

ARTICLE III
Districts

§ 124-301. Designation of districts; purposes.

- A. For the purpose of this chapter, East Petersburg Borough is hereby divided into the following zoning districts, with the following abbreviations:

R-1 Low-Density Residential
R-2 Medium-Density Residential
R-3 High-Density Residential
NC Neighborhood Commercial
HC Highway Commercial
LI Light Industrial District
REC Recreation District
H Historic Overlay District

- B. For the purposes of this chapter, the zoning districts named in Subsection A shall be of the number, size, shape and location shown on the Official Zoning Map.⁴²
- C. Overlay districts. The Floodplain Area, as defined by Article V, shall serve as an overlay district to the applicable underlying districts.
- D. Purposes of each district. In addition to serving the overall purposes and objectives of this chapter and the Comprehensive Plan, each zoning district is intended to serve the following purposes:
- (1) R-1 Low-Density Residential District. To provide for low-density residential neighborhoods that are primarily composed of single-family detached dwellings. To protect these areas from incompatible uses.

42. Editor's Note: A copy of the Zoning Map is included as an attachment to this chapter.

- (2) R-2 Medium-Density Residential District. To provide for medium-density residential neighborhoods. To protect these areas from incompatible uses.
- (3) R-3 High-Density Residential District. To provide for a mix of housing types at higher densities. To encourage open spaces that are accessible to residents of attached forms of housing. To protect these areas from incompatible uses. To meet requirements of state law to provide opportunities for various housing types.
- (4) NC Neighborhood Commercial District. To provide business opportunities while seeking to develop a central community focus for the Borough. To promote a pedestrian-friendly and bicycle-friendly environment. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid heavy commercial uses that are most likely to conflict with the historic and scenic character and most likely to cause conflicts with homes.
- (5) HC Highway Commercial District. To provide for a wide range of commercial uses.
- (6) LI Light Industrial District. To provide for industrial and certain types of commercial development in a manner that is compatible with any nearby homes and the surrounding environment. To carefully control the types of industrial operations to avoid nuisances and environmental hazards.
- (7) REC Recreation District. To recognize parks, playgrounds and other public recreation areas.
- (8) H Historic Overlay District. See § 124-310.

§ 124-302. Application of district regulations; boundary change.

- A. The regulations set by this chapter shall apply uniformly to each class or kind of structure or land, except as provided for in this chapter.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
- D. Boundary change. Any territory which may hereafter become part of the Borough through annexation or a boundary adjustment shall be classified as the R-1 Zoning District of East Petersburg Borough until or unless such territory is otherwise classified by Borough Council.

§ 124-303. Zoning Map.

- A. A map entitled "East Petersburg Borough Zoning Map" accompanies this chapter and is declared a part of this chapter. The Official Zoning Map, which should bear the adoption date of this chapter and the words "Official Zoning Map," shall be retained in the Borough Building.⁴³
- B. Map changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the state Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this chapter.
- C. Replacement map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Borough Council may, by resolution, adopt a new copy of the Official Zoning Map, which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

§ 124-304. District boundaries.

The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map:

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds office at the time of the adoption of this chapter, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on unsubdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) is(are) located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

43. Editor's Note: A copy of the Zoning Map is included as an attachment to this chapter.

§ 124-305. Setbacks across municipal boundaries.

- A. Intent. To continue the objective of compatible land uses across municipal boundaries.
- B. This chapter requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district. These same additional setback and buffer yard provisions shall be provided by uses proposed within East Petersburg Borough regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in East Petersburg Borough.

§ 124-306. Table of Allowed Uses in each zoning district.

- A. For the purposes of this § 124-306, the following abbreviations shall have the following meanings:

P	=	Permitted-by-right use (zoning decision by Zoning Officer).
SE	=	Special exception use (zoning decision by Zoning Hearing Board).
C	=	Conditional use (zoning decision by Borough Council).
N=		Not permitted.
(S.402)	=	See additional requirements in § 124-402.
(S.403)	=	See additional requirements in § 124-403.

- B. Unless otherwise provided by state or federal law or specifically stated in this chapter (including § 124-105B), any land or structure shall only be used or occupied for a use specifically listed in this chapter as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this chapter. See § 124-105B, which generally provides a process for approval of a use that is not listed, based upon similarity to permitted uses and other criteria. Except as provided in such § 124-105B, any other principal use that is not specifically listed as P, C or SE in the applicable district in this table is prohibited in that district. For temporary uses, see § 124-103. For manufacturing uses, the types of uses listed in this section correspond approximately to the categories of the North American Classification System, administered by the U.S. Department of Commerce. In case of question about the categorization, such system shall be consulted.

- (1) Allowed uses in primarily residential zoning districts. [Amended 10-2-2018 by Ord. No. 302; 2-6-2024 by Ord. No. 324]

KEY

P	=	Permitted-by-use right (zoning decision by Zoning Officer).
SE	=	Special exception use (zoning decision by Zoning Hearing Board).
C	=	Conditional use (zoning decision by Borough Council).
N	=	Not permitted.
(S. 402)	=	See additional requirements in § 124-402.
(S. 403)	=	See additional requirements in § 124-403.

