



Clymer, Indiana County, Pennsylvania

The Zoning Ordinance of Clymer Borough

Adopted December 9, 2014

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The Zoning Ordinance of Clymer Borough was prepared with assistance from:

Environmental Planning & Design, LLC

100 Ross Street, 5th Floor

Pittsburgh, PA 15219

www.epd-pgh.com

In cooperation with:

Zanetta Illustrations

UpStreet Architecture

Indiana University of Pennsylvania

ORDINANCE NO. 346


AN ORDINANCE OF THE BOROUGH OF CLYMER, COUNTY OF INDIANA, AND
COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE ZONING ORDINANCE OF
CLYMER BOROUGH AND THE ZONING MAP

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Clymer,
Indiana County, Pennsylvania, and it is hereby ordained and enacted as follows:

1. The attached official Zoning Ordinance and map of Clymer Borough,
Pennsylvania is hereby adopted effective immediately.

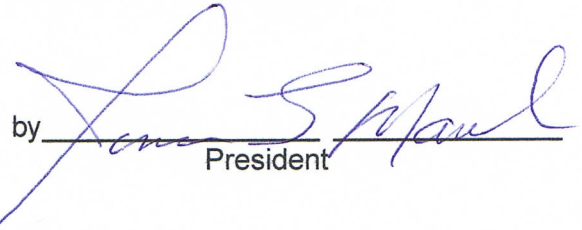
ORDAINED AND ENACTED by the Borough Council of Clymer Borough this 9th day of
December 2014.

Attest:



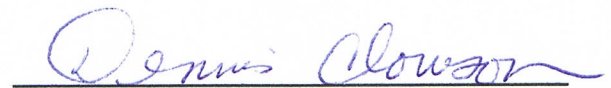
Secretary

BOROUGH OF CLYMER

by 

President

APPROVED this 9th day of December, 2014



Mayor

Authority and Purposes

§101. Title.

- A. This Ordinance is known as the “Zoning Ordinance of Clymer Borough,” and the Zoning Map is designated as the “Official Zoning Map of Clymer Borough.”

§102. Authority.

- A. This Ordinance is authorized under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, The Pennsylvania Municipalities Planning Code, July 31, 1968, as amended - hereinafter, (PA MPC).

§103. General Purpose, Intent and Objectives.

- A. This Ordinance is made with consideration for Clymer Borough’s character, its various parts, and the suitability of the various parts for particular uses and structures. This Ordinance is enacted for the following purposes:
 - 1. To retain existing residents and business’ and attract new ones to the Borough because of its established and well defined character as well as its historic context.
 - 2. To promote, protect and facilitate one (1) or more of the following: public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency preparedness, disaster evacuation, providing adequate light and air, police protection, vehicle parking and loading berth/space, transportation, water, sewerage, schools, public grounds and other public requirements.
 - 3. To provide individual and mixtures of uses, buildings and/or structures compatible with the character of development or the permitted uses within the specified zone districts.
 - 4. To maintain the stability of residential, commercial, institutional, industrial and open space areas within a framework of development for Clymer Borough.
 - 5. To encourage and maintain walkability throughout the community.
 - 6. To protect private-sector and public-sector investments being made to the land and buildings.
 - 7. To promote and to foster the community development goals and objectives, including quality infill, redevelopment and/or adaptive reuse, as identified in the Clymer Borough Comprehensive Plan, as amended.

§104. Interpretation.

- A. In applying this Ordinance, it serves as the minimum requirements for promotion of health, safety, morals, and general welfare of Clymer Borough. If this Ordinance imposes more stringent restrictions upon the use of buildings, structures and land than contained in applicable deeds or agreements, the requirements of this Ordinance supersede.

§105. Application.

- A. The provisions of this Ordinance shall apply uniformly to all buildings, structures uses, signs and land areas. The requirements of this Ordinance are not applicable to temporary uses permitted by and/or conducted by Clymer Borough or its authorized municipal authorities.

Authority and Purposes

§106. Abrogation.

- A. It is not intended by this Ordinance replaces or interferes with any existing ordinance or with any rule Clymer Borough adopted or issued. If this Ordinance imposes greater restrictions upon the use of buildings or land, then the provisions of this Ordinance will supersede.

§107. Repealer.

- A. Nothing in this Ordinance is construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance.

§108. Severability.

- A. If any content of this Ordinance is declared invalid for any reason, such decision will not affect the remaining portions of this Ordinance, which remains in full force and effect, and for this purpose the provisions of this Ordinance are declared to be severable.

§201. Ordinance Quick View.

- A. The Zoning Ordinance of Clymer Borough presents a straightforward and simple set of regulatory provisions related to retaining cohesive form and function of lot development within Clymer Borough.
- B. Requirements for proposed development with Clymer Borough are summarized on the Article II maps and tables. These maps and tables include key development relationships pertaining to lot location, land use typologies, street typologies and additional massing information applicable to Clymer Borough. As the relationship of buildings and streets is the foundation of the community, the way in which a lot presents its street wall as well as the way in which it is accessed by pedestrians and vehicles alike will enable the Clymer Borough to maintain development continuity and historical development patterns. The other Articles of this Ordinance provide additional provisions related to zoning and land use.
- C. HOW TO USE THIS ORDINANCE. To navigate through this Ordinance and determine the zoning parameters for any specific lot situated within Clymer Borough, an Applicant should review and complete the following steps:

Step 1: The Zoning Map illustrates the location of each parcel in its particular assigned zone.

In what zone is my lot located?

See Map 1

Step 2: Certain land uses are permissible in each Zone.

What uses are permitted on my lot?

See Table 1A

May I have outbuildings?

See Regulatory Plans (§209-213.2)

What is the minimum lot size?

See Regulatory Plans (§209-213.2)

Step 3: In context of the Borough's established patterns, various building forms exist and, thus various building typologies are outlined.

What kind/type of building is permitted in my Zone?

See Table 2 & Regulatory Plans
(§209-213.2)

Step 4: The established patterns of streets within the Borough shapes the scale of development, access and nature of land uses that are permissible.

What type of street does my lot front?

See Map 2 and Tables 3A & 3B

Step 5: Criteria applicable to each lot is also outlined. In some cases, there are minimum dimensional requirements; in some cases, there are maximum dimensional requirements.

What are the various front, side and rear yard

See Regulatory Plans (§209-213.2)

setbacks affecting my lot?

What type of roof is compatible with the rest of the Zone?

Step 6: Requirements for other aspects of development are also defined.

How should buildings be oriented?

See Table 4

What are the off-street parking requirements and setbacks related to my lot?

How much transparency is required?

May I have a sign?

See Table 6

Step 7: There is a process to obtain development approval. To complement this Ordinance, additional information is available at the Clymer Borough Administration Building.

How do I get municipal residential/outbuilding/non-residential approval?

See Table 5

§202. Zoning Map.

- A. The Zoning Map is composed of a series of zoning districts (Zones). The boundaries between zoning districts are, unless otherwise indicated, either the centerlines of streets, alleys, rights-of-way, lot lines, railroads, streams or such lines extended.
- B. The water surface and the land under the water surface of all waterways not otherwise zoned are placed in the same zoning district as the land which it abuts as shown on the Zoning Map. Where the Zones shown on the Zoning Map are different on opposite sides of the water area, then the Zone on each side extends to the center line or midpoint of the water area.
- C. Where Zone boundaries are not clearly fixed by the above methods, they will be determined by the use of the scale of the Zoning Map.
- D. Where a street or alley shown on the Zoning Map is officially vacated by replatting or otherwise, the land formerly in such street or alley right-of-way is included within the zoning district of adjoining lot(s) on either side of the vacated street or alley. Where the street or alley was a district boundary between two (2) or more different zoning districts, the district boundary is the former centerline of the vacated street or alley.
- E. When there is disagreement on the location of Zone boundaries, the Zoning Hearing Board will decide, as the Board has the power and duty of interpreting the intent of the Zoning Map in accordance with the spirit and purpose of the Zoning Ordinance of Clymer Borough.
- F. Records of all Zoning Map amendments are located on file in Clymer Borough's Administrative Office.
- G. Clymer Borough is divided into Zones as shown on the Zoning Map of Clymer Borough which is referred to as the Official Zoning Map, together with all explanations on it, is adopted by reference and declared to be a part of this Ordinance.
- H. The Zoning Map of Clymer Borough is identified by the signature of the President of the Borough Council, attested by the Borough Manager/Borough Secretary and bears the seal of Clymer Borough under the following words: "This is to certify that this is the Zoning Map referred to in Ordinance Number ____ of Clymer Borough, Indiana County, Pennsylvania," together with the date of adoption of this Ordinance.
- I. No changes of any nature are made in the Official Zoning Map or except in conformity with the procedures set forth in this Ordinance. Any unauthorized change will be considered a violation of this Ordinance.
- J. The Official Zoning Map, located in Clymer Borough's Municipal Building Administrative Office, is the final authority as to the current zoning status in Clymer Borough.
- K. Any amendments, legally adopted to change any zoning district boundaries of the Zoning Map, are to be noted on the map by Ordinance number and date of adoption of the amendment.
- L. Borough Council may by Ordinance update the parcel lines as available from Indiana County on the Zoning Map, noting the applicable date and source on the map.

§203. Zone Use and Buildings.

A. Table 1A: Zone Use Table

Table 1A identifies which land uses are permissible in each of the Borough's Zones. After locating the Zone in which the lot is located, use the listing of uses described in the table below to determine what uses are permissible, allowed as outbuildings, secondary uses or uses by special approval of Borough Council. If no symbol exists, the use is not permissible in that Zone.

	Zones				
	Slopes Zone	Neighborhood Zone A	Neighborhood Zone B	Downtown Zone	Rail-Trail Zone
1 Automobile Services (Including Sales, Service and Fuel Stations)		□	□	■	■
2 All Other Uses					●
3 Adult Oriented Establishment					●
4 Bakery/Green Grocer/Corner Store		■	■	■	■
5 Bed and Breakfast	■	■	■	■	■
6 Care Facility - Senior/Care Living				■	■
7 Cemetery/Mausoleum	■	□	■	□	■
8 Commercial School					■
9 Communication Tower	■				
10 Cultural or Civic Institution (Including Indoor Recreation Facility and School/Academy)		■	■	■	■
11 Day Care Center (Youth/Adult)		■	■	■	■
12 Day Care Home	■	■	■	■	■
13 Essential Services (Including Public Utility Facilities and Communication Antennae)	■	■	■	■	■
14 Financial Institution				■	■
15 Food Services (Including Restaurant, Bar, Tavern, Pub)				■	■
16 Forestry	■	■	■	■	■
17 Funeral Home				■	■
18 Gas and Oil Well	■			■	■
19 Government Operations (Including Post Office, Emergency Services and Municipal Buildings)		■	■	■	■
20 Group Facility (Youth/Adult)/Group Home				■	■
21 Hardware Store		■	■	■	■
22 Home Based Business, No Impact	■	■	■	■	■
23 Home Occupation, Low Impact	■	■	■	■	■
24 Indoor Recreation Facility		■	■	■	■
25 Industry - Craft		□	□	□	□
26 Industry - General					■

- Main Use Allowed on a Lot or any Building
 □ Use Allowed in an Out-building Only
 △ Secondary Use Allowed on a Lot
 ● Allowed by special approval by Borough Council

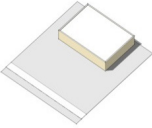
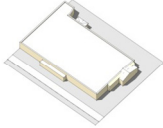

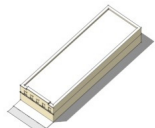
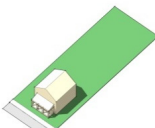
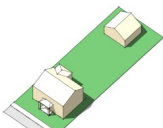
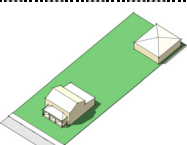
Table 1A: Zone Use Table (continued)

	Zones				
	Slopes Zone	Neighborhood Zone A	Neighborhood Zone B	Downtown Zone	Rail-Trail Zone
<div> <div>■</div> Main Use Allowed on a Lot or any Building </div> <div> <div>□</div> Use Allowed in an Out-building Only </div> <div> <div>△</div> Secondary Use Allowed on a Lot </div> <div> <div>●</div> Allowed by special approval by Borough Council </div>					
27 Industry - Outdoor (Including Maintenance/Storage/Service Yard and Lumber Yard)		□	□	□	■
28 Mixed Use (Commercial at Street Level with Residential/Office Upstairs)				■	■
29 Multi-Family Dwelling - Duplex		■	■	■	■
30 Multi-Family Dwelling - Townhouse	■	■	■	■	■
31 Multi-Unit Dwelling - Apartment Building (4 units max)				■	■
32 Office (Including Business, Professional, Medical and Veterinary)		□	□	■	■
33 Outdoor Park and Recreation Facility		■	■	■	■
34 Pharmacy		■	■	■	■
35 Place of Assembly/Worship		■	■	■	■
36 Private Garage	□	□	□	□	□
37 Private Parking Lot				△	△
38 Retail, Large Scale				●	■
39 Retail, Small Scale				■	■
40 Social Club/Hall		●	●	■	■
41 Single Family Dwelling	■	■	■	■	■
42 Spa/Salon				■	■
43 Studio	■	■	■	■	■
44 Warehouse		□	□	□	■

- B. Damage and reconstruction. Any structure which accommodates or supports an officially recognized use which is damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is initiated and diligently pursued within eighteen (18) months of such casualty and if the restored structure has no greater lot coverage and contains no greater volume than before such casualty. No new zoning approval shall be necessary for the reestablishment/reconstruction of an officially recognized use. See also Article VII for non-conforming uses/structures.

Table 2: Building Table.

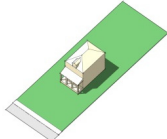
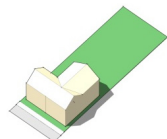
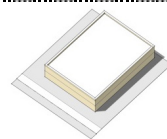
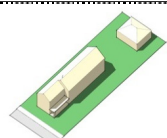
In accordance with Section 603 of the Pennsylvania Municipalities Planning Code, the Zoning Ordinance promotes compatibility of development and community character. Table 2 identifies which building types are permissible in each of the Borough's Zones. After locating the Zone in which the lot is located, find the building type. If no symbol exists, the building type is not permissible in that Zone. If the building type is permissible in the subject Zone, any permissible use within that same zone as identified in Table 1A may be located within the permissible building type. Building heights shall not exceed forty-five (45) feet unless otherwise approved by Borough Council. To uphold established community character, residential buildings and 1-story non-residential buildings shall have peaked roofs unless otherwise approved by Borough Council.

	Zone					Examples of Building Types
	Slope Zone	Neighborhood Zone A	Neighborhood Zone B	Downtown Zone	Rail-Trail Zone	
■ Buildings Allowed						
B1 Highway Frontage					■	
B2 Big Box					■	
B3 Drive-Thru/Convenience				■	■	
B4 Downtown Store				■	■	
B5 Neighborhood Shop		■	■	■	■	
B6 Common Yard	■	■	■			
B7 Porch and Bench	■	■	■			

204. Table 2: Building Table (Continued)

Form and Function

Step 3

	Zone					Examples of Building Types
	Slope Zone	Neighborhood Zone A	Neighborhood Zone B	Downtown Zone	Rail-Trail Zone	
■ Buildings Allowed						
B8 Porch and Yard	■	■	■			
B9 Townhouse	■	■	■		■	
B10 Apartment				■	■	
B11 Cottage	■					

* Downtown Store on 6th Street only in Rail-Trail Zone.

205. Street Typologies.

- A. As authorized by Section 603 of the Pennsylvania Municipalities Planning Code to uphold the character of the community, a hierarchy of thoroughfares is defined to establish a typology of design and layout standards for development as well as pedestrian and vehicular circulation. To maintain the integrity of established circulation, patterns of curb cuts and sidewalk continuity along with presence of street wall occurring throughout the Borough, street typologies shall consist of the following as outlined in Table 3A and 3B.
- B. To maintain street wall continuity, if development exists adjacent to a lot on which development is proposed, Clymer Borough reserves the right to require an Applicant to place development at a front setback distance calculated as the average dimension present for the adjacent development. If an alley or side street is adjacent to a lot, then the lot and garage (if present) is to be accessed from the alley or side street. Deviations from this requirement shall be granted from Borough Council if the Applicant can demonstrate a site-specific issue with either the lot or street which makes compliance impractical or unsafe.
- C. Building frontages, walls and fences.
1. In the Downtown and Rail-Trail Zones, if a proposed building does not continue the established character and continuity of the street wall, the Borough reserves the right to require an Applicant to erect a fence, wall or hedge at a height and opacity determined generally consistent with the established character to ensure the continuity of the overall street wall is maintained.
 2. See also Section 502.I.

