved the 13th day of April, 2022


Kimberly D. Mock, Mayor

APPENDIX

SUMMARY – DISTRICT REQUIREMENTS

(Note: For quick reference/information only – detailed information in respective sections apply to all land use/zoning matters)

ZONING MAP

(Note: For quick reference/information only – official map available in Borough Office/official determination made by Zoning Officer)

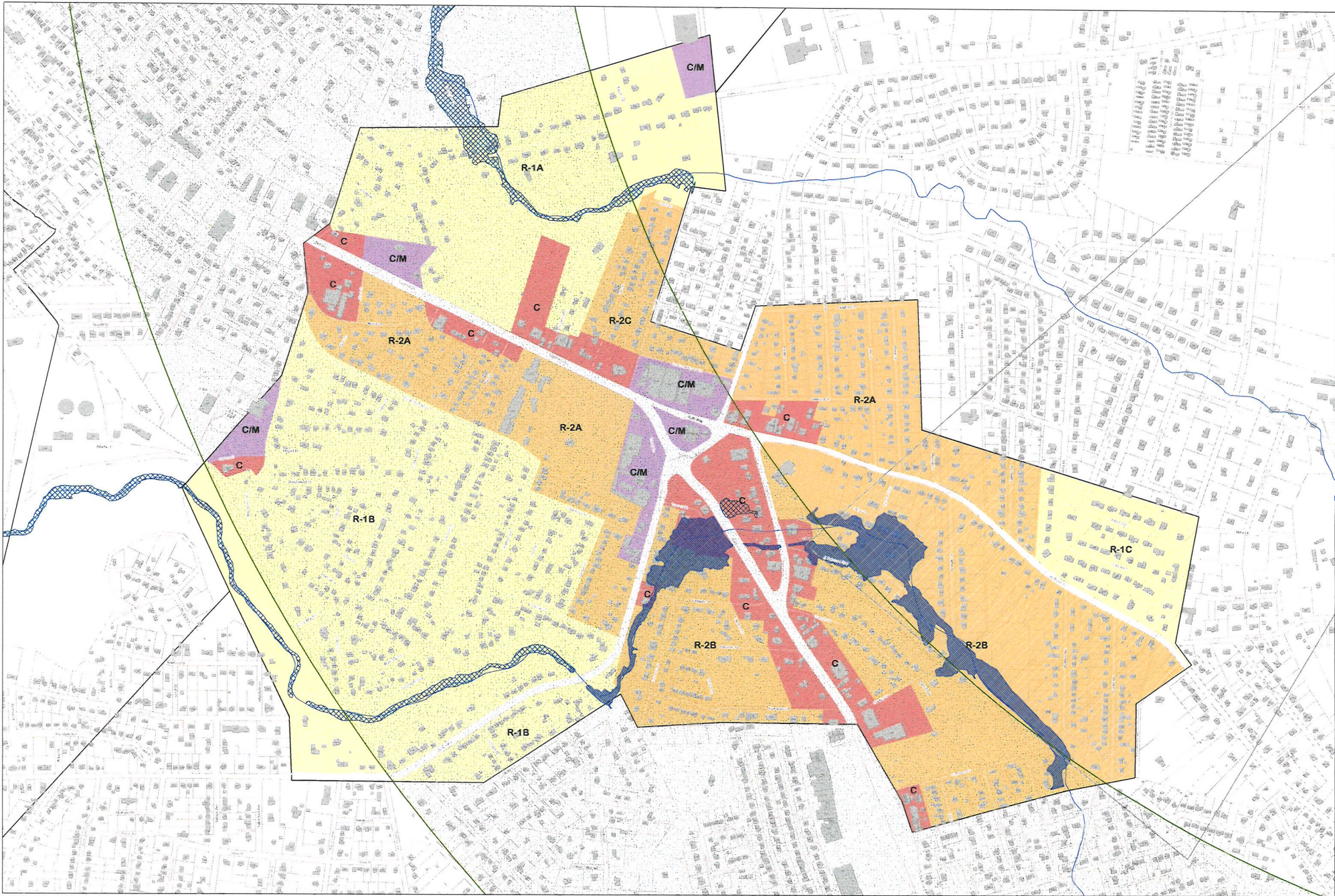
SUMMARY – DISTRICT REQUIREMENTS

Category	R-1 Residential	R-2 Residential	C – Commercial	C/M – Commercial/ Light Manufacturing
Permitted Uses	One-family Detached Dwelling Churches or similar Houses of Worship Rectory, parsonage and similar faith-based residence Cemetery Municipal or Public Building Public Park Public school, or a private or parochial school Home Occupation No-Impact Home-Based Business Forestry Small Wireless Facilities Accessory uses incidental to permitted uses	Two-family Dwelling Multi-family Dwelling One-family Attached Dwelling One-family Detached Dwelling Conversion Apartment Churches or similar Houses of Worship Rectory, parsonage and similar faith-based residence Cemetery Municipal or Public Building Public Park Public school, or a private or parochial school Home Occupation No-Impact Home-Based Business Forestry Small Wireless Facilities Accessory uses incidental to permitted uses	See Section 601 for Detailed Breakdown - General Descriptions Follow: Retail stores Administrative/Professional Services Personal Services Business Services Hospitality Establishments Amusement/Entertainment Establishments Food/Grocery Stores Automotive/Vehicular sales/services Small Wireless Facilities Accessory uses incidental to permitted uses	Permitted Uses in the C – District Advanced/High Technology R&D, light manufacturing, data processing & software development & related advanced materials/ technology businesses Baked/Bottled Goods Building Materials sales/storage Commercial Laundry/Dry-Cleaning plants Forestry Food/Dairy product distribution Machine Shop Paper product distribution Precision Instruments manufacture/distribution Sheet metal, Fabrication and Welding shops Wholesale/Distributive businesses Small Wireless Facilities Accessory uses