Types of Uses (See definitions in Article II.)	Zoning Districts			
	R-1	R-2	R-3	REC
(a) Residential uses.				
Single-family detached dwelling (Note: Manufactured/mobile homes shall also meet the additional requirements of § 124-402.)	P	P	P	N
Semidetached dwelling (side by side)	N	P	P	N
Townhouse (rowhouse) (S. 402)	N	N	P	N
Apartments (S. 402), not including conversions of a one-family existing building:				
Only 2 dwelling units in a building ("duplex")	N	N	P	N
3 or more dwelling units in a building	N	N	P	N
Manufactured/mobile home park (S. 402)	N	N	SE	N
Boardinghouse (includes rooming house) (S. 402)	N	N	N	N
Group home within a lawful existing dwelling unit (S. 402), not including a treatment center	P	P	P	N
Conversion of a one-family existing building to result in an increased number of dwelling units (see also "unit for care of relative" under accessory uses)	N	N	P	N
Dormitory for students	N	N	N	N
Age-restricted residential development	P	N	N	N
(b) Commercial uses.				
Bed-and-breakfast inn (S. 402)	N	N	N	N
Camp (S. 402), not including recreational vehicle campground	N	N	N	N
Communications tower/antenna, commercial (S. 402)				

Types of Uses (See definitions in Article II.)	Zoning Districts			
	R-1	R-2	R-3	REC
Meeting § 124-402A(15)(a) pertaining to antenna placed on certain existing structures	SE	SE	SE	SE
Antenna/tower that does not meet § 124-402A(15)(a) (such as freestanding towers)	N	N	N	N
Golf course (S. 402), with a minimum lot area of 40 acres, which may include land in an adjacent municipality	P	N	N	N
Offices (see also home occupations under accessory uses) occupying a maximum floor area of 3,000 square feet	N	N	N	N
Plant nursery or tree farm, with any on-site retail sales limited to trees and shrubs primarily grown on the premises, and with a 5% maximum building coverage and a 2-acre minimum lot area	P	P	P	N
Short-term rentals (S. 402)	N	N	N	N
(c) Institutional/semipublic uses.				
Cemetery (not including crematorium) (S. 402)	P	P	P	N
Church (see "place of worship" below)				
College or university	N	N	N	N
Community recreation center or library	N	P	P	N
Cultural center or museum	N	SE	N	P
Day-care center, adult (S. 402)	N	N	N	N
Day-care center, child (S. 402) (see also as an accessory use)	N	N	N	N
Emergency services station, which may include an accessory bingo and banquet hall	SE	SE	SE	N

Types of Uses (See definitions in Article II.)	Zoning Districts			
	R-1	R-2	R-3	REC
Nursing home or personal care home/ assisted living (S. 402), with a minimum lot size of 1 acre	N	N	N	N
Place of worship (S. 402) (includes church)	SE	SE	SE	N
Retirement village: see under "residential uses"				
School, public or private, primary or secondary (S. 402)	SE	SE	SE	N
(d) Public/Semipublic.				
Borough government uses, other than uses listed separately in this § 124- 306	P	P	P	P
Government facility, other than uses listed separately in this § 124-306	SE	SE	SE	C
Publicly owned or operated recreation park	P	P	P	P
Public utility facility (see also § 124- 114), other than uses listed separately in this § 124-306	SE	SE	SE	C
Swimming pool, nonhousehold (S. 402)	SE	SE	SE	P
(e) Accessory uses.				
See list of additional permitted uses in § 124-306C, such as "residential accessory structure or use."				
See additional requirements in § 124- 403 for specific accessory uses.				
Composting, other than leaves or materials generated on site (S. 403)	N	N	N	P
Day-care center accessory to and on the same lot as an existing lawful place of worship	P	P	P	N
Day care (S. 403) as accessory to a dwelling:				

Types of Uses (See definitions in Article II.)	Zoning Districts			
	R-1	R-2	R-3	REC
Day care of a maximum of 3 adults or youth, in addition to relatives of the caregiver (see definitions in § 124-202)	P	P	P	N
Group day-care home	N	N	N	N
Family day-care home	N	N	N	N
Home occupation, major (S. 403)	SE	SE	SE	N
Home occupation, minor (S. 403)	P	P	P	N
Retail sales of agricultural products, provided that a minimum of 50% of the products were grown by the operator or his relatives	P	P	P	N
Temporary retail sales (only allowed if complies with § 124-103G)				
Unit for care of relative (S. 403)	P	P	P	N
(f) Miscellaneous uses.				
Crop farming	P	P	P	P
Forestry: see timber harvesting below.	—	—	—	—
Livestock or poultry, raising of (S. 402)	SE	N	N	N
Nature preserve or environmental education center	P	P	P	P
Parking lot as the principal use of a lot that does not primarily serve tractor-trailer trucks	N	SE	N	N
Sewage pump stations	P	P	P	N
Sewage sludge/biosolids, land application of (S. 403)	SE	N	N	N
Sewage treatment plant	SE	N	N	N
Stable, nonhousehold (S. 402; includes horse-riding academy)	SE	N	N	N
Timber harvesting (S. 402)	P	P	P	P
Wind turbines:				

Types of Uses (See definitions in Article II.)	Zoning Districts			
	R-1	R-2	R-3	REC
Maximum of one on a lot that is an accessory use and is designed primarily for on-site electricity use and which shall be required to have a setback from all lot lines equal to distance from the ground to the maximum height to the top of the extended blade (S. 403)	SE	SE	SE	P
Other than above (S. 402)	N	N	N	N
All uses that will be unable to comply with the performance standards of this chapter. See the environmental protection requirements of Article V.	N	N	N	N

NOTE:

* Limited to lots adjacent to arterial streets.

- (2) Allowed uses in primarily business zoning districts. [Amended 4-7-2015 by Ord. No. 273; 2-6-2024 by Ord. No. 324]

KEY:

- P = Permitted-by-use right (zoning decision by Zoning Officer).
- SE = Special exception use (zoning decision by Zoning Hearing Board).
- C = Conditional use (zoning decision by Borough Council).
- N = Not permitted.
- (S. 402) = See additional requirements in § 124-402.
- (S. 403) = See additional requirements in § 124-403.