LEGEND

- Lot Line
- Major Highway
- Stream
- Rail-Trail Zone
- Downtown Zone
- Neighborhood Zone A
- Neighborhood Zone B
- Slopes Zone

Neighborhood Zone A

Rail-Trail Zone

Downtown Zone

Neighborhood Zone B

Slopes Zone

OFFICIAL ZONING MAP (MAP 1)

CLYMER BOROUGH

Prepared for: Clymer Borough
Prepared by: Environmental Planning and Design, LLC

October 2014
2124.13.02

0 280 560 Feet



LEGEND

Municipal Boundary

 Lot Line TYPE A - Franklin from Two Lick Creek to 3rd Street (No Access to off Street Parking) TYPE B - Franklin from 3rd Street to Two Lick Creek (No Access to off Street Parking) TYPE C - Franklin from Two Lick Creek to Southern Borough Line (Access to off Street Parking) TYPE D - Adams to Morris (No Access to off Street Parking) TYPE E - Facades Facing Street (No Access to off Street Parking) TYPE F - Other Streets and Avenues (Access to off Street Parking) TYPE G - Alleys (Access to off Street Parking)

STREET TYPOLOGIES

CLYMER BOROUGH

FORM-BASED CODE

Prepared for: Clymer Borough

Prepared by: Environmental Planning and Design, LLC

March 18, 2014

2124.14.01

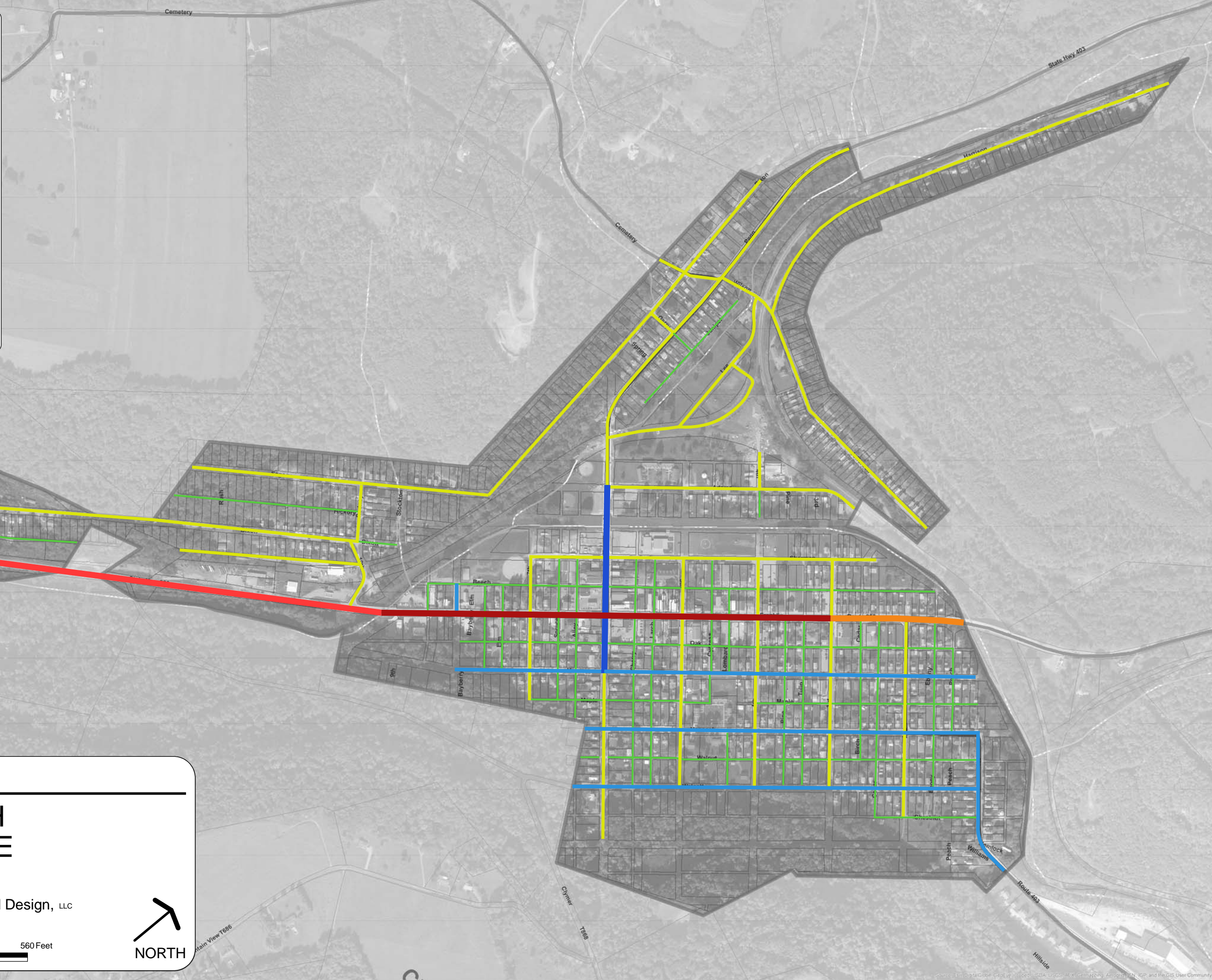
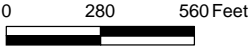


Table 3A: Street Typologies Access

Street Type	General Reference	Access Parameters
A	Franklin from Two Lick Creek to 3rd Street	No Access to Off-street Parking
B	Franklin from 3rd Street to Two Lick Creek	No Access to Off-street Parking
C	Franklin from Two Lick Creek to Southern Borough Line	Access to Off-street Parking
D	Adams to Morris	No Access to Off-street Parking
E	Facades Facing Street	No Access to Off-street Parking
F	Other Streets and Avenues	Access to Off-street Parking
G	Alleys	Access to Off-street Parking

Table 3B: Street /Building Typologies

Locate the type of street on which the lot is located; determine the building type for the lot. Permissible building orientation is identified. If no orientation is denoted, the building type is not permissible on that street typology.

Building Type	Street Typology					
	A	B	C	D	E	F
B1 Highway Frontage	Front door on primary street		Any orientation	Front door on primary street		Front door on primary street
B2 Big Box	Front door on primary street		Any orientation	Front door on primary street		Front door on primary street
B3 Drive Thru/ Convenience	Front door on primary street		Any orientation	Front door on primary street		Front door on primary street
B4 Downtown Store	Front door on primary street		Any orientation	Front door on primary street		Front door on primary street
B5 Neighborhood Shop	Front door on primary street	Front facing Franklin	Any orientation	Front door on primary street	Front door on primary street	Front door on primary street
B6 Common Yard		Front facing Franklin		Front door on primary street	Front door on primary street	Front door on primary street
B7 Porch and Bench		Front facing Franklin		Front door on primary street	Front door on primary street	Front door on primary street
B8 Porch and Yard		Front facing Franklin		Front door on primary street		Front door on primary street
B9 Townhouse		Front facing Franklin				Front door on primary street
B10 Apartment Building			Any orientation		Front door on primary street	Front door on primary street
B11 Cottage					Front door on primary street	Front door on primary street

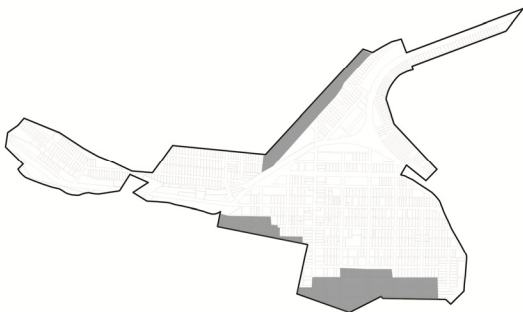
Form and Function - Slopes Zone

Step 5

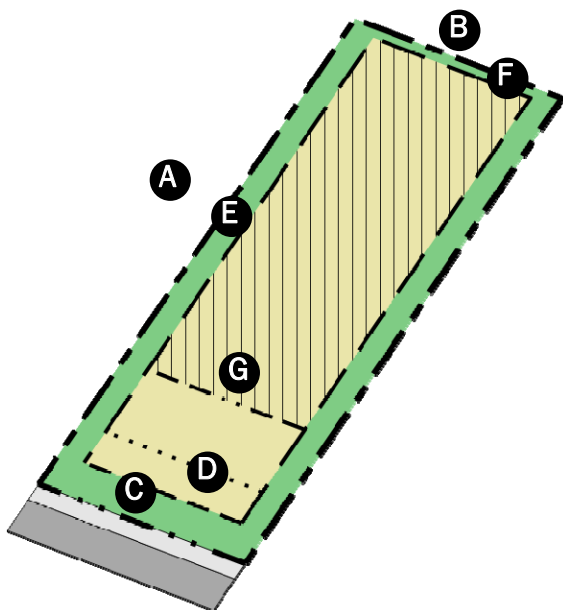
§209 Slopes Zone Regulatory Plan.

The general requirements for lots within the Slopes Zone include the following:

A. Zone Reference Diagram



B. Lot Parameters Diagram



C. List of Standards

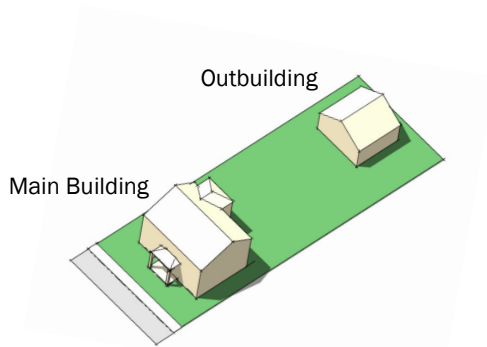
1.	Lot Size (Minimum)	5,000 SF	A
	Lot Width (Minimum)	50'	B
2.	Setbacks		
	Front (Borough Preferred Minimum)		C
	Average dimension of adjacent existing front setbacks		
	(Permissible Minimum)	10-20'	D
	Front (Maximum)	n/a	
	Side (Minimum)	6'	E
	Side (Maximum)	n/a	
	Rear	3'	F
	Outbuilding Setback		G
		40' min. from lot line or 3' behind front building facade if outbuilding attached to primary structure	
	Fence and Wall Setback	See 502.I	
3.	Building Coverage		
		40% Townhouse	
		30% Other Permissible Use within the Slopes Zone	
4.	Parking Locations		
		On-Street, Behind the front building line with access permissible by Table 3A	
5.	Use Allowed on a Lot or any Building		
		Bed and Breakfast, Cemetery/Mausoleum, Communication Tower, Day Care Home, Essential Services, Forestry, Gas and Oil Well, No Impact Home Based Business, Low Impact Home Occupation, Multi-family Dwelling Townhouse, Studio, Single Family Dwelling	
6.	Use Allowed in an Outbuilding Only - Private Garage plus any use as provided in Subsection 5 (above a or instead of a private garage)		

§209 Slopes Zone Regulatory Plan.

D. Permissible Building Types

Form and Function - Slopes Zone

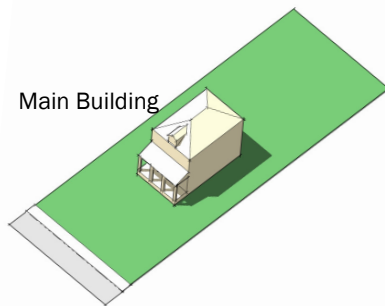
Step 5



Building Type B6 - Common Yard

Permissible Streets:

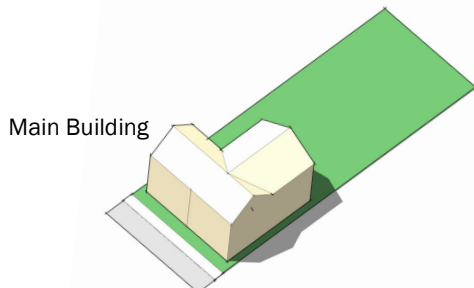
Street Type E and F



Building Type B8 - Porch and Yard

Permissible Streets

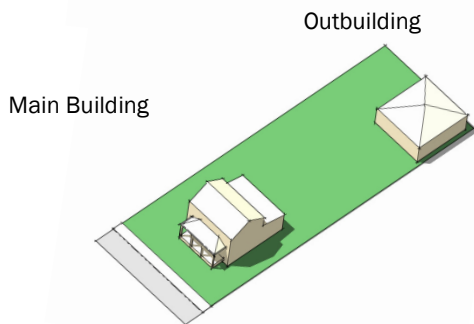
Street Type F



Building Type B9 - Townhouse

Permissible Streets

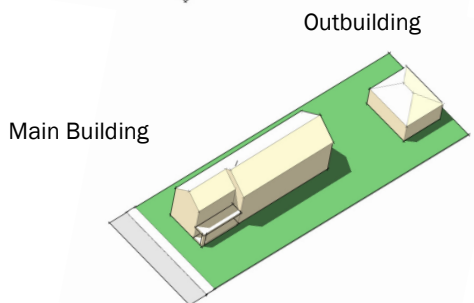
Street Type F



Building Type B7 - Porch and Bench

Permissible Streets

Street Type E and F



Building Type B11 - Cottage

Permissible Streets

Street Type E and F

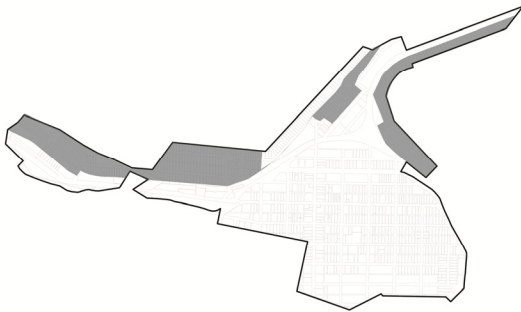
Form and Function - Neighborhood Zone A

Step 5

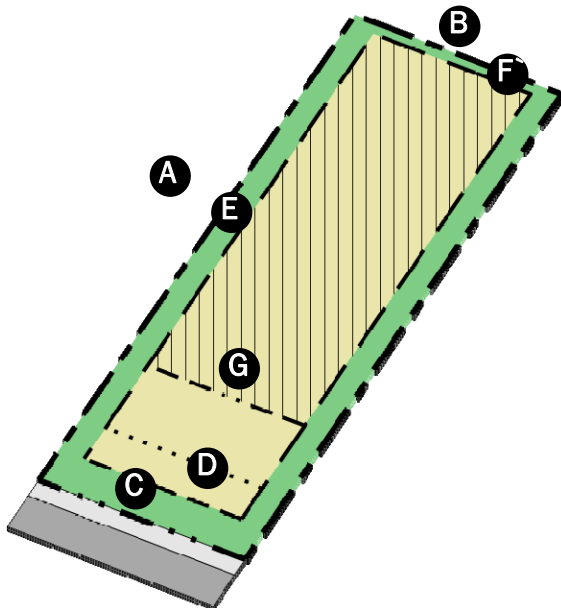
§210 Neighborhood Zone A Regulatory Plan. C. List of Standards

The general requirements for lots within the Neighborhood Zone A include the following:

A. Zone Reference Diagram



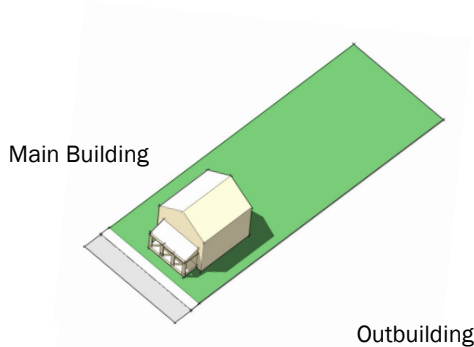
B. Lot Parameters Diagram



1. *Lot Size (Minimum)* 7,500 SF **A**
- Lot Width (Minimum)* 50' **B**
2. *Setbacks*
 - Front (Borough Preferred Minimum)* **C**
Average dimension of adjacent existing front setbacks
 - (Permissible Minimum)* 10-20' **D**
 - Front (Maximum)* n/a
 - Side (Minimum)* 6' **E**
 - Side (Maximum)* n/a
 - Rear* 3' **F**
 - Outbuilding Setback* **G**
40' min. from lot line or 3' behind front building facade if outbuilding attached to primary structure
 - Fence and Wall Setback* See 502.I
3. *Building Coverage*
40% Building Type B5, B7, B8, B9
50% Building Type B6
4. *Parking Locations*
Parking associated with single-family dwellings is permitted on-street

All other building types off-street anywhere on lot with access permissible by Table 3A
5. *Main Use Allowed on a Lot or any Building* - Bakery/ Green Grocer /Corner Store, Bed and Breakfast, Cultural or Civic Institution, Day Care Center (Youth/Adult), Day Care Home, Essential Services, Forestry, Government Operations, Hardware Store, No Impact Home Based Business, Low Impact Home Occupation, Indoor Recreation Facility, Multi-family Dwelling - Duplex/ Townhouse, Outdoor Park and Recreation Facility, Pharmacy, Place of Assembly/Worship, Social Club/Hall (by Special Approval), Studio, Single Family Dwelling
6. *Use Allowed in an Outbuilding Only* - Automobile Services, Cemetery/Mausoleum, Industry - Craft, Industry - Outdoor, Office, Private Garage, Warehouse or any use as provided in Subsection 5 (above a or instead of a private garage)

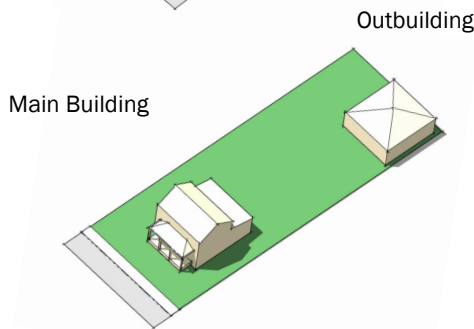
D. Permissible Building Types



Building Type B5 - Neighborhood Shop

Permissible Streets

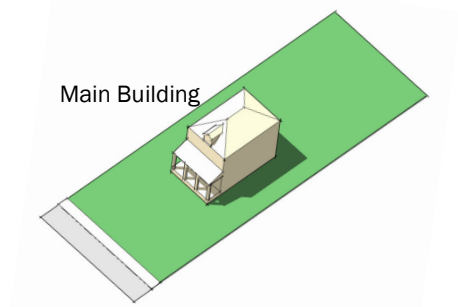
Street Type A and F



Building Type B7 - Porch and Bench

Permissible Streets

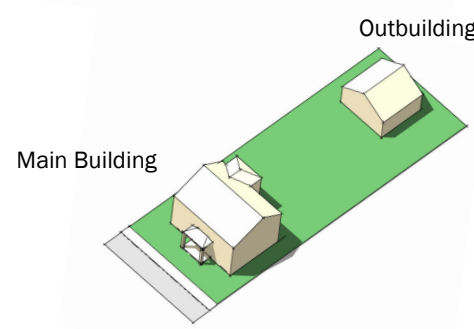
Street Type F



Building Type B8 - Porch and Yard

Permissible Streets

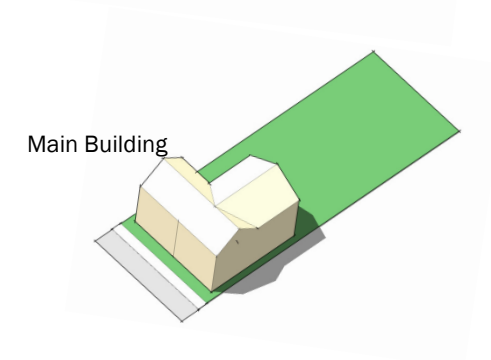
Street Type F



Building Type B6 - Common Yard

Permissible Streets

Street Type F



Building Type B9 - Townhouse

Permissible Streets

Street Type F

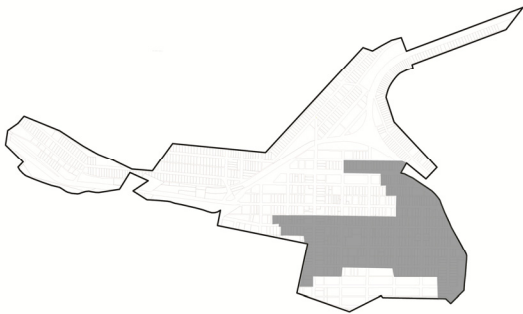
Form and Function - Neighborhood Zone B

Step 5

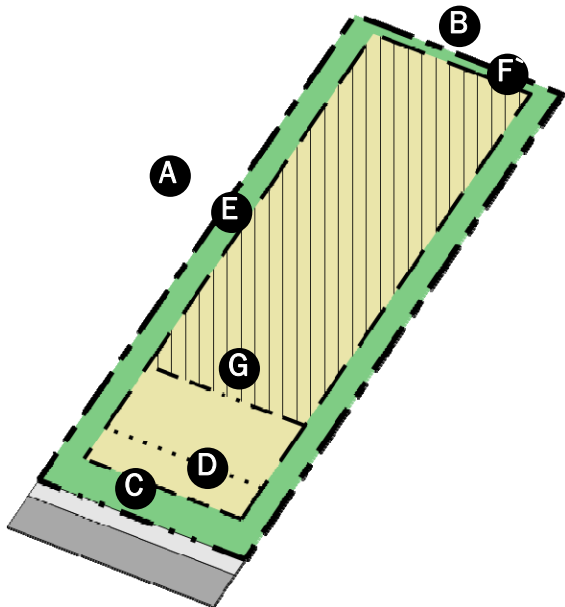
§211 Neighborhood Zone B Regulatory Plan.