Special Exception Uses	Day Care Home Funeral homes Short-term Rental of dwelling unit Bed and Breakfast Inn Family Child Care Home On-premises signs other than those specifically permitted in R-1 District Structural changes and/or physical expansion of a pre-existing non-conforming use	Day Care Home Funeral homes Nursing Home Hospital Short-term Rental of dwelling unit Bed and Breakfast Inn Family-Based Group Home Family Child Care Home On-premises signs other than those specifically permitted in R-2 District Structural changes and/or physical expansion of a pre-existing non-conforming use	Multiple-family Dwelling Structures Billboards Other Similar commercial sales/services determined not to be within the enumerated Permitted Uses Structural changes and/or physical expansion of a pre-existing non-conforming use Light Manufacturing Uses as per Section XIV, 1402 E 10	Other similar Light Manufacturing Uses not within the enumerated Permitted Uses Billboards Junk/Salvage Yard Structural changes and/or physical expansion of a pre-existing non-conforming use
Conditional Uses	Planned Residential Developments	Planned Residential Developments	<i>Reserved</i>	<i>Reserved</i>
Maximum Height	One-family dwelling – 35 feet or 2 ½ stories, whichever is less Churches/Houses of Worship – 45 feet for building and 75 feet for steeples or towers Other Permitted Uses/Special Exception Uses - 35 feet or 2 ½ stories, whichever is less	Dwellings – 35 feet or 2 ½ stories, whichever is less Churches/Houses of Worship – 45 feet for building and 75 feet for steeples or towers Other Permitted Uses/Special Exception Uses - 35 feet or 2 ½ stories, whichever is less	35 feet or 2 ½ stories	40 feet, or two and three stories