Types of Uses (See definitions in Article II.)	Zoning Districts		
	NC	HC	LI
(a) Residential uses. Single-family detached dwelling (Note: Manufactured/mobile homes shall meet the additional requirements of § 124-402.)	P	N	N
Semidetached dwelling (side by side)	P	N	N
Townhouse (rowhouse) (S. 402)	P	N	N
Apartments (S. 402), other than conversions of an existing building	P ¹	N	N

Types of Uses
(See definitions in Article II.)

Zoning Districts

	NC	HC	LI
Boardinghouse (includes rooming house) (S. 402)	N	SE	N
Manufactured/mobile home park (S. 402)	N	N	N
Group home within a lawful existing dwelling unit (S. 402), not including a treatment center	P	P	P
Conversion of an existing building to result in an increased number of dwelling units (see also "unit for care of relative" under accessory uses)	P ¹	N	N
(b) Commercial uses.			
Adult use (S. 402)	N	N	C
After-hours Club (Note: This use is effectively prohibited by State Act 219 of 1990.)	N	N	N
Airport (S. 402) (see also "heliport")	N	N	N
Amusement arcade	P	P	N
Amusement park or water park	N	N	P
Animal cemetery (S. 402)	N	P	P

Types of Uses
(See definitions in Article II.)

Zoning Districts

	NC	HC	LI
Auditorium (commercial), arena, performing arts center or exhibition-trade show center	N	P	P
Auto repair garage or auto service station (S. 402)	N	C	N
Auto, boat or mobile/manufactured home sales (S. 402)	N	C	N
Bakery, retail	P	P	P
Bed-and-breakfast inn (S. 402)	P	P	P
Betting use, other than small games of chance and lotteries allowed under state law	N	N	N
Beverage distributor (wholesale and/or retail)	SE	P	P
Bus maintenance or storage yard	N	N	P
BYOB club	N	N	SE
Camp (S. 402) other than recreational vehicle campground	N	N	P
Campground, recreational vehicle (S. 402), which may include an accessory camp store that is primarily for use by campers	N	SE	SE
Car wash (S. 402)	N	P	P
Catering, custom, for off-site consumption	P	P	P
Communications tower/antenna, commercial (S. 402)			
Meeting § 124-402A(15)(a) pertaining to antenna placed on certain existing structures	N	C	C
Antenna/tower that does not meet § 124-402A(15)(a) (such as freestanding towers)	N	C	C
Note: § 124-402A(15) also allows towers serving emergency services stations.			
Conference center	P	P	P

Types of Uses
(See definitions in Article II.)

Zoning Districts

	NC	HC	LI
Construction company or tradesperson's headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as home occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of § 124-803.	SE ²	P	P
Crafts or artisan's studio (see also as home occupation)	P	P	P
Custom printing, copying faxing, mailing or courier service and similar services to businesses	P	P	P
Exercise club	P	P	P
Financial institution (S. 402; includes banks), with any "drive-through" facilities meeting § 124-403	P	P	P
Flea market/auction house	P	P	P
Funeral home (S. 402)	P	P	P
Garden center, retail (see also "wholesale greenhouse")	P	P	P
Gas station: See "auto service station"			
Heliport (S. 402)	N	N	C
Hotel or Motel (S. 402)	P	P	P
Kennel (S. 402)	N	N	SE
Laundromat	P	P	P
Laundry, commercial or industrial	N	P	P
Lumberyard	N	P	P
Microbrewery (may be in combination with a restaurant)	N	C	N
Motor vehicle racetrack (S. 402)	N	N	N
Nightclub (S. 402)	N	C	N
Office (may include medical labs; see also "home occupation")	P	P	P
Pawn shop	N	SE	N
Personal services (includes tailoring, custom dressmaking, haircutting/styling, travel agency, dry cleaning, shoe repair, "massage therapy, certified" and closely similar uses; see also "home occupation")	P	P	P

Types of Uses
(See definitions in Article II.)

Zoning Districts

	NC	HC	LI
Picnic grove, commercial (S. 402)	N	P	P
Plant nursery (other than a retail garden center)	P	P	P
Propane retail distributor, other than prepackaged sales, with a minimum setback of 150 feet required between any storage or dispensing facilities and any residential district, and with fire company review	N	N	SE
Recording studio, music	P	P	P
Recreation, commercial indoor (S. 402) (includes bowling alley, roller- or ice-skating rink, batting practice, and closely similar uses), other than uses listed separately in this § 124-306	SE	P	P
Recreation, commercial outdoor (including miniature golf course, golf driving range, archery, paintball and closely similar uses), other than uses listed separately in this § 124-306	N	P	P
Repair service, household appliance	P	P	P
Restaurant or banquet hall (S. 402), other than a nightclub			
With drive-through service (S. 403)	N	SE	N
Without drive-through service	P	P	N
Retail store (not including uses listed individually in this § 124-306) or shopping center	C ³	P	N
Self-storage development	N	P	P
Short-term rentals (S. 402)	P	P	P
Target range, firearms			
Completely indoor and enclosed	N	P	P
Other than above (S. 402)	N	N	N
Tattoo or body-piercing establishment (other than temporary tattoos or ear piercing, which are personal service uses)	C	C	N
Theater, indoor movie, other than an adult use	P	P	N
Trade/hobby school	P	P	P
Veterinarian office (S. 402)	P	P	P
Wholesale sales: See under "industrial uses."			

Types of Uses
(See definitions in Article II.)