The general requirements for lots within the Neighborhood Zone B include the following:

A. Zone Reference Diagram



B. Lot Parameters Diagram



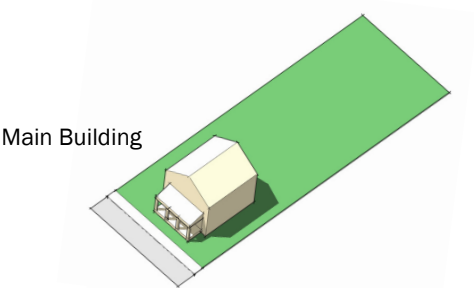
C. List of Standards

- | | | |
|---|-----------|---|
| 1. Lot Size (Minimum) | 7,500 SF | A |
| Lot Width (Minimum) | 50' | B |
| 2. Setbacks | | |
| Front (Borough Preferred Minimum) | | C |
| Average dimension of adjacent existing front setbacks | | |
| (Permissible Minimum) | 10-20' | D |
| Front (Maximum) | n/a | |
| Side (Minimum) | 6' | E |
| Side (Maximum) | n/a | |
| Rear | 3' | F |
| Outbuilding Setback | | G |
| 40' min. from lot line or 3' behind front building facade if outbuilding attached to primary structure | | |
| Fence and Wall Setback | See 502.I | |
| 3. Building Coverage | | |
| 40% Building Type B5, B7, B8, B9 | | |
| 50% Building Type B6 | | |
| 4. Parking Locations | | |
| Parking associated with single-family dwellings is permitted on-street | | |
| All other building types off-street anywhere on lot with access permissible by Table 3A | | |
| 5. Main Use Allowed on a Lot or any Building - Bakery/ Green Grocer /Corner Store, Bed and Breakfast, Cemetery/Mausoleum, Cultural or Civic Institution, Day Care Center (Youth/Adult), Day Care Home, Essential Services, Forestry, Government Operations, Hardware Store, No Impact Home Based Business, Low Impact Home Occupation, Indoor Recreation Facility, Multi-family Dwelling - Duplex/Townhouse, Outdoor Park and Recreation Facility, Pharmacy, Place of Assembly/ Worship, Social Club/Hall (by Special Approval), Studio, Single Family Dwelling | | |
| 6. Use Allowed in an Outbuilding Only - Automobile Services, Industry - Craft, Industry - Outdoor, Office, Private Garage, Warehouse or any use as provided in Subsection 5 (above a or instead of a private garage) | | |

§211 Neighborhood Zone B Regulatory Plan.

Step 5

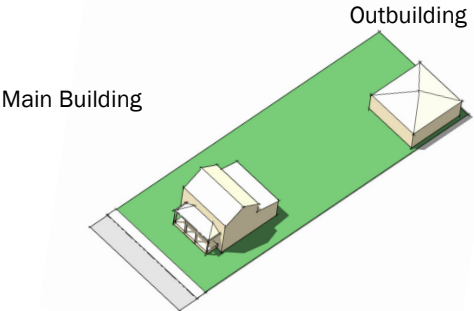
D. Permissible Building Types



Building Type B5 - Neighborhood Shop

Permissible Streets

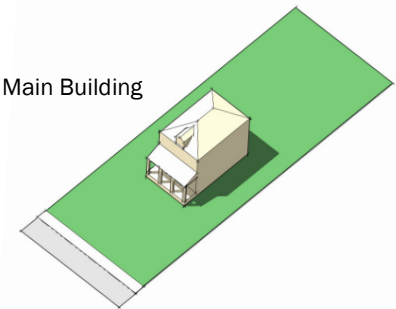
Street Type B, D, E, F



Building Type B7 - Porch and Bench

Permissible Streets

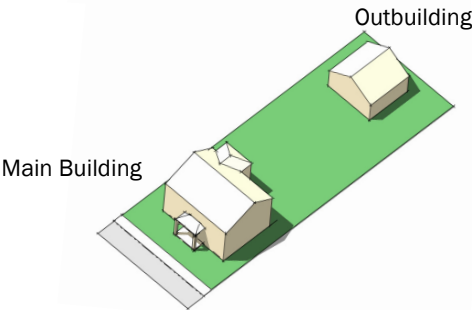
Street Type B, D, E, F



Building Type B8 - Porch and Yard

Permissible Streets

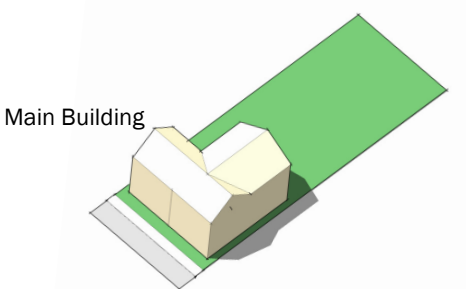
Street Type B, D, E, F



Building Type B6 - Common Yard

Permissible Streets

Street Type B, D, E, F



Building Type B9 - Townhouse

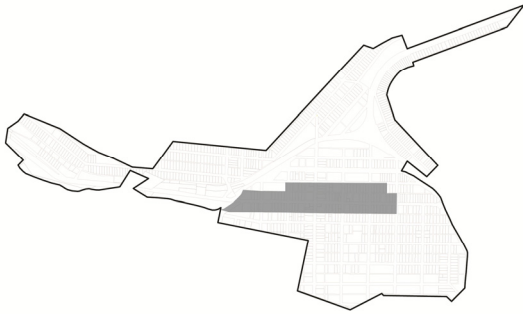
Permissible Streets

Street Type B, D, E, F

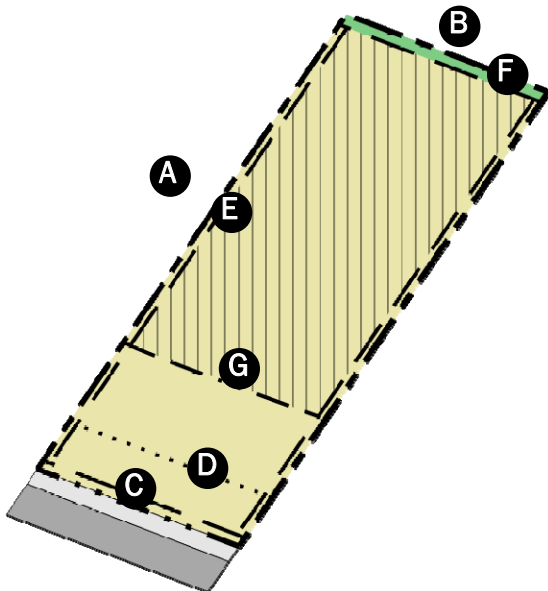
§212.1 Downtown Zone (No Drive-Thru) Regulatory Plan.

The general requirements for lots within the Downtown Zone (No Drive-Thru) include the following:

A. Zone Reference Diagram



B. Lot Parameters Diagram



Form and Function - Downtown Zone Step 5

C. List of Standards

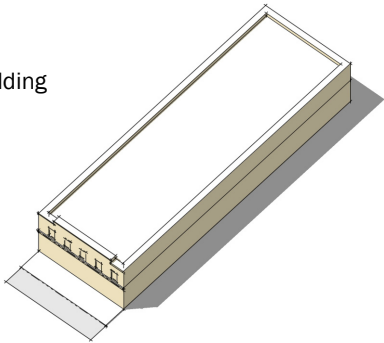
1. *Lot Size (Minimum)* 7,500 SF **A**
Lot Width (Minimum) 50' **B**
2. *Setbacks*
 - Front (Minimum)* 0' **C**
 - Front (Maximum)* 10' St. on Street Type A, D, F; **D**
15' St. on Street Type E
 - Side (Minimum)* 0' **E**
 - Side (Maximum)* n/a
 - Rear* 3' **F**
 - Outbuilding Setback* **G**
40' min. from lot line or 3' behind front building façade if outbuilding attached to primary structure
 - Fence and Wall Setback* See 502.I
3. *Building Coverage*
40% Building Type B3; 90% Building Type B4; 60% Building Type B5
4. *Parking Locations* (with access permissible by Table 3A)
Building Type B4 - Rear of Lot so long as the total area of parking does not exceed 40% of the lot; Building Type B5 and B10 - Side and Rear of Lot so long as the total area of parking does not exceed 40% of the lot; Parking associated with single-family dwellings is permitted on-street
5. *Main Use Allowed on a Lot or any Building* - Automobile Services, Bakery/Green Grocer /Corner Store, Bed and Breakfast, Care Facility - Senior/Care Living, Cultural or Civic Institution, Day Care Center, Day Care Home, Essential Services, Financial Institution, Food Services, Forestry, Funeral Home, Gas and Oil Well, Government Operations, Group Facility, Hardware Store, No Impact Home Based Business, Low Impact Home Occupation, Indoor Recreation Facility, Multi-Family Dwelling - Duplex/Townhouse, Multi-Unit Dwelling - Apartment, Mixed Use, Office, Outdoor Park and Recreation Facility, Pharmacy, Place of Assembly/Worship, Private Parking Lot (Secondary Use), Large-Scale Retail (by Special Approval), Small-Scale Retail, Social Club/Hall, Spa/Salon, Studio, Single Family Dwelling
6. *Use Allowed in an Outbuilding Only* - Cemetery/Mausoleum, Industry—Craft, Private Garage, Warehouse plus or any use as provided in Subsection 5 (above a or instead of a private garage)

Form and Function - Downtown Zone
Step 5

§212.1 Downtown Zone
(No Drive-Thru) Regulatory Plan.

D. Permissible Building Types.

Main Building

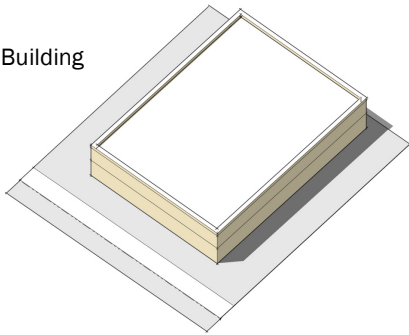


Building Type B4 - Downtown Store

Permissible Streets

Street Type A, D, F

Main Building

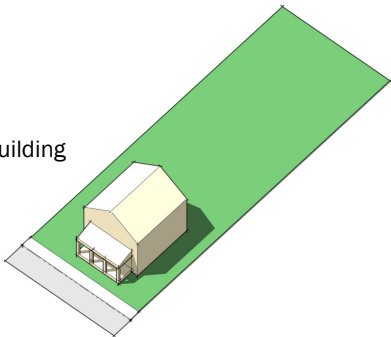


Building Type B10 - Apartment

Permissible Streets

Street Type F

Main Building



Building Type B5 - Neighborhood Shop

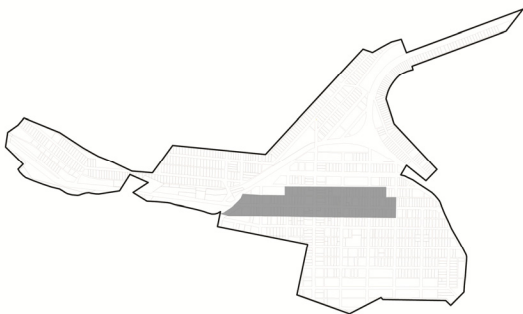
Permissible Streets

Street Type A, D, E, F

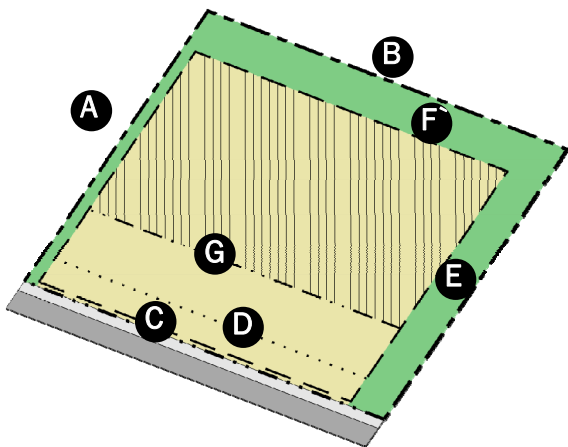
§212.2 Downtown Zone (With Drive-Thru)
Regulatory Plan.

The general requirements for lots within the Downtown Zone (With Drive-Thru) include the following:

A. Zone Reference Diagram



B. Lot Parameters Diagram



Form and Function - Downtown Zone

C. List of Standards

Step 5

1. Lot Size (Minimum) 7,500 SF **A**

Lot Width (Minimum) 150' **B**
2. Setbacks

Front (Minimum) 0' **C**

Front (Maximum) 10' St. Type A, D, F; **D**

15' St. Type E

Side (Minimum) 15' (1 side); 0' (opposing side) **E**

Side (Maximum) n/a

Rear 3' **F**

Outbuilding Setback **G**

40' min. from lot line or 3' behind front building facade if outbuilding attached to primary structure

Fence and Wall Setback See 502.I
3. Building Coverage

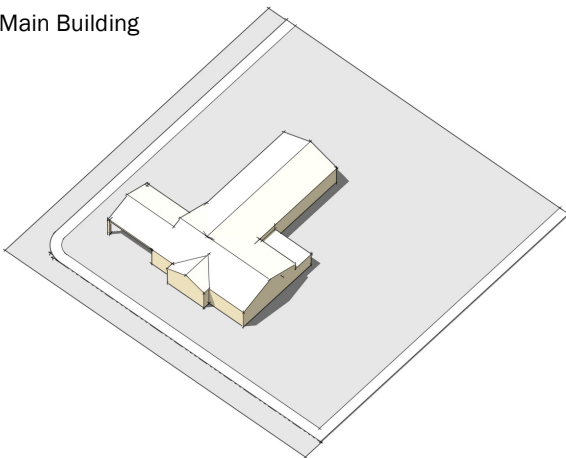
40% Building Type B3
4. Parking Locations (parking/drive-thru access permissible by Table 3A with alley access preferred)

Building Type B3 - Side and Rear of Lot so long as the total area of as parking does not exceed 40% of the lot
5. Main Use Allowed on a Lot or any Building - Automobile Services, Bakery/Green Grocer /Corner Store, Bed and Breakfast, Care Facility - Senior/Care Living, Cultural or Civic Institution, Day Care Center, Day Care Home, Essential Services, Financial Institution, Food Services, Forestry, Funeral Home, Gas and Oil Well, Government Operations, Group Facility, Hardware Store, No Impact Home Based Business, Low Impact Home Occupation, Indoor Recreation Facility, Multi-Family Dwelling - Duplex/ Townhouse, Multi-Unit Dwelling - Apartment, Mixed Use, Office, Outdoor Park and Recreation Facility, Pharmacy, Place of Assembly/Worship, Private Parking Lot (Secondary Use), Large-Scale Retail (by Special Approval), Small-Scale Retail, Social Club/Hall, Spa/Salon, Studio, Single Family Dwelling
6. Use Allowed in an Outbuilding Only - Cemetery/ Mausoleum, Industry—Craft, Private Garage, Warehouse plus or any use as provided in Subsection 5 (above a or instead of a private garage)

§212.2 Downtown Zone (With Drive-Thru)
Regulatory Plan.

D. Permissible Building Types

Main Building



Building Type B3 - Drive-Thru/Convenience

Permissible Streets

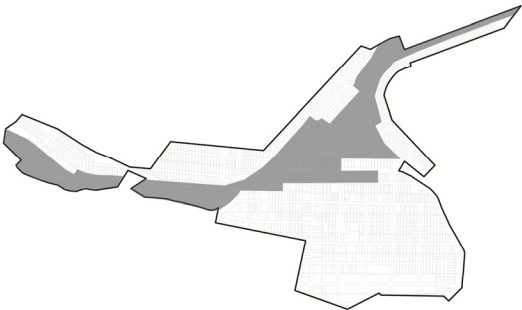
Street Type A, D and F

Form and Function - Rail Trail Zone

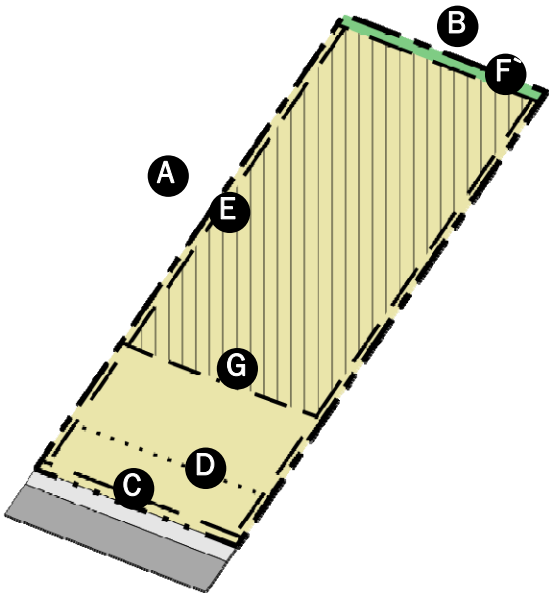
§213.1 Rail-Trail Zone (No Drive-Thru) Regulatory Plan.