Category	R-1 Residential	R-2 Residential			C – Commercial		C/M – Commercial/ Light Manufacturing
Minimum Lot Area	One-family dwelling/Rectory and Parsonage – 9,000 sf and a width of not less than 75 feet Schools – public/private/parochial Elementary – 5 acres plus one 1 acre for every 100 students Secondary – 10 acres plus 1 acre for every 100 students Other Permitted Uses – 2 ½ acres and a width of not less than 200 feet	1-family dwelling/Rectory and Parsonage – 7,500 sf and a width of not less than 50 feet 2-family dwelling – 11,250 sf and a width of not less than 75 feet 3-family dwelling – 15,000 sf and a width of not less than 100 feet 4-family dwelling – 22,500 sf and a width of not less than 150 feet Schools – public/private/parochial Elementary – 5 acres plus one 1 acre for every 100 students Secondary – 10 acres plus 1 acre for every 100 students Other Permitted Uses – 2 ½ acres and a width of not less than 200 feet			Commercial Uses - 13,500 sf and a minimum lot width 75 feet Mixed Commercial/Residential - 14,200 sf and a minimum lot width 75 feet		Light Manufacturing and Warehousing/Distributive Uses – 1 acre and a minimum lot width of 150 feet Commercial Uses - 13,500 sf and a minimum lot width 75 feet
Yard Setbacks	Select Structures – see Sections 501 & 502 for others						
	Lots with frontage in excess of 55 feet						
<i>Principle Building/ Attached Garage</i>	R-1a	R-1b	R-1c	R-2a (4)	R-2b (4)	R-2c (4)	All Lots
Front	32' or (1) or (2)	24' or (1) or (2)	30' or (1) or (2)	24' (1) or (2)	25' (1) or (2)	20' (1) or (2)	50'
Side abutting street (corner lot)	20'			20'			20'
Side not abutting streets/all interior lots	15'			15'			15'
Rear	25'			25'			25'
	Lots with frontage of 55 feet or less						
<i>Principle Building/ Attached Garage</i>	R-1a	R-1b	R-1c	R-2a (4)	R-2b (4)	R-2c (4)	No Differentiation with lot frontage
Front	32' or (1) or (2)	24' or (1) or (2)	30' or (1) or (2)	24' (1) or (2)	25' (1) or (2)	20' (1) or (2)	50'
Side abutting street (corner lot)	10' or (3)			10' or (3)			10' (5)
Side not abutting streets/all interior lots	5' or (3)			5' or (3)			10' (5)
Rear	25'			25'			25'

Category	R-1 Residential	R-2 Residential		C – Commercial	C/M – Commercial/ Light Manufacturing
Yard Setbacks (cont'd)	<i>Select Structures – see Sections 501 & 502 for others</i>				
<i>Storage Sheds</i>	Lots with frontage in excess of 55 feet				
Front	Not Permitted	Not Permitted		Not Permitted	Not Permitted
Side abutting street (corner lot)	20'	20'		10'	10'
Side not abutting streets/all interior lots	15'	15'		5'	5'
Rear	10'	10'		5'	5'
<i>Storage Sheds</i>	Lots with frontage of 55 feet or less				
Front	Not Permitted	Not Permitted		Not Permitted	Not Permitted
Side abutting street (corner lot)	10'	10'		10'	10'
Side not abutting streets/all interior lots	5'	5'		5'	5'
Rear	10'	10'		5'	5'
<i>Pools (includes pool decks)</i>					
Front	Same as for principal structure	Same as for principal structure		N/A	N/A
Side	10'	10'		N/A	N/A
Rear	10'	10'		N/A	N/A
Lot Coverage	R-1a/R-1b/R-1c	R-2a/R-2b	R-2c		
Maximum	30%	35%	45%	40%	50%
Dwelling Standards				See UCC Building Codes	See UCC Building Codes
1-story minimum	1,000 sf	1,000 sf			
2-story minimum	1,200 sf	1,200 sf			

- (1) *For additions to existing structures* – or Horizontal (Front) Extension of habitable living space of existing principal structure, whichever is greater
- (2) *For new principal structures* – or Horizontal (Front) Extension of habitable living space of existing principal structures on nearest adjacent parcels
- (3) or Vertical (Side) Extension, whichever is less
- (4) Setbacks in R-2 Summary for one-family detached dwellings and detached garages – See Section 502 H for other types of dwellings and structures
- (5) or Vertical (Side) Extension, whichever is greater



Geistown Borough Zoning Map

<ul style="list-style-type: none"> Road Centerlines Building Footprints Tax Parcels Municipal Boundary 	<p>Geistown Zoning (Revised)</p> <ul style="list-style-type: none"> R1 R2 Commercial Commercial/Light Manufacturing <p>Airport Zoning Classifications</p> <ul style="list-style-type: none"> Conical Surface Zone Non-Precision Instrument Approach Zone 	<p>Streams</p> <ul style="list-style-type: none"> Streams <p>Geistown Flood Zones</p> <ul style="list-style-type: none"> Zone A Zone AE 	<p>0 100 200 300 400 500 US Feet</p> <p>1 inch equals 200 feet</p> <p>North Arrow</p> <p>Revised: March 1, 2022 Revised: January 01, 2022 Revised: October 01, 2021</p>
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