Zoning Districts

	NC	HC	LI
(c) Institutional/semipublic uses.			
Cemetery (see "crematorium" listed separately)	P	P	P
College or university: educational and support buildings (other than environmental education center)	P	P	P
Community recreation center (limited to a government sponsored or nonprofit facility) or library	P	P	P
Crematorium	N	N	SE
Cultural center or museum	P	P	P
Day-care center, adult (S. 402)	P	P	P
Day-care center, child (S. 402) (see also as an accessory use)	P	P	P
Dormitory as accessory to a college or university and is owned by the college or university for full-time college students and supervising staff	N	SE	N
Emergency services station	P	P	P
Hospital or surgery center	N	P	P
Membership club meeting and noncommercial recreational facilities, provided that such use shall not be open between 2:00 and 6:00 a.m., and provided that such use shall only be allowed in combination with another use if the other use is allowed in that district and if the requirements for that use are also met	C	C	C
Nursing home or personal care home/ assisted living (S. 402)	P	P	P
Place of worship (S. 402) (includes "church")	P	P	P
School, public or private, primary or secondary (S. 402)	P	P	P
Sewage pump stations	P	P	P
Treatment center (S. 402)	N	N	SE
(d) Public/semipublic uses.			
Borough government uses, other than uses listed separately in this § 124-306	P	P	P

Types of Uses
(See definitions in Article II.)

Zoning Districts

	NC	HC	LI
Government facility, other than uses listed separately in this § 124-306	SE	SE	SE
Prison or similar correctional institution	N	N	N
Publicly owned or operated recreation park	P	P	P
Public utility facility (see also § 124-114) other than uses listed separately in this § 124-306	SE	SE	SE
Swimming pool, nonhousehold (S. 402)	P	P	P
U.S. postal service facility, which may include a leased facility	P	P	P
(e) Industrial uses.			
Asphalt plant	N	N	N
Assembly or finishing of products using materials produced elsewhere (such as products from plastics manufactured off site)	N	N	P
Building supplies and building materials, wholesale sales of	N	P	P
Distribution as a principal use (other than trucking company terminal)	N	N	P
Industrial equipment sales, rental and service, other than vehicles primarily intended to be operated on public streets	N	N	P
Junk, outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N
Junkyard (S. 402)	N	N	N
Liquid fuel storage, bulk, for off-site distribution, which shall require a setback of 150 feet from a residential district and review by the fire company of any proposed facilities; other than auto service station, retail propane distributor as listed separately, prepackaged sales or fuel tanks for company vehicles	N	N	N
Manufacture and/or bulk processing of the following, provided that manufacturing occurs only indoors:			
Agricultural chemicals, fertilizers or pesticides	N	N	SE

Types of Uses
(See definitions in Article II.)

Zoning Districts

	NC	HC	LI
Apparel, textiles, shoes and apparel accessories (see also "crafts studio")	N	N	P
Cement manufacture	N	N	N
Ceramics products (other than crafts studio)	N	N	P
Chemicals, manufacture or bulk processing of, other than pharmaceuticals and types listed separately	N	N	N
Clay, brick, tile and refractory products	N	N	P
Computers and electronic and microelectronic products	N	N	P
Concrete, cement, lime and gypsum products, other than actual manufacture of cement	N	N	SE
Electrical equipment, appliances and components	N	N	P
Explosives, fireworks or ammunition	N	N	N
Fabricated metal products (except explosives, fireworks or ammunition) and/or machine shops	N	N	P
Food (human) and beverage products, at an industrial scale as opposed to a clearly retail scale	N	N	P
Food products for animals	N	N	SE
Gaskets	N	N	P
Glass and glass products (other than crafts studio)	N	N	P
Incineration, reduction, distillation, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals or offal (other than within an approved solid waste facility)	N	N	N
Jewelry and silverware	N	N	P
Leather and allied products (other than crafts studio or tannery)	N	N	P
Machinery	N	N	P
Manufactured or modular housing manufacture	N	N	P
Medical equipment and supplies	N	N	P

Types of Uses
(See definitions in Article II.)

Zoning Districts

	NC	HC	LI
Metal products, primary	N	N	SE
Mineral products, nonmetallic (other than mineral extraction)	N	N	SE
Paper and paper products (including recycling, but not including manufacture of raw paper pulp)	N	N	P
Paper: raw pulp	N	N	N
Paving materials, other than bulk manufacture of asphalt	N	N	SE
Pharmaceuticals and medicines	N	N	P
Plastics, polymers, resins, vinyl, coatings, cleaning compounds, soaps, adhesives, sealants, printing ink or photographic film	N	N	SE
Products from previously manufactured materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	P
Roofing materials and asphalt saturated materials or natural or synthetic rubber	N	N	SE
Scientific, electronic and other precision instruments	N	N	P
Sporting goods, toys, games, musical instruments or signs	N	P	P
Transportation equipment	N	N	P
Wood products and furniture (not including raw paper pulp)	N	P	P
See § 124-105 for uses that are not listed			
Mineral extraction (S. 402) and related processing, stockpiling and storage of materials removed from the site	N	N	C
Packaging	N	P	P
Package delivery services distribution center	N	P	P
Petroleum refining	N	N	N
Photo processing, bulk	P	P	P
Printing or bookbinding	N	P	P

Types of Uses
(See definitions in Article II.)

Zoning Districts

	NC	HC	LI
Recycling center, bulk processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility)	N	N	P
Research and development, engineering or testing facility or laboratory (other than medical laboratories, which is considered an office use)	N	N	P
Sawmill/planing mill	N	N	SE
Slaughterhouse, stockyard or tannery, with a minimum setback of 400 feet from all lot lines	N	N	N
Solid waste landfill (S. 402)	N	N	N
Solid waste transfer facility or waste-to-energy facility (S. 402)	N	N	N
Trucking company terminal (S. 402)	N	N	N
Warehousing or storage as a principal use	N	N	P
Warehousing or storage as an on-site accessory use	P	P	P
Welding	N	N	P
Wholesale sales (other than motor vehicles)	N	SE	P
(f) Accessory uses. See list of additional permitted uses in § 124-306C, such as "residential accessory structure or use." See additional requirements in § 124-403 for specific accessory uses.			
Bees, keeping of (S. 403)	SE	SE	P
Bus shelter (S. 403)	P	P	P
Composting (S. 403), other than leaves, tree bark or materials generated on site which are permitted by right	N	N	SE
Day-care center accessory to and on the same lot as an existing lawful place of worship	P	P	P
Day care (S. 403) as accessory to an existing dwelling;			

Types of Uses
(See definitions in Article II.)