The general requirements for lots within the Rail-Trail Zone (No Drive-Thru) include the following:

A. Zone Reference Diagram



B. Lot Parameters Diagram



C. List of Standards

Step 5

1. Lot Size (Minimum) 7,500 SF **A**

Lot Width (Minimum) 50' **B**
2. Setbacks

Front (Minimum) 0' All Streets **C**

Front (Maximum) 10' Street Types A, D, F **D**

15' Street Type C

Side (Minimum) 0' **E**

Side (Maximum) n/a

Rear 3' **F**

Outbuilding Setback

40' min. from lot line or 3' behind front building facade if outbuilding attached to primary structure **G**

Fence and Wall Setback See 502.I
3. Building Coverage

90% Building Type B4

40% Building Type B1, B2, B5, B9 and B10
4. Parking Locations (with access permissible by Table 3A)

Building B1 and B2 - Behind 10' parking setback

Building Type B4 - Rear of Lot

Building Type B5, B9 and B10 - Side and Rear of Lot

Parking associated with single-family dwellings is permitted on-street
5. Main Use Allowed on a Lot or any Building

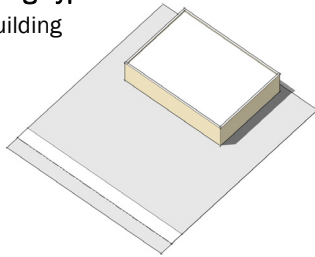
Any use outlined in Table 1A by right with the exception of All Other Uses (by Special Approval) and Adult Oriented Establishment (by Special Approval), Private Parking Garage (Secondary Use)
6. Use Allowed in an Outbuilding Only

Industry-Craft, Private Garage or any use as provided in Subsection 5 (above a or instead of a private garage)

**§213.1 Rail-Trail Zone (No Drive-Thru)
Regulatory Plan.**

D. Permissible Building Types

Main Building

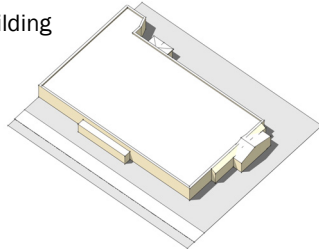


Building Type B1 - Highway Frontage

Permissible Streets

Street Type A, C, D, F

Main Building

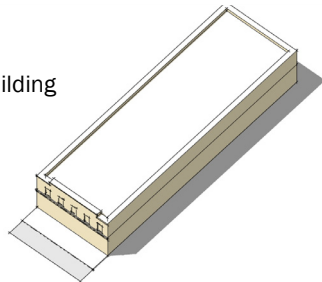


Building Type B2 - Big Box

Permissible Streets

Street Type A, C, D, F

Main Building

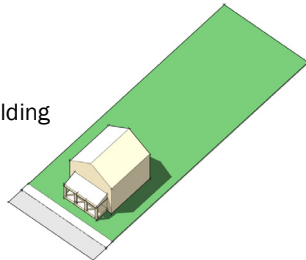


Building Type B4 - Downtown Store

Permissible Streets

Street Type A, C, D, F

Main Building

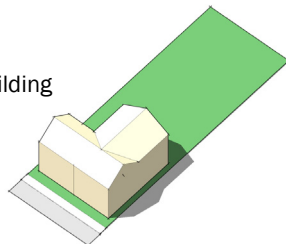


Building Type B5 - Neighborhood Shop

Permissible Streets

Street Type A, C, D, F

Main Building

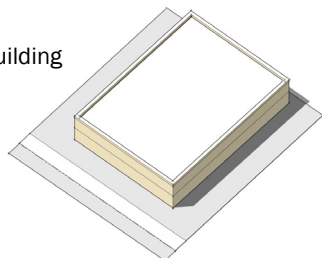


Building Type B9 - Townhouse

Permissible Streets

Street Type F

Main Building



Building Type B10 - Apartment

Permissible Streets

Street Type C and F

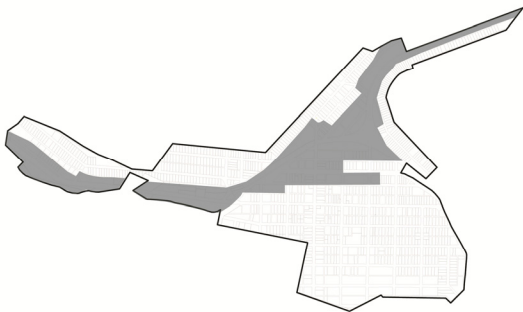
Form and Function - Rail Trail Zone

Step 5

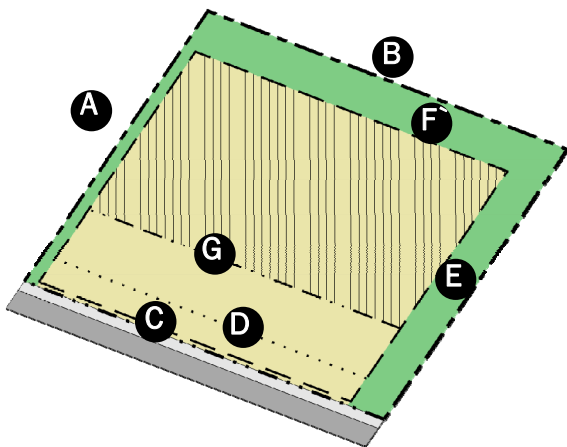
§213.2 Rail-Trail Zone (With Drive-Thru)
Regulatory Plan.

The general requirements for lots within the Rail-Trail Zone (With Drive-Thru) include the following:

A. Zone Reference Diagram



B. Lot Parameters Diagram



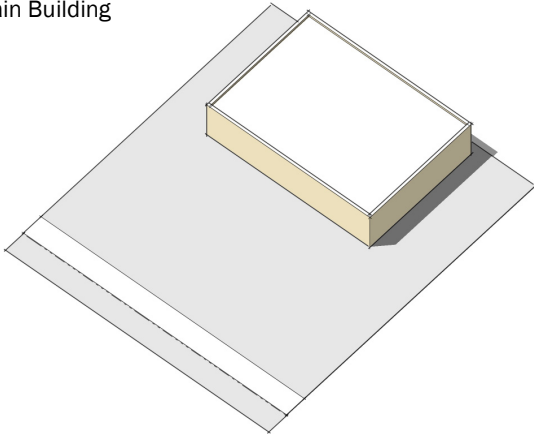
C. List of Standards

- | | | |
|---|---|---|
| 1. Lot Size (Minimum) | 7,500 SF | A |
| Lot Width (Minimum) | 150' | B |
| 2. Setbacks | | |
| Front (Minimum) | 0' All streets | C |
| Front (Maximum) | 10' Street Types A, D, F | |
| | 15' Street Type C | D |
| Side (Minimum) | 15' (1 side); 0' (opposing side) | E |
| Side (Maximum) | n/a | |
| Rear | 3' | F |
| Parking (Minimum) | 10' | |
| Outbuilding Setback | | G |
| | 40' min. from lot line or 3' behind front building facade if outbuilding attached to primary structure | |
| Fence and Wall Setback | See 502.I | |
| 3. Building Coverage | | |
| | 60% Building Type B1, B2 | |
| | 40% Building Type B3 | |
| 4. Parking Locations | | |
| | Anywhere behind minimum parking setback with parking/drive-thru access permissible by Table 3A | |
| 5. Use Allowed on a Lot or any Building | | |
| | Any use outlined in Table 1A by right with the exception of All Other Uses (by Special Approval) and Adult Oriented Establishment (by Special Approval), Private Parking Garage (Secondary Use) | |
| 6. Use Allowed in an Outbuilding Only | | |
| | Industry-Craft, Private Garage or any use as provided in Subsection 5 (above a or instead of a private garage) | |

§213.2 Rail-Trail (With Drive-Thru)
Regulatory Plan.

D. Permissible Building Types

Main Building

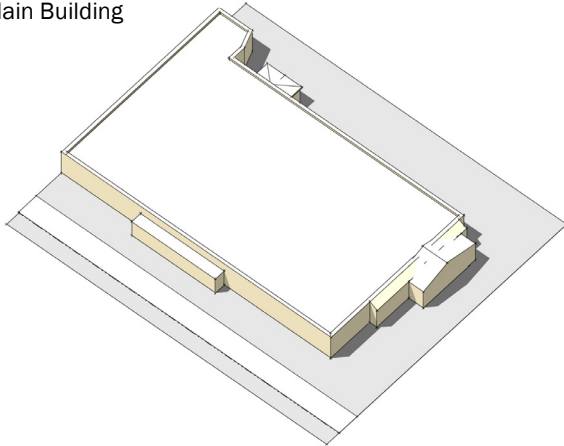


Building Type B1 - Highway Frontage

Permissible Streets

Street Type A, C, D, F

Main Building

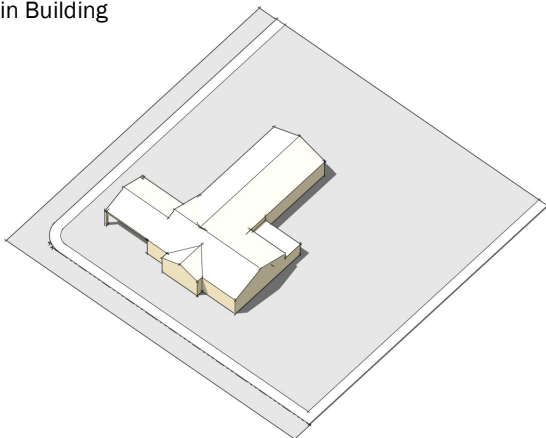


Building Type B2 - Big Box

Permissible Streets

Street Type A, C, D, F

Main Building



B3 - Drive-Thru/Convenience

Permissible Streets

Street Type A, C, D, F

§214. Table 4: Other Requirements/Incentives Table.

The Borough will consider the following criteria as part of all development:

	Zones				
	Slopes Zone	Neighborhood Zone A	Neighborhood Zone B	Downtown Zone	Rail-Trail Zone
Building Orientation (except B11)	Building frontage faces front yard	Building frontage faces front yard	Building frontage faces front yard	Building frontage faces front yard	Building frontage faces front yard
Parking Requirements		1 space per bed (multi-family dwelling, apartment use)	1 space per bed (multi-family dwelling, apartment use)	1 space per bed (multi-family dwelling, apartment use)	1 space per bed (multi-family dwelling, apartment use) and/or 1 space per 300 square feet non-residential
Parking Setbacks	5' minimum	5' minimum	5' minimum	5' minimum	5' minimum
Transparency (minimum)	15%	15%	15%	40% unless otherwise defined by this Ordinance	40% unless otherwise defined by this Ordinance
Porches/Stoops	May project 3' within setback	May project 3' within setback	May project 3' within setback	May project 3' within setback	May project 3' within setback

Note: Bed = Bedroom or room used for sleeping in the case of a studio or similar set-up

§215. Table 5: General Application Types/Submission Items.

The following table serves as a general guide for the content of applications applicable to this Ordinance.

A. Residential/outbuilding applications

1. Application Form
2. Consolidation Plan (if applicable)
3. Building Permit Form

B. Non-residential applications

- | | |
|---------------------------------------|---|
| 1. Application Form | 4. Site Plan with utilities |
| 2. Building Elevation (at street) | 5. Cross-section front yard to rear yard |
| 3. Consolidation Plan (if applicable) | 6. Copies of Highway Occupancy Permit, National Pollutant Discharge Elimination System, Department of Environmental Protection, Municipal Authority |

Special Approval (Conditional Uses)

§ 301. General Criteria for Evaluation of Special Approvals.

- A. In evaluating an application for a Special Approval, the Borough Council applies the guidelines and procedures associated with Conditional Uses as set forth in the Pennsylvania Municipalities Planning Code.
- B. The following criteria for special approvals apply to all special approvals;
 - 1. Building and parking setbacks must be consistent with existing building and parking setbacks of adjoining and neighboring lots on the block in which the development is located. The location and arrangement of parking on a lot will be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized. Clymer Borough reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front facade of the primary building or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.
 - 2. A landowner and /or developer must provide a plan for photometrics of the lot. Illumination, when measured at a lot line, will be zero (0) footcandles.
 - 3. Unless the landowner and/or developer can present a development alternative which demonstrates it is feasible that surface parking can only exist within a lot's yard which is adjacent to Franklin Street or to another corner lot, no surface parking will front on Franklin Street or on a corner lot of said street.
 - 4. To protect and/or safeguard the character of existing development in Clymer Borough, for cases where there is the re-use of a residential structure or a lot on which a residential structure exists, the landowner and/or developer will maintain the characteristics, inclusive of but not limited to massing, heights and exterior historical features, of said residential structure with surrounding residential structures.
 - 5. Hours of operation will be scheduled to minimize negative impacts on the surrounding neighborhood.
 - 6. A traffic impact study acceptable to the Borough Engineer, may be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.
- C. The consideration of a special approval by Borough Council upon review of the Borough Planning Agency's recommendations must be predicated on the Applicant's submission of written application containing all of the information required under this section, together with a site plan meeting the requirements of this Ordinance and any other Borough Ordinance as applicable.
- D. A written submission must demonstrate that development for which the special approval is sought:
 - 1. Will not endanger the public health and safety and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration as prohibited by Article V of this Ordinance.
 - 2. Meets all other requirements of this Ordinance in the Zone where the use is proposed.
 - 3. Is in general conformity with the Clymer Borough Comprehensive Plan and is attractive and in harmony with the area in which it is proposed.

Special Approval (Conditional Uses)

4. Is an appropriate use on the proposed lot as a special approval.
 5. If defined as part of any special approval and will be completed with the identified timeframe. Also, the Borough Council may extend time for any completion date if the Applicant or his agent requests such an extension and if good cause for the extension is shown. If, at the end of the identified timeframe or extended completion period, the special approval is not completed, and if no extension has been granted, the special approval will become null and void.
 6. Upon Borough Council designating a special approval, any prior special approval for the same tract of land becomes null and void.
 7. Information including Applicant address, location of site, listing of landowners who will receive notice of the zoning application, Zone and other relevant information as defined by Clymer Borough must be submitted.
- E. The Site Plan will show to scale the entire lot to be ultimately developed and indicate the location, height, and use of structure, driveways, sign, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed on the lot must also be submitted.
- F. Special approvals will be subject to periodic inspections to insure compliance with the conditions of approval.
- G. The Borough Council and/or Borough Planning Agency may attach additional conditions in order to protect the public's health, safety, and welfare. These conditions may include, but are not limited to, increased screening.

§302. Uses for Special Approval.

A. Social Clubs/Halls.

In a Zone where a Social Club is designated as for special approval, the use is permitted upon the approval of the Borough Council subject to the following requirements:

1. Such club cannot remain open and/or transact business between the hours of 12:00 a.m. and 7:00 a.m., prevailing time of each day.
2. No club can be located within five hundred (500) feet of a residence or place of worship.
3. Broad form general liability coverage of \$1,000,000 per single limit occurrence must be obtained and maintained for the entire period the club is in operation; proof of insurance and all renewals will be submitted to the Zoning Officer.
4. A valid amusement permit pursuant to Clymer Borough permit requirements must be obtained prior to occupancy and be prominently displayed in the premises.
5. The hours of operation must be conspicuously posted at the business premises so that patrons are sufficiently apprised of the same.

Special Approval (Conditional Uses)

B. Adult Oriented Establishment.

In a Zone where an adult oriented establishment is designated as for special approval, the use is permitted upon the approval of the Borough Council subject to the following requirements:

1. The owner(s) and operator(s) of an adult oriented establishment are responsible for the conduct and safety of the employees and patrons and must be available to respond to inquiries and promptly quell any interruptions caused by the employees and/or patrons.
2. An adult oriented establishment cannot be located within one thousand (1,000) feet of any other Adult oriented establishment. The distance will be measured from lot line of one facility to the nearest lot line of the other facility.
3. An adult oriented establishment is not permitted to be located within one thousand (1,000) feet of any public or private school, day care facility, public recreation facility, or any place of worship/ assembly; nor be closer than five hundred (500) feet from a residence, nor from where any children are permitted and normally congregate.
4. No materials, merchandise, film, or services offered for sale, rent, lease, loan or for view will be exhibited, displayed or graphically represented outside of a building or structure.
5. Any building or structure used and occupied as an adult facility must be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed and no sale materials, merchandise, film or offered items of service or entertainment can be visible from outside the structure.
6. No sign will be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.
7. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
8. Each and every entrance to the structure will be posted with a notice of at least four (4) square feet that the use is an adult facility; that persons under the age of eighteen (18) are not permitted to enter; and warning all others that they may be offended upon entry.

C. Retail, Large Scale.

In a Zone where Large Scale Retail Club is designated as for special approval, the use is permitted upon the approval of the Borough Council subject to the following requirements:

1. Hours of operation must be scheduled to minimize negative impacts on surrounding residential neighborhoods.
2. All lot lines adjoining residential use or zone classification shall be screened by the bufferyard of deepest dimension and greatest opacity as required by this Ordinance.
3. Building setbacks must be consistent with the existing building setbacks of adjoining lots.
4. As a part of all land development, the landowner and /or developer must provide a plan for photometrics of the lot. Illumination on a lot, when adjacent to a residential district, shall be a maximum of zero (0) footcandle. Lighting levels must also be reduced by one-half ($\frac{1}{2}$) their standard operating power, between 11:00 p.m. and 6:00 a.m.
5. The location and arrangement of parking on a lot must be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized.

Special Approval (Conditional Uses)

6. The Borough reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front principal building setback or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.
 7. The ground surface of off-street parking must be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust or other disturbances.
- D All Other Uses. A use not expressly as a permitted use or use for special approval may be permitted as a use by special approval use upon the Applicant's demonstration that the proposed use:
1. Impacts the neighborhood and adjacent streets, circulation and lots equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
 - a. The number of employees.
 - b. The floor area of the building or gross area of the lot devoted to the proposed use.
 - c. The type of products, materials, equipment and/or processes involved in the proposed use.
 - d. The magnitude of walk-in trade.
 - e. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Chapter.
 - f. The hours of operation.
 - g. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which development, infill, reuse and/or redevelopment is proposed.
 - h. Architectural plans as submitted as part of approval. Architectural plans shall be required to be submitted as part of said application for conditional use.
 2. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
 3. Is in general conformity with the Clymer Borough Comprehensive Plan and in harmony with the area in which it is proposed.
 4. Complies with any applicable standards and criteria specified in this Article for the most nearly comparable special approval specifically listed in the Zone District in which it is proposed.
 5. Is in compliance with all other standards of this Ordinance and all other applicable Ordinances.

Zoning Hearing Board Exceptions (Special Exceptions)

§ 401. General Criteria for Evaluation of Zoning Hearing Board Exceptions.

- A. In evaluating an application for Zoning Hearing Board Exceptions, Clymer Borough applies the guidelines and procedures associated with Special Exceptions in the Pennsylvania Municipalities Planning Code.
- B. Consideration of a Zoning Hearing Board Exception, upon review of recommendations by the Borough Planning Agency is predicated on the Applicant's submission of a written application containing all of the information required under §401.C. along with a site plan meeting the requirements of subsection §401.E .
- C. A written submission must demonstrate the Special Exception will meet the primary criteria outlined below and:
 - 1. Will not endanger the public health and safety if located where it is proposed and will not deteriorate the environment or generate nuisance conditions such as, but not limited to, those outlined in Article V.
 - 2. Meets all other requirements of this Ordinance in the Zone where the use is proposed.
 - 3. Is in general conformity with the Clymer Borough Comprehensive Plan and is attractive and in harmony with the area in which it is proposed.
 - 4. Is an appropriate use on the proposed lot as a use by special exception.
 - 5. If defined as part of any special exception approval, said special exception use will be completed with the identified timeframe.
 - 6. Upon approval of any special exception by the Zoning Hearing Board, any prior approved special exception for the same lot becomes null and void.
 - 7. Information including address of Applicant, location of site, listing of landowners who will receive notice of such zoning application, Zone and other relevant information as defined by Clymer Borough are submitted.
- D. In requesting a special exception, the Applicant has both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a special exception as set forth in this Ordinance.
- E. The Site Plan must show to scale the entire lot to be ultimately developed and indicate the location, height, and use of structure, driveways, sign, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed must also be submitted.
- F. The Zoning Hearing Board may attach reasonable conditions, in order to protect the public's health, safety, and welfare. These reasonable conditions may include, but are not limited to, increased screening.
- G. Approval of all uses by special exception contained in this Ordinance are be subject to periodic inspections by the Zoning Officer to insure compliance with the required conditions of approval. Such periodic inspections will be conducted annually while the use is conducting active operations.