Zoning Districts

	NC	HC	LI
Day care of a maximum of three adults or youth, in addition to relatives of the caregiver	P	P	P
Day care (S. 403) as accessory to an existing dwelling:			
Group day-care home	P	P	P
Family day-care home	P	P	P
Drive-through facilities: see § 124-403 and the provisions for the principal use in this table.			
Home occupation, major (S. 403)	P	P	P
Home occupation, minor (S. 403)	P	P	P
Outdoor storage and display as accessory to a business use shall also comply with §§ 124-403, 124-803 and 124-804	P ²	P	P
Retail sales as accessory to a principal industrial use, limited to items produced or distributed on the premises, and limited to a maximum of 5% of the floor area of the principal use	N	N	P
Temporary retail sales: see § 124-103G.	P	P	P
Unit for care of relative (S. 403) on the lot of an existing dwelling	P	P	P
(g) Miscellaneous uses.			
Crop farming and wholesale greenhouses	P	P	P
Livestock or poultry, raising of (S. 402)	N	SE	P
Nature preserve or environmental education center	P	P	P
Parking lot or structure as an accessory use	P	P	P
Parking lot or structure as a principal use that does not primarily serve tractor-trailer trucks or trailers	P	P	P
Parking lot or structure as a principal use that primarily serves tractor-trailer trucks or trailers	N	N	SE
Parking lot for carpooling	N	P	P
Sewage treatment plant	N	N	SE
Stable, nonhousehold (S. 402; includes horse-riding academy)	N	P	P

Types of Uses
(See definitions in Article II.)

Zoning Districts

	NC	HC	LI
Timber harvesting (S. 402)	P	P	P
Wind turbine:			
Maximum of one on a lot that is an accessory use and is designed primarily for on-site electricity use and which shall be required to have a setback from all lot lines equal to distance from the ground to the maximum height to the top of the extended blade (S. 403)	SE	P	P
One or more wind turbines, other than above (S. 402)	N	N	SE
All uses that will be unable to comply with the performance standards of this chapter. See the environmental protection requirements of Article V.	N	N	N

NOTES:

- ¹ Apartments shall be limited to being in the same building as a principal commercial use that is on the street level.
- ² A maximum of 25% of lot shall be used for outdoor storage, which shall be screened by buildings and/or landscaping from view of streets.
- ³ Drive-through service is prohibited. Each retail building shall be limited to a maximum indoor building floor area of 10,000 square feet.

C. Permitted accessory uses in all districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this chapter. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of § 124-403 and all other requirements of this chapter:

- Standard antennas, including antennas used by contractors to communicate with their own vehicles*
- Fence or wall*
- Garage, household
- Garage sale*
- Pets, Keeping of*
- Parking or loading, off-street, only to serve a use that is permitted in that district

Recreational facilities, limited to use by residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests

Residential accessory structure or use (see definition in Article II)*

Signs, as permitted by Article VII

Swimming pool, household*

Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted-by-right, special exception or conditional principal use.

Outdoor furnace in compliance with § 124-403.

NOTE:

* See the standard for each in § 124-403.

- D. Permitted accessory uses to business and institutional uses. The following are permitted-by-right accessory uses only to a permitted-by-right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this chapter are met:
- (1) Storage of fuels for on-site use or to fuel company vehicles.
 - (2) The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - (a) Internal cafeteria without drive-through service;
 - (b) Day-care center; or
 - (c) Recreational facilities.
 - (3) Bus shelters meeting § 124-403.
 - (4) Automatic transaction machine.
 - (5) Storage sheds meeting the requirements of § 124-307A.

§ 124-307. Dimensional requirements in each district.

- A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by § 124-402 or 124-403 or another section of this chapter. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as "lot width") in § 124-202. Each dwelling unit and each principal building shall be served by both public water and public water service.⁴⁵

⁴⁵ Editor's Note: The Table of Area, Yard and Building Requirements is included as an attachment to this chapter.

- B. Height. Except as provided in § 124-802 or as specified otherwise in this chapter for a particular use, the following maximum structure height shall apply in all zoning districts:
- (1) Any structure that is accessory to a dwelling shall have a maximum height of 24 feet. [Amended 4-7-2015 by Ord. No. 273]
 - (2) If a building is accessory to a nonresidential use, it shall have a maximum height of 25 feet, unless it meets the minimum setbacks for a principal building, in which case the maximum height for a principal building shall apply.
 - (3) In the LJ District, a maximum building height of 40 feet shall apply.
 - (4) The maximum height for any other structure, including community clubhouses in an age-restricted residential development, shall be three stories or 35 feet, whichever is more restrictive. [Amended 10-2-2018 by Ord. No. 302]
- C. Accessory structures and uses.
- (1) Accessory structures and uses shall meet the minimum yard setbacks provided for in § 124-307A, unless otherwise provided for in this chapter, including this Subsection C.
 - (2) The minimum side and rear yard setback for a permitted detached structure that is accessory to a dwelling shall be five feet, except in the following cases:
 - (a) The minimum side yard setback shall be reduced to three feet on each side and the rear yard for a residential accessory building that does not include a dwelling and that has a total floor area of 144 square feet or less and a maximum height of 15 feet. [Amended 4-7-2015 by Ord. No. 273]
 - (b) A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by semidetached dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
 - (c) A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. See Note D⁴⁶ above considering front yard setbacks. [Amended 4-7-2015 by Ord. No. 273]
 - (d) See § 124-403D(12) for swimming pools. [Amended 4-7-2015 by Ord. No. 273]

46. Editor's Note: See Note D to the table in Subsection A.

- (e) A vehicle garage that is accessory to a dwelling shall in no case be set back less than 14 feet from the center line of any alley or street with a right-of-width of 16 feet or less, in addition to meeting other setbacks.
- (3) No accessory building and no swimming pool shall be allowed in the minimum front yard.
- D. Rear yard abutting a street. If a new principal building is constructed with its rear lot line abutting a public street, a row of landscaping shall be placed between such street and the rear yard, and any fencing shall be placed on the inside of such landscaping. This requirement shall not apply where the landscaping would interfere with required sight distances or a vehicle driveway or garage.
- E. Maximum building setback. In the R-2 or NC Districts, where a clear majority of the existing principal buildings on the same side of a block are already developed with buildings and where the Zoning Officer determines that there is a clear predominant front yard setback along such block, then if a new principal building is proposed, the front building wall of such new building shall have a front yard building setback that is not more than five feet larger and not less than five feet smaller than such predominant front yard setback. The maximum front yard setback may be met with an attached front porch or a building wall.

§ 124-308. Wetlands and creek conservation.

- A. Wetland studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the federal or state definition of a wetland prior to submittal of development plans to the Borough. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.
- B. Wetland and lake setbacks. A minimum setback of 20 feet shall be required between any new principal building for which a building permit is issued after the effective date of this chapter and any wetland or natural lake or pond.
- C. Setback from creeks. No new principal building, no new off-street parking space and no new commercial or industrial outdoor storage shall be allowed within 75 feet from the center line of a perennial creek. The only perennial creek in East Petersburg Borough is the Little Conestoga Creek. Where trees and other natural vegetation are removed within this setback, they shall be replaced with new trees and vegetation that serve the same environmental purposes.

§ 124-309. Design guidelines.

The following advisory guidelines should be considered in the design of new construction, additions and exterior alterations, particularly in the older parts of the R-2 and NC Districts. Some of these features may be required by other sections of this chapter in specific cases.

- A. Vehicle parking and any garage doors should be placed to the rear of buildings as opposed to between buildings and the street. Where rear parking is not practical, then parking should be provided to the side of a building. Where a driveway needs to enter from the front, the garage should be set back further from the street than the house, and the driveway should be as narrow as practical through the front yard.
- B. New construction should have a front yard setback that is similar to adjacent older buildings.
- C. Modern additions and features should be placed towards the rear of the property.
- D. New construction should have rooflines that are similar to adjacent older buildings. Flat roofs should be avoided, except when a decorative cornice is used. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.
- E. On sides visible from a street, new construction should use building materials that are similar to appearance of older buildings, such as decorative masonry or materials with a similar appearance.
- F. Where existing older buildings have a certain horizontal or vertical orientation, that orientation should be continued in new construction. Where existing older buildings have a certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued in new construction. Blank walls without door and window openings should be avoided along a street.
- G. Parking. See §§ 124-601B and 124-602F, which allow some flexibility in parking requirements. Shared parking among property owners and businesses is encouraged where adequate parking spaces exist for shared usage. Landscaping, brick walls or similar features should be used to buffer parking lots from streets.
- H. Existing buildings and new construction. There should be a balance of the retention of existing buildings and quality new construction so as to retain a sense of historic continuity and increased vitality. Every effort should be made to identify, save and reuse older buildings and to find appropriate reuses. Avoid demolition and new construction where important buildings are removed or the visual continuity of the area is disrupted. Typical "franchise brand" facades should be modified in such a way as to become compatible with the Borough's historical background.
- I. Continuity of street-front activity. Uninterrupted continuity of pedestrian-related uses and activities should be encouraged along main streets, particularly in areas of present activity. Outward street orientation with storefronts, entrances and windows relating to the street, rather than in inward focus away from the street, should be emphasized in new buildings. Street-oriented parking lots, blank building faces and non-pedestrian-related uses should be discouraged along major pedestrian streets.
- J. Lighting. Adequate lighting shall be provided for security, but in a manner that does not generate glare. Light fixtures should be visually in keeping with the character of the Historic District. The luminaire itself (such as in a floodlight) should not be visible from a street or sidewalk.

- K. Pedestrians. Pedestrian traffic should be separated from major vehicle routes. Developments should be designed in such a way as to be inviting for pedestrian traffic. The development should not be surrounded by parking lots and driveways but should be placed on the site in such a way that it relates to adjacent properties and public rights-of-way.
- L. Guidelines for construction. Buildings, particularly along pedestrian-oriented streets, should respect the continuity and character of existing block fronts.
- (1) Height. Buildings should be constructed to a height compatible with existing surrounding buildings. Single-story buildings should be avoided unless they have the appearance of a two-story building when viewed from the front on the street.
 - (2) Width and proportion. The width and proportion of buildings — the relationship of a building's width to its height — should be similar to and compatible with existing surrounding buildings along the street. When larger buildings are proposed, they should be articulated so that the major elements of the facade reflect the width and proportion of the surrounding buildings.
 - (3) Relationship to street. Buildings should have setbacks to the street consistent with nearby buildings. Buildings shall be located to front towards and relate to public streets, both functionally and visually, to the greatest extent possible. Buildings shall not be oriented to front toward a parking lot.
 - (4) Street-level vitality. The street level of buildings should be the primary orientation and access for pedestrians and provide continuity of visual interest. A pedestrian entrance and display windows should be provided along the front along main streets.
 - (5) Roof forms. The roofs of buildings should be consistent with and similar to surrounding buildings in type and shape. This particularly includes use of pitched roofs or cornices along the front where such features are common.
 - (6) Proportion of openings. The size and proportion, or the ratio of width to height, of window and door openings should be similar and compatible with those in surrounding facades.
- M. Signs and awnings. Various signs on a property should be coordinated. Internally illuminated signs should be avoided. Signs should not cover architectural details. Overly bright, revolving or flashing lights and internally illuminated plastic signs should be avoided. Awnings can, in many instances, be a visual asset to a building and provide continuity along a block front. Awnings can also provide weather protection for pedestrians and be energy efficient. The use of awnings should be carefully coordinated with each building so as to be compatible. The front panel of an awning may be used for a sign, provided that the sign image is integrated with the awning.
- N. Porches. Existing older porches should be maintained and new porches should be considered on the front of new buildings.
- O. Site features. Parking areas, garages or storage buildings (particularly the prefabricated metal type) should not be built near the front or in areas visible from the street.