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Performance Standards and Supplementary Regulations

§501. Performance Standards.

- A. Compliance Required.
 - 1. All uses must comply with the requirements of this Ordinance and the landowner and/or developer must demonstrate that a proposed use can comply with the standards below prior to Clymer Borough issuing approval and operation commencing on the lot. Compliance must be determined by the Zoning Officer with respect to permitted uses, by the Zoning Hearing Board with respect to special exceptions, and by the Borough Council with respect to conditional uses. In order to determine whether a proposed use will conform to the requirements of this Article, Clymer Borough may obtain a qualified consultant's report, whose cost for services will be borne by the Applicant.
 - 2. All uses that require new facilities or expansion of existing facilities, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, will obtain such approval as required by the agency providing such service prior to project approval. No availability of essential services is be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services will be by and at the cost of the landowner and/or developer, unless the jurisdiction agrees otherwise. All service extensions are to be designed and installed in full conformance with the jurisdiction's standards for such service, and be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.
- B. Fire Protection. Fire protection and fire-fighting equipment, procedures and safety protocols acceptable to Clymer Borough Fire Standards and National Fire Protection Association must be readily available and followed where there is any activity involving the handling or storage of flammable or explosive material.
- C. Radioactivity; Electrical Disturbances. Unless otherwise permitted by Clymer Borough for medical purposes, no activity can emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.
- D. Noise. The sound level of any use within this District may not exceed, at any point along the boundary of the lot on which the use is to be undertaken, Federal standards or recommended decibel levels in the designated octave bands, except for emergency alarm systems. Sound levels can be projected in accordance with similar or identical operations or uses and be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. Measurements must be made using the same measuring system which may now or hereafter be utilized by the United States Government for this purpose.
- E. Vibrations. Except temporary vibration resulting from construction activity, vibrations detectable without instruments on any adjacent lot in any Zone will be prohibited.
- F. Dust, Fumes, Vapor, and Gas Control. The emission of dust, dirt, flash, fumes, vapors, or gases which cause any damage to human health, animals, vegetation, or other forms of property, or which can cause soiling or staining of persons or

Performance Standards and Supplementary Regulations

property at any point beyond the lot line of the use creating such emission is hereby prohibited. No emission of liquid or solid particulate from any chimney or stack or otherwise can exceed .03 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. Identical processes or facilities may be compared to determine compliance with this subsection. For measurement for the amount of particles discharged as stated above, measurement procedures will follow those then employed by the Pennsylvania Department of Environmental Protection for similar or identical measurements.

§502. Supplementary Regulations.

- A. Drainage Facilities and Floodplains. The provisions of Borough Ordinance #206 related to drainage facilities and Borough Ordinance #339 related to floodplains are applicable to matters of zoning within the Borough.
- B. Airport Hazard areas. Where applicable, Federal Aviation Administration requirements apply to ensure the safety of development impacted by airports. The Borough and Indiana County Office of Planning and Development will provide an Applicant with applicable permitting requirements and restrictions.
- C. Communications Antennae. The following regulations are applicable to communications antennas mounted or located on existing or newly constructed non-residential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets and are permitted in all Zones.
 - 1. The Applicant must provide a certification from a professional engineer, having demonstrated capability and competence in matters of structural integrity, that the proposed installation will not exceed the structural capacity of the pole or building upon which the communications antenna is proposed to be located, considering wind, ice, snow and other loads associated with the communications antenna location.
 - 2. The Applicant must provide detailed construction drawings indicating how the communications antenna(s) will be mounted for review by the Municipal Engineer.
 - 3. Unless mounted on an existing utility pole, the minimum building setback requirements for the antenna must be five (5) feet from a lot line.
 - 4. The antenna cannot be more than twelve (12) feet higher than the structure on which it is to be mounted and must be designed to have minimal visual impact to the building or structure, utilizing techniques such as being the same color as the building or pole on which it is located.
 - 5. The Applicant must provide authorization from the legal owner of the lot to install the communications antenna and any structure accessory to the communications antenna.
 - 6. The Applicant must provide agreements, easements, or rights-of-way necessary to ensure access for the purpose of installation and maintenance.
 - 7. Any existing or newly constructed free-standing light pole/standard or utility transmission pole may be constructed, reconstructed or altered for the purpose of accommodating the location and/or installation of communications antenna, provided that the height of the light pole/standard or utility transmission pole, once constructed, reconstructed or altered, does not exceed sixty-five (65) feet.
 - 8. No communications antennas may cause interference with other communications antennas.
 - 9. If any accessory communications equipment building/cabinets are proposed for the operation of the communications antenna, the following regulations apply:

Performance Standards and Supplementary Regulations

- a. The communications equipment building/cabinets and associated equipment may be located at or near the base of any existing or newly constructed light pole/standard. If the communications equipment building/cabinets are proposed for a communications antenna located on a non-residential building or structure other than an existing or newly constructed light pole/standard, such communications equipment building/cabinets may be located on the structure or building on which the communications antenna is located.
 - b. Screening must be provided at an opacity and height to obscure eighty-five percent (85%) of the proposed antenna base.
 - c. For communications antennas mounted on utility transmission poles, the communications equipment building/cabinets must be located within the utility easement or right-of-way and are not to obstruct sidewalks, streets and/ or driveways nor interfere with traffic sight distances.
 - d. Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is equal to or less than one hundred (100) square feet will be subject to the height and setback requirements of the Zone for an outbuilding. Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is greater than one hundred (100) square feet will be subject to the height and setback requirements of the Zone for a primary building or structure.
- D. Solar Collectors and Solar-Related Equipment.
1. Solar collectors and solar-related equipment are permitted in any Zone as an appurtenance to a building or as a detached outbuilding. No systems or equipment can be erected in a front yard or within the area between a front lot line and the front building facade of the primary building on the lot.
 2. A statement that a solar energy collection system is to be installed on a lot must be filed with the Zoning Officer on the date the zoning permit for the solar system is issued, with the date of installation being the date of recordation. The solar facility must be completed, and the Borough Zoning Officer notified of completion, within one (1) calendar year from the date of permit issuance.
- E. Temporary Construction Trailers or Sheds. Temporary construction trailers or sheds are permitted in all Zones subject to the following:
1. Temporary construction trailers or sheds are permitted only during the period that the construction work is in progress. A permit for the temporary structure must be obtained from the Zoning Officer prior to the commencement of construction and must be renewed every six (6) months.
 2. Temporary construction trailers or sheds must be located on the lot on which the construction is progressing and cannot be located within ten (10) feet of any lot line adjoining an existing residential use.
 3. Temporary construction trailers or sheds must be used only as temporary field offices and for storage of incidental equipment and supplies and cannot be used for any dwelling use.
 4. A temporary construction trailer may be permitted for use as a sales center for residential lots. The maximum gross floor area of such a temporary sales center is five hundred (500) square feet. A permit for the temporary trailer must be obtained from the Zoning Officer.
 5. No combustible materials can be stored in temporary construction trailers or sheds.

Performance Standards and Supplementary Regulations

F. Height Exceptions.

1. The height limitations of this Ordinance do not apply to the following structures: Place of worship steeples or spires; steeples; chimneys; elevator bulk heads and other mechanical equipment that is part of a primary structure; conveyors; flagpoles; silos; standpipes; elevated water tanks; derricks; public utility structures; and other structures not intended for human habitation which do not exceed the height limitations of the Zone by more than fifteen (15) feet.
2. All buildings or structures are subject to all applicable Federal Aviation Administration (FAA) height and lighting restrictions.

G. More than one dwelling unit may be permitted on a lot.

H. In instances where a building straddles or is proposed to straddle multiple lots or an alley, the landowner and/or developer is responsible for verifying with the Borough that no easements or rights-of-ways exist.

1. If there is a recorded right-of-way, the Borough reserves the right to determine if abandonment of the right-of-way for construction is appropriate in context of Clymer Borough's community development objectives and the intent of this Ordinance. If abandonment is not appropriate, an application could be subject to denial.
2. If there is an easement, the Borough reserves the right to determine if construction is or is not appropriate to occur on the easement in context of Clymer Borough's community development objectives and the intent of this Ordinance. If construction on said easement is not appropriate, an application could be subject to denial.

I. Fences and Walls.

1. Fences for a non-residential use located adjacent to a residential use shall be at least six (6) feet high with a maximum of five (5) percent transparency. Any fence or wall located along any other side or rear lot line shall not be higher than three (3) feet and with a maximum of five (5) percent transparency unless said wall or fence is located along a lot line adjacent to an alley or building. In said case, the wall(s) or fence(s) may be up to eight (8) feet in height.
2. Fences are encouraged to be constructed of wood, and walls are encouraged to be constructed of stone or brick masonry to complement the existing character of Borough development.
3. The exterior side of a fence and/or wall must be oriented to the exterior of the lot on which it is erected or towards a public right-of-way.
4. A fences or wall in a front and/or rear yard shall be no closer than three (3) feet from the lot line; fences in a side yard may be placed on the lot line.

J. Parking and Driveways.

1. Parking. See also Table 4.
2. Driveways.
 - a. Driveway access is regulated by the Street Typologies prescribed in this Ordinance.
 - b. All private garages and all off-street parking enclosed within a primary building must be connected directly to a public street, public alley by a private driveway no wider than twelve (12) feet. Where there are multiple off-street parking spaces in a private garage or enclosed within the principal building, the driveway may be widened to access said parking spaces.
 - c. The entire flare of any return radius on a driveway must fall within the right-of way.

K. Utilities.

1. All utilities for lots that have improvements or are redeveloped must be located underground unless otherwise approved by the Borough Council.
2. Utility connections such as gas meters, electric meters, phone, and cable must be located so as to minimize their visibility from the street.
3. HVAC condenser units must be located so as to minimize their visibility from the street.

Performance Standards and Supplementary Regulations

L. Drive-Thru Facility.

1. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by the Zoning Ordinance of Clymer Borough.
2. In addition to the parking spaces required for the principal use, a minimum of five standing spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the site. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets or berms.
3. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
4. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the site.

M. Dumpster Enclosures.

1. Dumpsters existing as of the effective date of this Ordinance and dumpsters constructed subsequent to the effective date of this Ordinance shall comply with the following:
 - a. No dumpster or dumpster enclosure shall be located within a required landscape bufferyard and may be located within a required yard only if a street or dedicated alley separates the lot from any adjacent residential lot. Required enclosures shall be defined by the Borough based upon review of proposed dumpster location and service area access in relationship to public right-of-way, building locations and vehicular/pedestrian circulation routes.
 - b. Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents and closed lids.
 - c. All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or bollards shall be permanently affixed to the pad at least one foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection. The base of the enclosure must be poured concrete. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.
2. Businesses shall be encouraged to share dumpsters.

N. General Landscaping.

1. One (1) landscaped island for every seven (7) parking spaces must be provided within all non-residential parking areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches dbh; one (1) tree per residential unit or one (1) tree per 1,000 square feet of development in the Rail-Trail Zone is required on a lot.
2. For any Plan prepared and submitted as part of an Application that involves non-residential redevelopment, infill, construction, excavation or building expansion, it is recommended to include, and illustrate at scale, the location of trees, shrubs and groundcovers for the following:
 - a. All Borough required bufferyards with proposed plantings;
 - b. All Borough required planting independent of any bufferyard requirements;
 - c. Any planting in excess of the requirements of this Ordinance;
 - d. Any existing trees or vegetation which are to be preserved;
 - e. Any existing trees or vegetation which will be removed; and
 - f. The location and species of all existing trees six (6) inches in dbh. Applicants are encouraged to maximize the retention of all healthy existing trees six (6) inches or more dbh.

Performance Standards and Supplementary Regulations

O. Outdoor Storage.

1. The Borough aims to provide a safe and healthy environment to its residents and businesses.
2. The following items associated with outdoor storage are considered public health or safety menaces which may endanger the health or safety of the public and, as such, are subject to Borough inspection. Such items cannot be stored on a lot.
 - a. Unsanitary or improper storage or disposal of trash, garbage, refuse, debris, other solid waste or hazardous waste;
 - b. Unburied dead animals;
 - c. Accumulation of water causing mosquito or other vector breeding or proliferation;
 - d. Rodent or insect infestation;
 - e. Accumulation of bees, fowl or animals in such a manner to create a condition that may be injurious to the public health or safety;
 - f. Uncovered woodpiles and woodpiles exceeding one hundred twenty (120) cubic feet;
 - g. Fuel sources and fire hazards stored freely out-of-doors;
 - h. Furniture typically intended/constructed for indoor use stored out of doors;
 - i. Inoperable appliances, vehicles and equipment;
 - j. Mechanical equipment not intended for traditional landscaping purposes stored between the front façade of a main building and the front lot line; and
 - k. Motorized, mechanical and other powered vehicles and equipment stored between the front façade of a main building and the front lot line that is not in concealed storage (that which exceeds 85% or greater opacity) or between rear or side facades and rear or side yards that is not screened from adjacent lot(s).
 - l. Any other condition or objects that may be injurious or cause adverse effect to public health or safety.
3. Except for retail/wholesale landscape plant (living) species which require outside storage of materials for growth within the environment, the storage and display of materials outside a completely enclosed structure shall not be permitted.
4. Any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or a location otherwise approved by the Borough which screens the display/storage area from public view from the street or from any adjacent residential use.
5. All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least six (6) feet in height and achieves eighty-five percent (85%) opacity.
6. When any condition that constitutes a public health or safety menace is found on occupied or vacant land or premises, the Borough shall notify in writing the landowner or occupant of the land or premises on which the condition exists and/or any other person who it believes is responsible for the health or safety menace. Such notice shall contain a description of the health or safety menace; the time within which the menace shall be abated, corrected or eliminated; and a statement that the landowner, occupant of the land or other person responsible may request a hearing within ten (10) days of the receipt of the notice. Notice sent by registered or certified mail to the last-known address of the owner whose name is shown on the current real estate tax assessment records or occupant or other identified person responsible shall be deemed compliance with the notice requirement to the person responsible.

Performance Standards and Supplementary Regulations

7. Upon receipt of the written notice from the Borough, the landowner, occupant of the land or other person responsible shall abate, correct or eliminate the health or safety menace. The amount of time allowed to abate, correct or eliminate the health or safety menace condition shall be determined by the Borough, and shall not be less than twenty-four (24) hours nor more than ten (10) days. If the Borough determines that the menace cannot be abated, corrected or eliminated within ten (10) days, the Borough may order temporary abatement measures and allow a longer period of time to abate, correct or eliminate the condition. The Borough may allow such a longer period of time only upon request of the landowner, occupant of the land or other person responsible and only upon a good faith showing that such longer period of time is necessary.
8. After receipt of the written notice, it is unlawful for the landowner, occupant of the land or other person responsible to fail to abate, correct or eliminate the health or safety menace within the time determined by the Borough.
9. If the written notice is undeliverable, or if after receipt of the written notice, the landowner, occupant of the land or other person responsible fails to abate, correct or eliminate the health or safety menace, the Borough may request Borough representatives to take reasonable steps to abate, correct or eliminate the health or safety menace whether the land or premises are occupied or vacant. If the landowner, occupant of the land or other person responsible denies free access for such purposes, the Borough may proceed after obtaining the applicable legal authorization. Costs and expenses incurred by the Borough in abating, correcting or eliminating a health or safety menace on private property shall be assessed against the owner and/or occupant of the land or premises and/or any other person responsible for the health or safety menace, and shall be recoverable from the owner in the same way as taxes and levies. Costs and expenses incurred by the Borough in abating, correcting or eliminating a health or safety menace on public property shall be recoverable from the person or persons responsible for causing the health or safety menace.

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§ 601. Purpose.

The sign regulations, controls and provisions set forth in this Section are made in accordance with an overall plan and program related to residential and non-residential uses. The regulations, controls and provisions are intended to protect public safety, safeguard economic development potential, safeguard development compatibility and the insure the general welfare of Clymer Borough. The regulations, controls and provisions are also intended to: aid in traffic control and traffic safety; establish reasonable standards for non-residential and other advertising through the use of signs in order to maintain and encourage business activity and economic development; avoid uncontrolled proliferation of signs; respect public safety needs and concerns; recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways; preserve the wholesome, attractive character of Clymer Borough and its generally established rural nature; and to recognize that the general welfare include a Borough plan that is to be attractive as well as healthy, spacious, clean and well balanced in its growth and development.

§602. Sign application and Sign Permit.

A. Sign Application.

1. All proposed developments are required to submit a sign application to Clymer Borough for its approval prior to issuance of any Borough sign permit. A sign application is a detailed description, including but not limited to type, size, and location of all signs for each lot. Clymer Borough will review all sign applications for completeness. Any application determined to be incomplete will be returned to the Applicant with a description of missing and/or incomplete items. This provision applies to:
 - a. New construction after the effective date of this Ordinance.
 - b. A change of tenant.
 - c. The proposal of new, or changes to, the material(s), structure, lighting mechanisms of signs of an existing use.

B. Sign Permit.

1. A sign permit is required in order to erect, install, relocate, modify or change any sign within Clymer Borough unless otherwise indicated in this section. "Modify" means a cabinet or face replacement because of a change in the nature of the business or a change in the name and ownership of a business; or replacement of supporting structures.
2. No permit is required for the following types of signs as described above: Construction Signs erected by a governmental agency, Notification, and Real Estate.
3. The Zoning Officer issues the required permits upon submission of a complete application that complies with all applicable provisions of this Ordinance and payment of the required fee as established from time to time by resolution of the Borough Council.
4. The provisions do not apply to:
 - a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers or names of occupants of premises not having commercial connotations.
 - b. A single flag of the United States or Pennsylvania except when displayed in connection with commercial promotion.
 - c. Legal notices or identification, information or directional signs erected or required by governmental bodies.

§603. General Regulations.