- P. Fences. Chain-link metal fences should be avoided in the front yard. Picket or ornamental fences are encouraged. Solid wooden or vinyl plank fences should be placed in rear and side yards only. Highway-style metal guide rails should not be used.
- Q. Utilities. New utilities should be placed underground. Where that is not practical, they should be placed in less visible parts of the site. For example, new utility lines should be extended from the rear of the property instead of the front.
- R. Building walls. Buildings should avoid long, monotonous, uninterrupted wall or roof planes. A wall surface should be no longer than 100 feet without a break. Building wall offsets, including both projections and recesses, and changes in floor elevation should be used in order to add architectural interest and variety and relieve the visual effect of a single, long wall. Blank walls, loading docks and service areas visible from the front from a street are discouraged. Windowless building walls are discouraged. Where the construction of a windowless wall is necessary, such wall should be articulated by the provision of blank window openings trimmed with frames, sills, and lintels, or by using recessed or projecting display window cases if the building is occupied by a commercial use. Ground floor retail, service and restaurant uses should have large pane display windows on the ground level.
- S. HVAC. Commercial HVAC systems should be screened from view from the front of a lot using walls, fencing, roof elements or landscaping. Noise- or odor-producing ventilation equipment should be placed as far away from dwellings as is feasible.
- T. Fire escapes. New exterior fire escapes should not be constructed on the front facade of a building.
- U. Security gates. Solid metal security gates or solid roll-down metal windows should be avoided. Link or grill type security devices should be permitted only if installed from the inside, within the window or door frames, or, if installed on the outside, if the coil box is recessed and concealed behind the building wall. Security grilles should be recessed and concealed during normal business hours. Models that provide a sense of transparency are encouraged.
- V. Rendering. An architectural rendering or elevations should be prepared and become part of the submission to show the exterior design of the front facade of any proposed new principal nonresidential building.

§ 124-310. H Historic Overlay District. [Amended 12-5-2017 by Ord. No. 292]

- A. Purpose and objectives. It is the intent of this section to establish a procedure for review of applications for demolition, razing or removal so that the structural integrity of a building can be determined; opportunities for continued use or adaptive reuse can be explored; the impact of the proposed demolition, razing or removal upon the neighborhood streetscape can be determined; and proposed plans for the site can be reviewed.
- B. Compliance. No building or structure within East Petersburg Borough shall hereafter be demolished, in whole or in part, without full compliance with the terms of this section.

- C. Impacted properties. This section shall apply to all improved buildings located within the Borough, and will also apply to apartments, residential, commercial and industrial buildings.
- D. Exemptions. Buildings that are old but have lost their integrity or that are less than 50 years old are not considered to be historic and are not regulated under these provisions; however, exemptions must be confirmed by the municipality and are not to be assumed by the property owner.
- E. Covenants and easements. It is not intended by this section to repeal, abrogate or impair any existing easements, covenants or deed restrictions.
- F. Definitions.
- (1) The following definitions are in addition to the definitions set forth in § 124-202. If the specific definitions below differ from the definitions in § 124-202, the definitions below shall apply to the regulations set forth in this section.
 - (2) Unless otherwise stated, the following words and phrases shall be construed to have these meanings. The present tense includes the future; the singular number includes the plural and the plural the singular; the masculine gender includes the feminine and neuter genders.

ACCESSORY BUILDING — A structure constructed as a secondary, subordinate building on a parcel containing a principal structure.

APPURTENANCE — A subordinate component or structural feature attached or affixed to a principal structure or erected on the parcel.

BUILDING — A structure created principally to shelter any form of human activity, including principal and accessory buildings, including, but not limited to, a house, barn, shed, outbuilding, garage, carriage house, or summer kitchen, commercial, industrial, or religious buildings, and buildings of any type and description.

CHARACTER DEFINING — Architectural design, materials, details, forms, workmanship or components that are important elements reflecting a distinctive design.

DEMOLITION — The dismantling or tearing down of a building or structure, in whole or in part.

DEMOLITION BY NEGLECT — The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure to the point where the building or structure meets the criteria for condemnation.

INTEGRITY — Authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic period. All original features do not have to be present as long as the overall sense of past time and place is evident.

MAINTENANCE — Work that does not alter the exterior fabric or features of a building or structure.

PRINCIPAL STRUCTURE — Building that has in the past, is currently, or will contain the principal use or uses of the parcel.

RAZE — To destroy to the ground, demolish.

STREETScape — The overall view of a public street, including front and side yards, its component elements and the relationships of building setbacks, rhythms, height, shapes, spacing, and textures that give the street or neighborhood its distinctive visual character or appearance.

STRUCTURE — Any man-made object, including, but not limited to, buildings and appurtenances, having a stationary location, whether or not affixed to the land or to an existing building or structure, excluding paved areas.

- G. Application procedures. Demolition applications may be obtained at the Borough office.
- (1) Criteria for review. Applicants for a permit to demolish must provide, as part of their application, a written statement as to whether the following statements are correct and detailed substantiation for each statement which is believed to be correct. In each instance, the burden of proof is on the property owner to demonstrate that the property owner has been deprived any profitable use of the relevant parcel as a whole. The recommendation of the Planning Commission and the decision of Borough Council shall be based upon a review of the information submitted by the applicant against all criteria and not any one criterion. A demolition permit shall be applied for each individual structure in which demolition is proposed, and each permit shall be reviewed in its own merit. The following goals and development objectives of East Petersburg Borough shall also be considered:
- (a) It is not feasible to continue the current use.
 - (b) Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
 - (c) Adaptive use opportunities do not exist due to constraints related to the building, structure or property.
 - (d) The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.
 - (e) The demolition will not adversely affect the character of the property, streetscape, neighborhood or community.
 - (f) The proposed new building, structure or use, if applicable, on or off the property will not adversely affect the character of the streetscape, neighborhood or community, and will comply with all Borough ordinances and regulations.
 - (g) The building is structurally unsound.

- (h) The denial of demolition would result in unreasonable economic hardship on the owner.
 - (i) Sale of the building or structure is impossible or impractical.
 - (j) Denial of demolition will deprive the property as a whole of all beneficial use.
- (2) As a part of the review process, the Borough Engineer, Planning Commission, and/or the Borough Council may request additional information to be provided. Such materials may include, but are not limited to:
- (a) Site plan.
 - (b) Detailed floor plans of the building proposed for demolition.
 - (c) Exterior elevations of the building proposed for demolition.
 - (d) Report from a professional civil engineer registered in the Commonwealth of Pennsylvania on the structural soundness of the building proposed for demolition.
 - (e) Photographs.
 - (f) Historic overview of the building and/or property.
 - (g) Written description of the proposed use of the property.
 - (h) Hazardous materials survey and copies of appropriate DEP and/or EPA notifications.
 - (i) Grading and landscaping plans where buildings are proposed to be demolished with no immediate plan to construct another building.
- H. Review procedure.
- (1) The Zoning Officer shall forward completed applications for demolition to the Planning Commission and Borough Council. All information submitted in compliance with the review criteria, above, shall be taken into consideration during the deliberation process as shall the community goals and development objectives of the municipality.
 - (2) The applicant shall be provided an opportunity to present the proposal to the Planning Commission. The Planning Commission may ask for assistance in review of the application by the East Petersburg Historical Society, or other historical resources, as needed or desired.
 - (3) The written recommendations of the Planning Commission shall be forwarded to Borough Council for consideration. Borough Council shall consider the review criteria, the written recommendations of the Planning Commission, and the community goals and development objectives set forth in the Comprehensive Plan and make its determination at a public meeting which the applicant may attend.
- I. Associated land development plan. If the application for a permit for demolition, relocation or removal is being requested to facilitate future development, the said

permit shall not be issued by the Zoning Officer until the following additional requirements have been satisfied.

- (1) Approval of the land development plan by the East Petersburg Borough Council and East Petersburg Planning Commission;
- (2) The recording of an approved subdivision and land development plan for the lot where the demolition, removal or relocation is proposed; and
- (3) Issuance of any necessary zoning approvals.

J. Enforcement.

- (1) In addition to the enforcement provisions set forth elsewhere in this Zoning Ordinance, the Borough Council may authorize action to withhold issuance of any and all zoning and building permits for a period of up to two years and impose a fine of up to \$10,000 for any property that, at the time of enactment of these provisions, was occupied by a building or structure that was subsequently demolished, removed or relocated without obtaining a permit as provided for herein.
- (2) In addition, the Borough may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this section. In any enforcement proceedings, the Borough may recover its attorneys' fees and court costs.

K. Demolition by neglect.

- (1) General requirements. Demolition by neglect is defined as the absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure leading to the point where the building or structure meets the criteria for condemnation.
 - (a) Codes violations. If the Codes Enforcement Officer and/or Zoning Officer has cited a property owner for conditions that could lead to structural weakness, decay or deterioration in a building or structure and the property owner fails to correct the condition(s) in the time specified, that property owner may also be cited for demolition by neglect under these provisions and be subject to the penalties contained herein.
 - (b) Owners of unoccupied principal or accessory buildings or structures cited for codes violations shall develop a written maintenance program for the protection of any and all unoccupied principal or accessory buildings or structures. Said maintenance program shall be established in accordance with the East Petersburg Borough Property Maintenance Code. A copy of the maintenance program shall be filed with the Codes Enforcement Officer and implementation begun in accordance with an established timetable.
 - [1] The maintenance program shall address measures to assure that structural components are protected and reinforced to stabilize and maintain the essential form of the building or structure. Structural features requiring stabilization include, but may not be limited to,

roof, chimney(s), cornice, soffit, fascia, spouting, columns, beams, and posts, as well as window and door sills, lintels and jambs.

[2] The exterior and interior of the building or structure shall be inspected no less than annually by the Codes Enforcement Officer with the owner or the owner's agent to determine compliance with the established maintenance program.

(2) Enforcement.

- (a) In addition to the enforcement provisions found elsewhere in this Zoning Ordinance, the Borough Council may authorize action to withhold issuance of any and all zoning and building permits for a period of up to two years and impose a fine of up to \$10,000 for any property that at the time of the enactment of these provisions was occupied by a building or structure that was subsequently demolished by neglect.
- (b) In addition, the Borough may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this section. In any enforcement proceedings, the Borough may recover its attorneys' fees and court costs.