- A. The construction of each sign must comply with applicable provisions of the Uniform Construction Code, as adopted by Clymer Borough.
- B. General placement and display of signage.
 1. Signs in the Borough can be displayed in accordance with the following:

Table 6: Signage

Sign Type	Maximum Square Footage				
	Slopes Zone	Neighborhood Zone A	Neighborhood Zone B	Downtown Zone	Rail-Trail Zone
A Wall Sign	8	8	8	40	40
B Pylon/Pole (15' max. height)	NA	NA	NA	NA	120
C Monument (5' max. height)	2 for mounted address markers	2 for mounted address markers	2 for mounted address markers	20	20
D Other Notes		1 sign in front, 1 in rear/alley, 1 additional if on corner		NA	NA

NA = Not applicable

2. No sign can be placed, erected or located so that it:
 - a. Is pasted, stapled or otherwise attached to public utility poles, trees, official traffic control devices or traffic signs within the street right-of-way line.
 - b. Is painted directly upon the wall or any other part of the building except for windows. Letters or other devices prepared elsewhere may be applied directly to a wall or to a display window.
 - c. Is painted on, attached to, or supported by a tree or other living objects.
 - d. Is on a public lot or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body.
 - e. Is displayed on a vehicle parked and visible from a public right-of-way unless the vehicle is used for the normal day-to-day operation of a business on the premises or temporarily for overnight storage on the sight of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby lot. The intent of this provision is to prohibit the use of a sign on a vehicle to circumvent sign limits on a lot.
 - f. Obscures the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads by reason of size, location, content, coloring or manner of illumination.

- g. Obstructs free ingress to or egress from a fire escape, door, window or other required exit way.
 - h. Makes use of words as "Stop," "Look," "One Way," "Danger," "Yield," or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse traffic.
 - i. Blocks doors, fire escapes, operable windows or access to them; nor can a sign be attached to a fire escape.
 - j. Sign font and logos can only be legible from the front and/or side of any sign.
 - k. No sign can be permitted to hang from or be placed over a second sign except that signs may be placed on, but not extended beyond, any vertical face of a marquee or canopy. This does not exclude separate placards from being independently attached to the same supporting structure as long as the total area of all combined does not exceed the area limitation.
 - l. Is off-premise nor the use of a lot.
- C. Written proof of an agreement between both the landowner upon which an off-premise sign is to be erected and the business owner of the subject business must be provided to Clymer Borough upon request. At a minimum, the agreement must identify the length of time the sign is permissible to exist on the subject lot and responsibilities for maintenance.
- D. Illumination.
- 1. Illumination can be directed upon the sign face and not towards adjoining lots or streets so that the source of illumination is not visible. Internal illumination of signs is permitted only within accordance of the lighting performance standards established with this Ordinance. Lighting must be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, must be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding lots. Electronic variable message signs, meaning an electrically or electronically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming can not be permitted within twenty (20) feet of a road right-of-way.
 - 2. Illuminated Window Signs include lit signs placed inside a window facing the exterior of the building.
 - a. Illuminated window signs cannot be placed above the ground floor of the building and/or more than ten (10) feet above grade level of the building.
 - b. Illuminated window signs cannot exceed a size of sixteen (16) square feet. Anything exceeding this size is deemed a building sign to which the business is entitled. Any combination of illuminated window signs grouped in an area not to exceed sixteen (16) square feet will be permitted.
 - 3. Signs may be illuminated by direct lighting and must have such lighting shielded (cutoff) so no direct light shines on an adjacent lot or in the normal line of vision of the public using the streets or sidewalks. Gooseneck fixtures and uplighting are be permitted methods of direct lighting.
 - 4. Internally illuminated signs can only occur within the Downtown and Rail-Trail Zones.

5. No animated sign (except time and temperature indicators), signs illuminated by a flashing, pulsating or intermittent source, strung pennants or bare bulbs, or signs lighted in such a manner as to create glare conditions on adjacent properties or any adjacent street are permitted.
 6. Signs containing an integral lighting source, as well as their structural supports, must be made of non-combustible materials, meaning those materials which will not ignite or deform at temperatures below 1,200 degrees Fahrenheit.
 7. The maximum lumens measured at any one lot line of the lot on which the lumens are generated is zero (0).
- E. Maintenance and Inspection.
1. Every permitted sign must be constructed of durable material, kept in good condition and repair. If the durability and/or condition of said sign is not improved within the time period defined by the Zoning Officer, the sign can be removed by Clymer Borough at the expense of the owner or person in possession of the lot on which the sign is located. The Zoning Officer will notify the responsible party with a certified letter prior to any removal action being taken by Clymer Borough.
 2. Any damaged sign shall be repaired within sixty (60) days.
 3. Any sign which has been damaged to such extent that it may pose an imminent hazard to passersby, as determined by the Zoning Officer, must be repaired or removed immediately.
 4. Any internally illuminated sign cabinets or sign panels which have been damaged shall remain non-illuminated until repaired.
 5. Failure to comply with these sign maintenance requirements constitutes a violation of the Zoning Ordinance of Clymer Borough.
- F. Removal of Signs.
1. On-premise signs advertising a use no longer in existence or a product no longer available must be removed or changed to advertise the new use or product immediately after cessation of the original use. Signs once removed can be replaced only by signs in conformance with this Ordinance.
 2. Whenever any business, activity or product on a lot is discontinued, vacated or no longer sold, all signs relating to the discontinued or vacated business must be removed within thirty (30) days of the vacation or discontinuance of the business or activity.
 3. If the landowner and/or developer fails to remove the sign by the end of the thirty-sixth (36th) day from which the permit had been issued, Clymer Borough is permitted to remove the sign at the landowner and/or developer's expense.

Non-conforming Uses, Structures and Lots

§ 701. Non-conformities.

The provisions of this Section apply to buildings, structures, signs, lands and uses which would not be permitted as the result of the application of this Ordinance to their location or use in Clymer Borough, or as a result of the reclassification of the lot containing them, or of the adoption of other amendments to this Ordinance after the initial passage. This Article is concerned with properties of inadequate area and/or frontage, uses of land and/ or structures for activities not permitted in the zone and structures placed on a lot too close to lot boundary lines for compliance with standards of the zone in which they are located.

A. Non-conforming Lots of Record.

1. Existing Lots of Record. Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the zone in which it is located, even though its dimensions are less than the minimum requirements of this ordinance. Where two or more adjacent lots of record with less than the required area and width are held by one owner on or before the date of enactment of this Ordinance, the request for a permit will be referred to the Zoning Hearing Board which may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance.
2. No provision of this Ordinance relating to side and rear yard requirements will prevent the reasonable use of a non-conforming lot of record. The Zoning Officer may grant a reduction in the requirement for side yards and rear yards for lots of record which lack required lot width or depth. However, such yard dimensions may not be reduced by more than forty percent (40%) of that required without the approval of the Zoning Hearing Board.

B. Non-conforming Uses of Land and Structures.

1. Where at the effective date of adoption or amendment of this Ordinance, lawful use of land, or land and the structure or structures on it, exists and is made no longer permissible under the requirements of this Ordinance, as adopted or amended, such use may be continued indefinitely, so long as it remains otherwise lawful, provided the following conditions are applied.
 - a. No non-conforming use of land can be extended by acquisition of additional land to occupy a greater land area than was occupied at the effective date of adoption or amendment of this Ordinance.
 - b. No structure containing a non-conforming use but capable of being enlarged without violating setback or height requirements in the Zone where it is located may be increased in volume more than fifty percent (50%) over the volume of such structure at the time of adoption of this Ordinance or subsequent amendments that made the use non-conforming. A non-conforming use which occupies part of a structure may be extended throughout the structure it occupied at the time of adoption of this Ordinance or subsequent amendment that made the use non-conforming, but the expansion under such circumstances may not be extended to occupy land outside the original structure.
2. If any such non-conforming use of land or use of land and structures in combination ceases or is abandoned for any reason, including destruction of buildings, for a period of at least one (1) year, any subsequent use of such land, or land and structures in combination, must conform to the regulations for the Zone where such land is located, except that where a hardship to the operator

Non-conforming Uses, Structures and Lots

of the non-conforming use clearly exists as a result of financial, health or other calamity, the Zoning Hearing Board may grant an extension of the one (1) year limit consistent with the hardship, but not more than one (1) additional year.

3. The non-conforming use of a structure or a lot may be changed only to a conforming use unless:
 - a. The Applicant demonstrates a hardship in converting the use to a conforming use; or
 - b. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing non-conforming use. However, this requirement does not preclude an owner from selling a non-conforming use to a succeeding owner to operate as it was operated prior to the sale. Each succeeding owner of a non-conforming use must secure a zoning certificate of compliance from the Zoning Officer who may ask the Zoning Hearing Board for a decision if the owner has reason to doubt that the non-conforming use will be continued in the same manner as formerly.
 4. The non-conforming use of a structure and/or land, or combination of structure and land may be superseded by a use permitted in the Zone where the lot is located and the use of the premises must conform to the regulations of the Zone.
 5. Where a non-conforming use of structure and premises exists in combination, removal of the structure and/or use in the structure terminates the non-conforming use of the premises.
 6. The maintaining or strengthening to a safe condition of any non-conforming structure may not be interpreted as being denied by any portion of this Article.
- C. Non-Conforming Structures.
1. A structure that exists on a lot at the effective date of this Ordinance or any amendment to it and does not conform to the requirements regarding height or minimum setbacks from adjacent streets or lot lines, such structure may remain indefinitely subject to the following provisions.
 - a. Any replacement of a non-conforming structure must be made in compliance with the regulations governing development for the Zone in which the lot is located, except that if a hardship is alleged by the owner, the owner may request a special exception of the Zoning Hearing Board which may approve replacement on the same foundation that supported the structure to be replaced, but in no case a location that was less conforming than the original location.
 - b. If a non-conforming structure is moved, it must conform to requirements of this Ordinance regarding location on the lot.
- D. Record of Non-Conforming Uses.
1. The Zoning Officer must keep the data current by the addition of non-conforming uses as amendments to this Ordinance are adopted and by the deletion of non-conforming uses as they are eliminated.
 2. The record may be kept by map or written documentation.

§801. Purpose of Rezoning.

Rezoning can be initiated to protect the safety, capacity and efficiency of Clymer Borough's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Clymer Borough Comprehensive Plan. See also the Pennsylvania Municipalities Planning Code §609.

§802. Rezoning Application Forms.

Rezoning applications are completed on the official forms provided by the Zoning Officer. All Applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated in §804 to demonstrate the compatibility of a rezoning proposal.

§803. Review of Rezoning Applications.

- A. The Zoning Officer:
 - 1. Will perform a review of the application and packet for completeness. An incomplete or insufficient application and packet will be returned to the Applicant. A completed application and packet will be forwarded to the Borough Planning Agency for review.
 - 2. Will provide the Applicant a letter within seven (7) business days stating that the application has been submitted with all required information attached.
- B. As part of the rezoning approval process, the Borough Planning Agency and Borough Council can consider the motivation and implications of each plan, analysis and report.
- C. The Borough Planning Agency:
 - 1. Will consider any projected beneficial and/or detrimental effects on Clymer Borough and may hold a public hearing on the application, if they deem it applicable.
 - 2. Submit a written recommendation either in favor or not in favor of the rezoning proposal including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of the Clymer Borough Comprehensive Plan.
 - 3. Will forward Borough Council a recommendation for the nature of action regarding rezoning.
- D. The Borough Council will hold a public hearing on the application and compose a brief summary explanation of its decision and forward the decision and explanation to the Applicant. Upon rezoning approval, the Zoning Officer will update the Zoning Map accordingly.

§804. Application Criteria.

- A. Application Requirements. The plans and reports that a landowner and/or developer are to submit shall include:
 - 1. Sketch Plan.
 - 2. Estimated infrastructure (sanitary sewer and potable water) demands (gallons per day).
 - 3. Off-street parking projections (number of parking spaces) available on site.
 - 4. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, hours of operation.
 - 5. Depending upon the location of lot access, infrastructure service/demands and impacts identified in §804.A.4. on adjoining lots, the Borough Council may require a landowner and/or developer to prepare other potential related studies. The Borough Planning Agency and the

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Borough Council reserve the right to request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

§901. Building Permits.

- A. Building permit information regarding application, review and issuance is available from the Indiana County Office of Planning and Development.

§902. Occupancy Permits.

- A. Occupancy permit information regarding application, review and issuance is available from the Indiana County Office of Planning and Development.

§903. Temporary Use Permit.

- A. The purpose of a Temporary Use Permit is to ensure compatibility of the temporary use with surrounding lots.
- B. A Temporary Use Permit application is available from the Zoning Officer.
- C. Areas to be reviewed as part of the permit process may include, but not be limited to, traffic circulation, parking, public conveniences, signs and any other special operating characteristics.

§904. Zoning Certificate.

- A. A zoning certificate is required prior to the establishment, change or alteration of any use, or the construction, enlargement, expansion or alteration of any structure.
- B. A Zoning Certificate application is available from the Zoning Officer.

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§1001. Enactment of Zoning Ordinance Amendments.

- A. The Borough Council may amend, supplement, or repeal any of the regulations and provisions of this Ordinance as set forth in the PA MPC.
- B. The Borough Council will conduct hearings and make decisions in accordance with the PA MPC. Before voting on the enactment of an amendment, the Borough Council will hold a public hearing, pursuant to public notice.
- C. In the case of an amendment other than that prepared by the Borough Planning Agency, the Borough Council will submit each amendment to the Borough Planning Agency to provide the Borough Planning Agency an opportunity to submit recommendations.
- D. Prior to the public hearing on the amendment by the Borough Council, the amendment shall be forwarded to Indiana County for recommendations.

§1002. Procedure for Landowner Curative Amendments.

- A. A landowner and/or developer who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which the landowner and/or developer has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the PA MPC, 53 P. S. §10916.1. See also §609, §610 and §916.1 of the PA MPC, 53 P. S. §10609, 10610, and 10916.1.
- B. The Borough Council will conduct hearings and make decisions in accordance with the PA MPC.
- C. The Borough Council, if it determines that a validity challenge has merit, may adopt landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council will consider material submitted by the landowner and also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, school 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 this Ordinance or Zoning Map;
 - 3. The suitability of the lot for the intensity of use proposed by the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - 4. The impact of the proposed use on the lot's soils, slopes, woodlands, wetlands, floodplains, 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.

§1003. Procedure for Borough Curative Amendments.

- A. If Clymer Borough determines that this Ordinance, or any portion hereof, is substantially invalid, it can take the following actions:
 1. Clymer Borough can declare by formal action, this Ordinance or portions hereof, substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Borough Council will:
 - a. By resolution make specific findings setting forth the declared in validity of this Ordinance which may include:
 - i. References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - ii. Reference to a class of use or uses which requires revision; or,
 - iii. Reference to this entire Ordinance which requires revisions.
 - b. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
 2. The Borough Council will conduct hearings and make decisions in accordance with the PA MPC.

§1004. Content of Public Notice.

- A. Public notices of proposed zoning ordinances and amendments include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within Clymer Borough where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing. If the proposed amendment involves a Zoning Map change, notice of said public hearing shall comply with PA MPC §609(2)(i).

Administration and Enforcement

§ 1101. Administration.

- A. Borough Council. Under this Ordinance, the Borough Council has the duty to:
1. Consider and adopt or reject proposed amendments or the repeal of this ordinance as provided by law. Borough Council cannot hear and decide questions of enforcement that may arise.
 2. Appoint and remove members of Borough Planning Agency, Zoning Hearing Board and the Zoning Officer. Removal requires just cause and a formal hearing.
 3. Receive and consider Borough Planning Agency's ordinance-related recommendations.
 4. Ask for recommendations of the Borough Planning Agency on the adoption or amendment of this Ordinance and for these matters specified in §303(a) of the PA MPC, as amended.
 5. Advertise and host a public hearing before adopting a zoning ordinance or any of its amendments.
 6. Establish fees for the issuance of land development, building, occupancy and sign permits in accordance with PA MPC §717.3(e)
 7. May prescribe fees for processes outlined in PA MPC §717.3(e)
 8. Has exclusive jurisdiction to hear and render final adjudications for:
 - a. All applications pursuant to §508 of the PA MPC, 53 P. S. §10508, for approval of subdivisions or land developments under Part V of the PA MPC, 53 P. S. §10501 et seq.
 - b. Applications for conditional use under the express provisions of this Ordinance.
 - c. Applications for curative amendment to this Ordinance or pursuant to §609.1 and 916.1(a) of the PA MPC, 53 P. S. §10609.1, 10916.1(a).
 - d. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the PA MPC, 53 P. S. §10609.
 - e. Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provisions with reference to sedimentation and erosion control and storm water management as enabled by the PA MPC.
- B. Borough Planning Agency. Powers and duties of Borough Planning Agency are those outlined in §209.1 of the Pennsylvania Municipalities Planning Code , as amended.
- C. Zoning Hearing Board. Powers and duties of Zoning Hearing Board are those outlined in Article IX of the Pennsylvania Municipalities Planning Code , as amended.
- D. Zoning Officer.
1. Duties generally involve:
 - a. The day-to-day administrative procedures of this Ordinance.
 - b. Receiving, reviewing, and issuing of building and zoning permits and certificates of occupancy, maintaining records of applications and permits, performing inspections to determine compliance with this Ordinance.
 - c. Notify persons violating this Ordinance.

Administration and Enforcement

- d. Keeping this Ordinance and map up-to-date.
 - e. Accepting applications for and presenting facts at hearings before the Zoning Hearing Board.
 - 2. Borough Council may amend the duties of the Zoning Officer as deemed necessary for the health, safety and welfare of the residents.
 - 3. The Zoning Officer:
 - a. Must administer this Ordinance by its literal terms.
 - b. Does not have any discretionary power and can neither waive nor tighten any requirement of the Ordinance.
 - c. Is required to meet qualifications established by Clymer Borough and the Pennsylvania MPC and must be able to demonstrate a working knowledge of the municipal zoning.
 - d. May also serve as the Building Inspector.
- E. Building Inspector.
 - 1. The Building Inspector enforces this Ordinance by issuing building permits and occupancy permits for only such structures and uses that comply with the provisions of this Ordinance. The Building Inspector conducts all inspections necessary to determine compliance with the Ordinance and maintains records thereof.
 - 2. The Building Inspector is responsible for:
 - a. Maintaining all of the records of this Ordinance including, but not limited to, all maps, amendments and variances, nonconforming uses appeals and applications.
 - b. Collecting fees that accompany applications for building and occupancy permits and variances.
 - c. Receiving, filling and forwarding to the Borough Council and the Borough Planning Agency for action all applications for amendments to this Ordinance.
 - d. Receiving, filing and forwarding to the Zoning Hearing Board all applications for variances and appeals.
 - 3. The Building Inspector may also serve as the Zoning Officer.

§ 1102. Enforcement Remedies.

- A. Enforcement Notice.
 - 1. If it appears to Clymer Borough that a violation of this Ordinance has occurred, Clymer Borough will initiate enforcement proceedings by sending an enforcement notice as provided in this Ordinance.
 - 2. The enforcement notice must be sent to the owner of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, and to any other person requested in writing by the owner of record.
 - 3. An enforcement notice shall state at least the following:
 - a. The name of the landowner and any other person against whom Clymer Borough intends to take action.

Administration and Enforcement

- b. The location of the lot 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 this 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 the timeframe as defined by the enforcement notice.
- 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.

B. Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance must, upon being found liable in a civil enforcement proceeding commenced by Clymer Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by Clymer Borough as a result thereof. No judgment may commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Clymer Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues constitutes 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 this Ordinance to have believed that there was no such violation, in which event there can 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 Magistrate Judge and thereafter each day that a violation continues will constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance must be paid over to Clymer Borough. The appropriate officers their agents of the Borough are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance.
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section can be construed or interpreted to grant to any person or entity other than Clymer Borough the right to commence any action for enforcement pursuant to this Section.

§1201. Terms Defined.

ABANDONMENT - the relinquishment of the lot(s) or structure, or a cessation of the use of the lot or structure by the owner with the intention of neither transferring rights of the lot or structure to another owner or of resuming the use of the lot or structure.

ADAPTIVE RE-USE - a process of adapting old structures for new purposes.

ADULT BOOK STORE - an establishment in which ten (10) percent or more of the net retail floor area offers for sale, for rent or lease, for loan, or for view upon the premises, of pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual presentations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers sexual devices for sale.

ADULT CABARET - an establishment, club, tavern, restaurant, theater or hall which features live entertainment distinguished or characterized by emphasis on sexual conduct or sexually explicit nudity.

ADULT ORIENTED ESTABLISHMENT - includes adult theater, adult cabaret, adult book store, and adult video store.

ADULT THEATER/ADULT MOVIE - an establishment, building or a room within a building used for presenting motion picture film, video tape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

AIRPORT HAZARD AREA - Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this article and the Act 164 of 1984 (Pennsylvania laws relating to aviation).

ALL OTHER USES - any land use not specified in Table 1A: Zone Use Table of §203.

ALLEY - a public thoroughfare not intended for general traffic circulation which may afford a secondary means for lot access.

ALTERATION - any change in a structure that increases or diminishes exterior dimensions or modifies openings in the exterior walls.

AMENDMENT - a refinement to this Ordinance which includes revisions to the zoning text and/or the Zone Map by resolution of the Borough Council.

ANTENNA - any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any structure.

ANTENNA, SATELLITE DISH - a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, tapered rolling strip antennae (TAROS) and satellite microwave antennas.

ANTENNA HEIGHT - the vertical distance measured from the grade adjacent to the base of the antenna or support structure of the antenna, whichever is lower, to the top of the antenna support structure or antenna, whichever is higher. If the antenna support structure is on a sloped grade, then the lowest grade shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE - any building, tower or structure used for the purpose of supporting an antenna.

Definitions

APPLICANT - a landowner and/or developer, contractor or third party, including his heirs, successors and assigns, who has filed an application with the Borough.

APPURTENANCE - the visible, functional or ornamental objects accessory to and part of a structure.

AUTOMOBILE SALES (USED) - the use of land and/or buildings primarily for the display and retail sale of previously used and/or owned automobiles, vans, motorcycles, and light trucks. This term includes automotive repair facility as an accessory use. All automotive repairs shall be conducted entirely within an enclosed building. An automotive rental enterprise shall not be included within said definition.

AUTOMOBILE SALES (NEW) - the use of land and/or buildings primarily for the display and retail sale and/or long-term leasing of new automobiles, vans, motorcycles, and light trucks. Long-term leasing shall mean the leasing of new vehicles for time periods of at least one (1) year. Includes automotive repair facilities and car washing not available to the general public for automobiles as an accessory use. All automotive repairs and car washing shall be conducted entirely within an enclosed building. An automotive rental enterprise shall not be included within said definition.

AUTOMOBILE SERVICE - a business establishment whose purpose is to repair, either the mechanical, and/or body of motor vehicles and light trucks, and/or to engage in the retail sale of gasoline, oil, other fuel, or accessories for motor vehicles and which may include accessory facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles but excluding a convenience store.

AUTOMOBILE SERVICES - See Automobile Sales (New), Automobile Sales (Used), Automobile Service and Fuel Station.

BAKERY - a business establishment engaged in the production and/or sale of baked goods including, but not limited to, pastries, cakes and breads.

BASEMENT - the space enclosed by the foundation or ground floor walls of a building partly or wholly below the average level of the adjacent ground. A basement shall not be counted as a story for purpose of height measurements unless one-half (1/2) or more of its height is above the finished lot grade level.

BED and BREAKFAST - a business establishment that occupies a single-family dwelling and associated accessory structures where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events such as weddings, parties, seminars and conferences.

BERM - a bank of earth generally intended to screen activity on a lot from activity on an adjacent lot(s) or vice versa or public way.

BLOCK - an area bounded by streets, right-of-ways, streams or other similar natural features.

BLOCK FACE - the contiguous facades of buildings along one (1) side of a street between two (2) intersecting streets. A corner lot shall have two (2) block faces.

BOARD - any body granted jurisdiction under the Pennsylvania Municipalities Planning Code or a land use ordinance which has the authority to render final adjudications.

BOROUGH - Clymer Borough, Indiana County, Pennsylvania.

BOROUGH COUNCIL - the governing body of Clymer Borough, Indiana County, Pennsylvania.

BOROUGH MANAGER/BOROUGH SECRETARY - the duly appointed Borough official designated to administer

Definitions

the regulations, programs and services of Clymer Borough.

BOUNDARY - a line which may or may not follow a visible feature that defines the limits of a geographic entity such as a block, a block numbering area, a census tract, a county, a municipality, a lot, a district, a property or a place.

BUFFERYARD - an area of land together with trees, grass, ground cover, shrubs, bushes, or other natural landscaping material, walls, berms or fences thereon, located between different land uses to minimize potential conflicts between them.

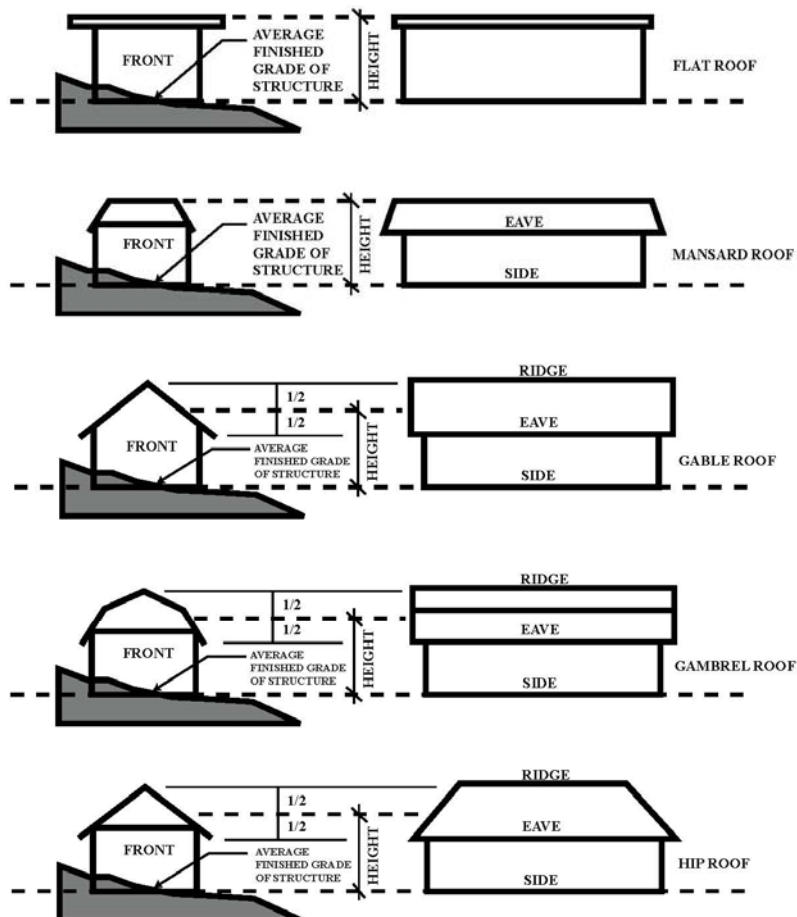
BUILDING - any fully enclosed structure having a roof intended for the shelter, housing or enclosure of persons, animals, equipment or belongings and not including Heating, Ventilating, and Air Conditioning (HVAC), mechanical equipment, electrical equipment or trash.

BUILDING COVERAGE - the portion of the lot area covered by the sum of all building footprint(s) on the lot; building coverage shall be measured as a percentage of the total lot area.

BUILDING HEIGHT - the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the following points:

Flat Roofs. The highest point of the roof.

Pitched Roofs (Mansard Roofs. The top of the roof.; Gable Roofs. The mean height between the eaves and ridge; Hip Roofs. The mean height between the eaves and ridge; Gambrel Roofs. The mean height between the eaves and ridge; Other Types of Roofs. The highest vertical point.)



Definitions

BUILDING PERMIT - a document issued by the Borough which allows construction to proceed.

BUILDING, PRIMARY - the structure in which the lot's fundamental use is conducted.

CANOPY - a roof-like cover with or without support from the ground that projects from the wall of a building over a door, entrance, window or an outdoor service area, or a free standing structure that covers an outdoor service area. An awning is a type of canopy.

CARE FACILITY—SENIOR/CARE LIVING - a multi-family facility for health care and/or the transitional residency of senior and/or persons in need of such health care, providing for a progression of residential living types such as from independent living in single-family units to assisted and/or congregate living and culminating in a full health and continuing care nursing home facility where any portion of the facility may include common dining and recreation areas and which provides supportive services, not primarily medical in nature, to facility residents for activities of daily living. A care facility/senior living center may include a licensed adult day care program; such facility shall comply with all applicable federal, state and local laws, ordinances and regulations relating to housing for the elderly. This term shall not include a group facility.

CEMETERY/MAUSOLEUM - a lot or portion of land that is reserved for the burying of the deceased and that could contain mausoleums and columbaria but not crematoriums.

COMMERCIAL SCHOOL - a business establishment operated by a private or non-profit entity as a commercial enterprise where persons are instructed, taught or trained a specific trade, vocation, avocation or business discipline. The term commercial school shall include, but not be limited to, activities such as dancing, music, sports/recreation, business and technical training.

COMMUNICATION TOWER - any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, intended primarily for the purpose of mounting a communications antenna or similar apparatus above ground.

COMPREHENSIVE PLAN - the official Comprehensive Plan of Clymer Borough, as amended from time to time, adopted pursuant to the provisions of Article III of the Pennsylvania Municipalities Planning Code.

CONDOMINIUM - a lot or a portion of a lot where portion(s) of which are designated for separate ownership and the remainder of which is designated for common ownership solely controlled by the owners of the said portions.

CONSTRUCTION - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure including the placement of manufactured/mobile homes.

CORNER STORE - a business establishment that sells newspapers, periodicals, produce, dry goods, baked goods, dairy items, frozen foods and/or the like. The term corner store does not include convenience stores.

CULTURAL or CIVIC INSTITUTION - See also Indoor Recreation Facility, Public and School/Academy.

DAY CARE CENTER (YOUTH) - a facility that is licensed by the Pennsylvania Department of Welfare as a "day care center" where care is provided for six (6) or more children under sixteen (16) years of age, excluding care provided to children who are relatives of the provider, for less than twenty-four (24) hours per day.

DAY CARE CENTER (ADULT) - any premises, that is licensed by Pennsylvania Department of Welfare as a "day care center" where care is provided for any number of adults, who are not relatives of the operator, at any one (1) time for part of a twenty-four (24) hour day.

DAY-CARE HOME – A facility licensed by the Commonwealth of Pennsylvania located within a dwelling for the care on a regular basis during part of a twenty-four- (24) hour day of not more than six (6) children under

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sixteen (16) years of age, excluding care provided to children who are relatives of the provider. Such use shall be secondary to the use of the dwelling for living purposes, and persons who do not reside in the dwelling shall not be employed.

DECIBEL - a unit for measuring the relative intensity of sounds based on an expressed a ratio of two (2) amounts of acoustic signal power equal to ten (10) times the common logarithm of this ratio.

DENSITY - the measurement of compactness of residential development as to the number of dwelling units per one (1) acre or forty-three thousand five hundred sixty (43,560) square feet.

DEVELOPER - any landowner, agent of such landowner, or tenant with the permission of such landowner, who proposes, makes, or causes to be made a subdivision of land or land development.

DEVELOPMENT - any man-made change to an improved or unimproved lot including, but not limited to, buildings or other structures, filling, grading, paving, excavation, mining, dredging or drilling operations and the subdivision of land or land development.

DISTURBANCE - grading, excavation, construction and similar activities that have occurred or may occur on a lot.

DRIVE-THRU - an accessory use or structure that provides an access drive connecting to and from the public right-of-way for motor vehicles so as to serve patrons while in their motor vehicle(s).

DRIVEWAY - a vehicular connection from a lot to the public right-of-way. A driveway terminates at the right-of-way line and/or the access drive.

DWELLING UNIT/DWELLING - more than one (1) habitable room containing permanent heating, sanitary, sleeping, cooking and eating facilities used or intended to be used as living quarters for a single household or family.

DWELLING, SINGLE-FAMILY - a dwelling unit designed and intended to be occupied by one (1) family that is not attached to another dwelling unit.

DWELLING, MULTI-UNIT - APARTMENT - a suite of rooms or a single room in a building containing three (3) or no more than four (4) dwelling units, each unit with its own cooking, food storage, bathing and toilet facilities and with access directly or by a common hallway to the outside.

DWELLING, MULTI-FAMILY - TOWNHOUSE - a building which contains at least three (3) but no more than eight (8) dwelling units, each of which are separated from the adjoining unit or units by a continuous, common wall extending from the basement to the roof, each unit having its own cooking, food storage, bathing and toilet facilities and independent access directly to the outside and having no other units above or below.

DWELLING, MULTI-FAMILY - DUPLEX - a building containing only two (2) dwelling units, each of which are entirely separated from the other by a continuous, common wall extending from the basement to the roof or which are constructed on top of one another and divided by a common floor/ceiling structure with each dwelling unit having direct access to the outside.

EASEMENT - a grant of one (1) or more property rights for a portion of land by the landowner to and/or for the use by the public, a corporation, or another person or entity.

EMERGENCY SERVICES - Ambulance, fire, police or other related safety services.

ENGINEER - an individual licensed and registered to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed as set forth in P.L. 534, No. 230; however, a

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professional engineer may perform engineering land surveys.

ENGINEER, BOROUGH - a licensed and registered professional engineer in Pennsylvania designated by the Borough to perform the duties of engineer as herein specified.

ERECTED - anything built, constructed, reconstructed or moved on or upon any lot.

ESSENTIAL SERVICES - the erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television or other telecommunications transmission lines provided by public or private entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Communication towers shall not be considered essential services for the purposes of this Ordinance.

FAA - Federal Aviation Administration of the United States Department of Transportation.

FAMILY - an individual, or two (2) or more persons related by blood, marriage, or adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or not more than five (5) persons living together in a group living arrangements with supervision, provided that the group living arrangements meets all of the following criteria:

- It provides non-routine support services, including supervision, personal care, social or counseling services and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of a physical disability, old age, mental disability, or other handicap or disability as defined by the Fair Housing Act and the Americans with Disabilities Act;

- It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long term basis, a joint economic, social and cultural life;

- Does not involve the housing of persons on a non-permanent basis;

- Does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of correction or similar institution;

- Family shall not include persons living together in a Group Facility, Boarding House, Care Facility or the like as defined herein or any other supervised group living arrangement for persons not protected by the Fair Housing Act or the Americans with Disabilities Act or any persons who constitute a direct threat to others or their physical lot.

FENCE - an artificially constructed barrier of specified material or combination of materials erected to enclose or screen areas of land or portions of buildings or structures.

FILL - any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. Fill also can refer to the difference in elevation between a

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point on the original ground and a designated point of higher elevation on the final grade.

FINANCIAL INSTITUTION - a business establishment where the principal business is the receipt, disbursement, or exchange of funds and currencies such as savings, loans, credit unions or check cashing establishments.

FLOOR AREA, GROSS - the sum of the gross horizontal areas of all of the floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FOOD SERVICES - See Restaurant and Tavern/Bar/Pub.

FOOTCANDLE - a unit used to measure the amount of light falling on a surface at a point on a surface which is one foot from, and perpendicular to, a source of illumination that produces one (1) uniform candela.

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.

FRONT LINE OF BUILDING - the line of that façade of the primary building that is closest and parallel to the front lot line.

FUEL STATION - a business establishment that may or may not offers convenience goods for sale, such as pre-packaged or limited prepared food items, tobacco, periodicals, and other household goods in conjunction with the sale of fuel / energy recharge for vehicles.

FUNERAL HOME - a business establishment, including mortuaries, licensed by the Commonwealth of Pennsylvania that contains a suitable storage room for the deceased and may include embalming facilities and rooms for the display of burial ceremonies of the deceased, but excludes crematories.

GAS - Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

GAS AND/OR OIL PRODUCTION - The drilling and/or extraction of gas or oil.

GAS and OIL WELL - Any well drilled, to be drilled, or used for the intended or actual production of gas and/or oil.

GOVERNING BODY - the Borough Council of Clymer Borough, Indiana County, Pennsylvania.

GOVERNMENT OPERATIONS - See Post Office, Emergency Services, Municipal Buildings.

GRADE, ESTABLISHED - the elevation of the center line of the streets, as officially established by the Borough.

GRADE, FINISHED - the proposed or completed elevations of the land surface, including the surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GREEN GROCER - a business establishment that sells produce, dry goods, meats, baked goods, dairy items, frozen foods and/or the like. The term green grocery store includes corner stores, food stores, dairies, delicatessens, but does not include convenience stores.

GROUND FLOOR - the floor of a building nearest in elevation to the exterior grade at the front of the building.

GROUP FACILITY - a premises providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory

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personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems, or past correctional offenses require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP HOME - a facility licensed by the Pennsylvania Department of Public Welfare which houses six (6) or more residents and provides twenty-four (24) hour supervision and rehabilitation services for developmentally disabled individuals (mental disability, autism, cerebral palsy, epilepsy or other similar conditions).

HABITABLE SPACE - the area of a building for living, sleeping, eating or cooking and comfort facilities.

HARDWARE STORE - a business establishment conducted entirely for the primary purpose of selling small-scale tools for use in construction, building and/or lot improvement.

HEDGE - an artificially constructed barrier of naturally vegetated plant material installed to enclose or screen areas of land uses, buildings, structures, parking areas, private outdoor areas such as lawns and decks and/or storage areas.

HEIGHT- For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

HOME-BASED BUSINESS, NO IMPACT - a business or commercial activity administered or conducted clearly secondary to a dwelling unit 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.

The business activity shall be compatible with the residential use of the lot and surrounding residential uses.

The business shall employ no employees other than family members residing in the dwelling.

There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.

There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

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.

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.

The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable space.

The business may not involve any illegal activity.

HOME OCCUPATION, LOW IMPACT - a business or commercial activity carried on entirely within a building whose primary use is a single family dwelling whose impacts exceed those of a no-impact home-based business.

IMPERVIOUS SURFACE - any material that prevents, impedes, or slows infiltration or absorption of storm

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water directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel and other surfaces.

IMPROVEMENTS FOR DEVELOPMENT (IMPROVEMENTS) - those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to grading, swales, detention/retention basins, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and street shade trees.

INDOOR RECREATION FACILITY - A Recreation Facility situated indoors.

INDUSTRY, CRAFT - a lot or portion of a lot used by a craftsman, general contractor or builder where equipment and materials are stored or where a contractor performs craft, shop or assembly work but does not include a construction site or any establishment otherwise defined or classified herein.

INDUSTRY, GENERAL - a business establishment that produces finished products or parts, predominantly from previously prepared materials, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

INDUSTRY - OUTDOOR - See Maintenance/Storage/Service Yard; See Lumber Yard

INFILL - development of vacant or remnant lands within an existing neighborhood.

LAND DEVELOPMENT - any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential 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 (2) 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. Subdivision of land;
- C. 'Land development' does not include development which involves:
 - 1. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) dwelling units, unless such units are intended to be a condominium;
 - 2. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing primary building; or
 - 3. The addition or conversion of buildings or rides within the confines of a business establishment which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

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 conditions), 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.

LANDSCAPE ARCHITECT - an individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of landscape architecture.

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LOADING BERTH/SPACE - an on- or off-street area for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

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

LOT, ADJOINING - a lot which is directly adjoining to and on the same side of a street right-of-way as a subject lot.

LOT AREA - the area contained within the lot lines of a lot excluding space within any rights-of-way(s) of public streets and ways.

LOT, CORNER - a lot at the junction of and adjoining two (2) or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than one hundred thirty-five (135) degrees or the radius of the street line is less than ten (10) feet.

LOT, DEPTH - the average horizontal distance between the front and rear lot lines.

LOT LINES - the lines indicating the boundaries of the lot.

LOT LINE, FRONT - the boundary line separating the lot from the street. In the case of corner and through lots, two (2) front lot lines shall be established along each street.

LOT LINE, REAR - the boundary of a lot which is most distance and is most nearly parallel to the front lot line.

LOT LINE, SIDE - any boundary of a lot which is not a front or rear lot line.

LOT OF RECORD - a lot which has been properly recorded by Indiana County, Pennsylvania.

LOT, SUBJECT - a lot on which development, infill, replacement and/or redevelopment is identified to occur.

LOT WIDTH - the horizontal distance between both side lot lines measured at the required minimum front setback.

LUMBER YARD - a building, structure or lot where processed wood timbers and products are stored for bulk and retail sale. The term lumber yard does not include the sawing, shaving, chipping, stripping or otherwise processing of logs and wood timbers.

MAINTENANCE / STORAGE / SERVICE YARD - an area of land used for the storage of materials, supplies, etc.

MIXED USE - a lot or building on or in which various land uses, such as office, commercial, institutional and/or residential are combined as an integrated development on a single site. A "single site" may include contiguous but unconsolidated lots.

MULTI-FAMILY, DWELLING - see Dwelling, Multi-Family.

MUNICIPAL BUILDING - any building, structure or lot used by the Borough, a municipal-related use or a municipal authority/commission created by the Borough. These uses shall include an administrative facility, firehouse and/or emergency medical service facility.

NON-CONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

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NON-CONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of the Zoning Ordinance of Clymer Borough 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.

NON-CONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions of the Zoning Ordinance of Clymer Borough 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.

OBSCENE MATERIALS - any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written, visual media or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and taken as a whole, appeals to the prurient interest; and taken as a whole, does not have serious literary, artistic, political or scientific value.

OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

OCCUPANCY PERMIT - a certificate issued by the Zoning Officer, that the construction and use for which the permit applies, may be occupied.

OFFICE - as defined herein, office shall be limited to the following:

BUSINESS OFFICE - a business establishment which generally operates on a first-come, first-served basis and which has relatively high pedestrian or customer traffic throughout the entire year, including utility payments, etc.

PROFESSIONAL OFFICE - a business establishment which generally serves clients and operates on an appointment basis, with relatively low pedestrian or vehicular traffic, including offices of accountants, architects, attorneys, consultants, designers, engineers, insurance agents, medical professionals, realtors, financial advisors and the like.

MEDICAL / VETERINARY OFFICE - a use where at least one (1) licensed or professionally certified medical professional provides diagnostic health, medical, surgical, psychological and/or psychiatric services and/or treatment diagnosis and treatment to the general public or animals without overnight accommodation and may include uses such as reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses of access only from the interior of the building or structure.

OFFICE BUILDING - a building designed or used primarily for medical and/or professional office purposes.

OPAQUE - not transparent or translucent; impenetrable to light; not allowing light to pass through.

OUTBUILDING - a structure greater than one-hundred (100) square feet clearly subordinate to and on the same lot as the primary building and used exclusively for purposes constituting an additional use, including, but not limited to, private garages, dwellings, gazebos, utility sheds, greenhouses and excluding signs, communication towers, communication facilities, telecommunications equipment buildings, collocation/shared use communication facilities and power-mounted/shared use communication facilities.

OUTDOOR PARK AND RECREATION FACILITY - Outdoor open space for the general purposes of rest and relaxation and owned and/or managed by a public and/or private entity.

OUTDOOR STORAGE - the location of any goods, wares, merchandise, commodities, junk, debris, or any other

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item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours.

PARKING LOT - any public or private lot or portion of a lot, including access drive(s) that provide access to the parking spaces.

PARKING SPACE - an area of land reserved within a dedicated street right-of-way, public garage or a parking lot, for the parking or storage of one (1) motorized vehicle.

PARKING SPACE, OFF-STREET - an area wholly outside any public right-of-way, constructed to accommodate the storage of a vehicle as required by this Ordinance and, which is connected to a public street by a driveway.

PARKING SPACE, ON-STREET - an area wholly within a public street right-of-way constructed to accommodate the storage of a vehicle as required by this Ordinance.

PARTY WALL - a common wall between two (2) attached structures, buildings or dwelling units.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) - the Pennsylvania Municipalities Planning Code, Act 247 as amended, which is an Act that empowers municipalities to plan their growth and development as well as to govern the same by zoning, subdivision and land development ordinances, by official maps, to promote conservation of energy; to establish Planning Commissions [Agencies], Planning Departments and Zoning Hearing Boards.

PERSON - an individual(s), partnership(s), co-partnership(s), association(s), corporation(s), limited liability company(ies), limited liability partnership(s), and any and all other entities.

PERSONAL SERVICES - a business establishment providing domestic commodities and services pertaining to the person, their apparel or personal effects including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repairing, barbershops, beauty parlors, massage therapy establishments and related activities.

PHARMACY - a business establishment substantially devoted to the sale of sundries and pharmaceutical items, supplies and equipment such as prescription drugs.

PLACE OF ASSEMBLY - a building and/or lot that is designed for the assembly or collection of persons, for civic, political, religious, educational, or social purposes, and where recreation, amusement, or dining may occur as accessory activities. A place of assembly does not include a private club.

PLACE OF WORSHIP - a building use and/or lot where people regularly observe, practice, or participate in religious or spiritual services, meeting and/or activities.

PLANNING AGENCY - a planning commission, planning department, or a planning committee designated by Borough Council of Clymer Borough, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended and the Clymer Borough Code, as applicable.

PLAT - a map or layout plan that indicates the location, boundaries, and ownership of any land, lot, tract, street or parcel that has been or is planned to be subdivided. The individual properties shall conform to lots as designated on the Zone Map.

PORCH - a roofed structure projecting from the front, side, and/or rear wall of a building where said structure is an entrance and/or transition between the exterior and interior of the primary structure of the lot.

POST OFFICE - a building or structure used and maintained by the Postal Service of the United States of America for the purpose of collecting and/or distributing mail to the public.

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PRIMARY BUILDING - a building or structure on a lot containing the primary use.

PRIVATE - not publicly owned, operated, or controlled.

PRIVATE GARAGE - an outbuilding for storing vehicles or household items by the occupants of the dwelling unit(s) on the lot.

PRIVATE PARKING LOT - a privately held parking lot, including parking aisles that provide access to parking spaces, but excluding any streets, driveways or access drives that provide access to the parking lot.

PROFESSIONAL OCCUPATION - the practice of a licensed or certified professional including, but not limited to, attorney, accountant, actuary, financial planner, insurance agent, medical occupation, engineer, surveyor, architect, landscape architect, planner or similar profession as entitled to practice under the laws of the Commonwealth of Pennsylvania.

PUBLIC - owned, operated or controlled by a government or authorized entity (Federal, State, or local, including a school, corporation and/or board created by law for the performance of certain specialized governmental functions).

PUBLIC GARAGE - any building used for temporary parking of motor vehicles for an established fee or reservation and where said garage is not associated with other automotive retail uses.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Borough Council, Zoning Hearing Board or Planning Agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

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," 53 P. S. §271 et seq.

PUBLIC NOTICE - a notice published once each week for two (2) successive weeks in a newspaper of general circulation in the 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC PARK - a lot or portion of land specifically defined or set aside for use by and for the general public in both active or passive recreational uses; and includes all landscaping, facilities and apparatus, playing fields, utilities, buildings and other structures that are consistent with the general purposes of public parkland, and whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the land.

PUBLIC UTILITY FACILITY - a building, structure, lot or portion of a lot, which under public franchise or other lawful relationship provides the public with transmission and communications services, electric distribution or other similar facilities or services.

PUBLIC WORKS FACILITIES - a building, structure, lot or portion of a lot utilized for the provision of maintenance and construction of public facilities as conducted by the Borough and any Borough related municipal authority.

RECREATION FACILITY - a business establishment generally intended for use by all ages that provides recreation or entertainment including but not limited to swimming pools, dance halls, bowling alleys, billiard and pool halls, video and other coin-operated game parlors, miniature golf courses, indoor rifle range and indoor archery range.

COMMERCIAL - said establishment typically owned by a private-sector entity(ies).

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NOT-FOR-PROFIT - said establishment typically owned by a not-for-profit entity(ies).

PUBLIC - said establishment owned and/or operated by a Borough entity or representative of the Borough.

REDEVELOPMENT - the act of improving by renewing and restoring; the act or process of rehabilitating or rejuvenating a blighted area or accommodating new development within the context of existing streets and buildings.

REPLACEMENT - the act of removing an existing building/structure and constructing a new building/structure.

RESIDENTIAL BUILDING - a building containing one or more dwelling units

RESTAURANT, SITDOWN - a food service establishment where food is prepared and intended to be served to patrons at tables for consumption on the premises. Such business may or may not include drive-thru facilities.

RESTAURANT, TAKE-OUT - a food service establishment which serves ready-to-eat food, desserts or beverages available upon a short waiting time, generally in disposable containers or wrappers for immediate consumption off the premises, typically including a public service area with counter and queuing areas, and no table service.

RETAIL, LARGE-SCALE - a business establishment located entirely within an enclosed building equal to or more than two thousand (2,000) gross square feet which sells goods, services or merchandise to the general public for personal, household or office consumption and which may include wholesaling but shall not include manufacturing or processing of the goods offered for sale.

RETAIL, SMALL-SCALE - a business establishment located entirely within an enclosed building less than two thousand (2,000) gross square feet which sells goods, services or merchandise to the general public for personal, household or office consumption and which shall not include wholesaling, manufacturing or processing of the goods offered for sale.

RIGHT-OF-WAY (ROW) - an area of land that is legally described for the public or private provision of access.

ROOF LINE - the top ridge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

SCHOOL/ACADEMY - an institution, building or structure operated by an organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, post-secondary, undergraduate and/or graduate collegiate education. This definition shall not include privately operated, for-profit trade, vocation, avocation or business schools.

SETBACK - the minimum distance from a lot line required by the Ordinance where a building or structure may be built.

SETBACK (LINE), FRONT - the line extending the full width of the lot and situated at the minimum dimension defined from a front lot line.

SETBACK (LINE), REAR - the line extending the full width of the lot and situated at the minimum dimension defined from a rear lot line.

SIDE YARD - the line extending the full width of the lot and situated at the minimum dimension defined from a

side lot line.

SIGN - any letter, word, model, banner, flag, device, structure, representation or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, including the following types:

ADA SIGNS - any sign needed for a facility or building to achieve compliance with the requirements of the American Disabilities Act.

BULLETIN BOARD - a non-electronic structure constructed with flat face(s), used for posting notices.

CANOPY - Any rigid structure, made of cloth, metal or other materials with the frame attached to a building and generally supported by the ground, extending over areas intended for pedestrian traffic, and the structure is primarily for purposes of shelter rather than advertising.

DIRECTIONAL SIGN - a sign directing traffic but bearing no advertising matter

FLAG - a piece of cloth or bunting varying in size, color and design, used as a symbol, sign, signal, emblem or advertisement.

GROUND (MONUMENT) SIGN - any sign supported by uprights or braces placed upon the ground and not attached to any building or the structure, having no more than two (2) faces.

HOME OCCUPATION SIGN - a sign permitted in association with an occupation conducted on the premises within a dwelling unit occupied by the operator of the business

ILLUMINATED SIGN - any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

MARQUEE - Any permanent roof-like structure extending from the wall of a building, but not supported by the ground, constructed of durable material such as metal or glass, extending over areas intended for pedestrian and/or vehicular traffic, and the structure is primarily for purposes of shelter rather than advertising.

POLE/PYLON SIGN - a freestanding sign erected on a lot on a pole or pylon, the bottom edge of which is high enough to provide visibility for motorists and allow for safe pedestrian circulation underneath it.

TEMPORARY SIGN - Any sign that is:

Used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign; or

Intended to remain on the location where it is erected or placed for a period of not more than thirty (30) days.

If a sign display area is permanent, but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

WALL SIGN - any sign painted on, attached to or erected against the wall of a building, the front or sides of a marquee or canopy with the exposed face of the sign in a plane parallel to the plane of the wall or the marquee or canopy so that only (1) side is visible.

Definitions

WINDOW SIGN - a sign attached to, placed upon or painted on the interior or exterior of a window or door of a building or otherwise intended for viewing from the outside of the building.

SINGLE FAMILY DWELLING - See Dwelling, Single Family

SITE PLAN - a scaled drawing that graphically depicts the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as, accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, drive-thru locations, sidewalks rights-of-ways, easements, parking facilities (including handicapped spaces), open space, public facilities and utilities, all required set-backs and materials and other such data necessary for municipal officials to determine compliance with this Ordinance and appropriate provisions of other such ordinances, as they may apply.

SOCIAL CLUB/HALL - a for-profit or not-for-profit establishment operated by a private organization for social, recreational, educational or fraternal purpose, but open only to members and their guests and not to the general public.

SOLAR ENERGY - radiant energy, including direct, diffuse and reflected, produced by the sun.

SOLAR ENERGY SYSTEM - any solar collector or other solar energy device, or any structural design feature, mounted on a building, structure or on the ground, and whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling for water heating or for electricity.

SPA/SALON - a business establishment, which employs beauty-related consultation/application and may or may not employ therapists licensed by the Pennsylvania State Board of Massage Therapist whose services include massage and body or facial treatments. Food service, retail and health-related consultation/application may also be provided as additional services.

SPECIAL APPROVAL - a use permitted in a particular zoning district by the Borough Council upon satisfaction of all criteria enumerated in Part III of this Ordinance and pursuant to the provisions associated with Conditional Use in Article VI of the Pennsylvania Municipalities Planning Code, 53 P. S. §10601 et seq.

STORY - that portion of any building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. A basement shall be counted as a story when more than one-half (1/2) of such basement height is above the finished grade level.

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

STREET LINE - the right-of-way line of a street.

STREET WALL - a general reference as to how and where the parts of buildings that face the street line up to define the perceived boundaries of public and private space.

STREET WIDTH - the distance between street lines measured at right angles to the centerline of the street.

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

Definitions

STUDIO - a business establishment used by an artist, photographer, or artisan or used for radio or television broadcasting.

SUBDIVISION - the division or re-division 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 or lot development. Subdivision includes re-subdivision and condominium creation or conversion or any lot line change(s).

SWIMMING POOL - a water-filled enclosure, permanently constructed or portable, used and maintained for swimming and bathing.

TAVERN/BAR/PUB - a business establishment which provides on-site alcoholic beverage sales for drinking on the premises, where food is served only as accessory use, where live entertainment (non-adult facility-oriented) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian. See also *Food Services*.

TEMPORARY STRUCTURE - a structure without any foundation or footings and, which by the type and materials of its construction, is not permanent in nature.

TRANSPARENT - the condition/state of being clear, unobstructed by signage, interior graphic elements, reflective coating, translucent or textured finish, racking or any type of fixed furniture that can be seen through from both the interior and exterior of the structure.

TRANSPARENCY - the degree to which something is transparent.

UNDEVELOPED LAND - any lot or portion of a lot which has not been graded, improved or prepared for the construction of a building, structure or improvement.

USE - the use of the lot, building or structure. There may be more than one (1) use on a lot when permitted by district regulations.

USE, TEMPORARY - a use requiring utilities, established for more than seven (7) but less than one hundred (100) consecutive days with the intent to discontinue upon the expiration of a specified time period.

UTILITY - a facility operated for the general public, for distributing water, gas, electricity, oil or steam, or collecting sanitary sewage by means of a network of overhead or underground conduits and requiring at various locations, to maintain efficiency of the system, pumping, regulating, transforming, switching or other devices or structures, but not including business offices.

VARIANCE - relief granted by the Zoning Hearing Board from requirements of this Ordinance and as authorized by the Pennsylvania Municipalities Planning Code.

WAREHOUSE - a business establishment primarily engaged in storing merchandise, dry goods and food stuffs for retailers, institutional, commercial or professional business customers or other wholesalers, not to the general public. The activities may include the merchandise distribution.

YARD - the portion of a lot between the primary building/structure and the lot line. Where the configuration of a primary building/structure or a lot make it difficult to discern the location of yards, the zoning officer shall establish such yards at his/her sole discretion.

FRONT YARD - the space extending the full width of the lot and situated between the front lot line and the front of the primary building/structure.

Definitions

REAR YARD – the space extending the full width of the lot and located between the rear lot line and the rear of the primary building/structure.

SIDE YARD - the space located between the side lot line and the side of the primary building/structure and extending from the front yard to the rear yard.

ZONE - a geographical area with boundaries that includes surface areas as indicated on the Zone Map .

ZONING HEARING BOARD - the Borough Zoning Hearing Board appointed by the Borough Council in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

ZONING HEARING BOARD EXCEPTION - a use permitted in a particular zone district upon satisfaction of all criteria enumerated in Part IV of this Ordinance and pursuant to the provisions associated with Special Exception of Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P. S. §10601 et seq.

ZONING OFFICER - the duly appointed Borough official designated to administer and enforce this Ordinance.