

PART 12
GENERAL REGULATIONS

Section 1201. Application.

- A. Unless otherwise specified elsewhere in this Chapter, the regulations contained in this Part 12 of this Chapter shall apply to all uses within Paxtang Borough.

Section 1202. Accessory Buildings and Similar Structures.

- A. In all zoning districts, accessory buildings and/or similar structures, including but not limited to detached garages, carports, barns, storage buildings, sheds, garden structures, etc., are permitted subject to the following criteria:

- 1. Accessory buildings and similar structures shall not be erected, set, placed or otherwise permitted to be constructed upon a lot until the construction of the principal use has actually begun, except as provided in this subsection and elsewhere in this Chapter:
 - a. One accessory building or similar structure may be erected, set, placed or otherwise permitted to be constructed upon a vacant lot in accordance with the following:
 - (1). Said accessory building or similar structure shall:
 - (a). Be less than ten (10) feet in height;
 - (b). Have a building footprint of less than one hundred (100) square feet;
 - (c). Not be located upon a permanent foundation;
 - (d). Be located within twenty (20) feet of the rear lot line; and
 - (e). Be set back at least one (1) foot from any side or rear lot line.
- 2. Accessory buildings and similar structures shall be located no closer than five (5) feet to the closest point of any exterior wall of the principal building on the same lot; otherwise they shall be attached to the principal building and shall be considered as part of that principal building.
- 3. Accessory buildings and similar structures shall comply with the yard, setback, and other dimensional requirements of the applicable zoning district relating to accessory buildings and similar structures, except as otherwise provided for in this Section:
 - a. For accessory buildings and similar structures located in the Residential Districts and Mixed Use Districts on a lot with a residential use upon it:
 - (1). No more than two (2) accessory buildings or similar structures may be located on a lot used for single-family dwellings and two-family dwellings.
 - (2). The gross floor area for all accessory buildings and similar structures shall not exceed fifty (50) percent of gross floor area of the principal building.

- (3). Accessory buildings and similar structures that are less than fifteen (15) feet in height, have a building footprint of less than one hundred (100) square feet, and which are not located upon a permanent foundation, shall be set back at least one (1) foot from any lot line.
 - (4). When a private garage, carport, and other similar enclosed structures that is designed for the parking and/or storage of motor vehicles, abuts and has direct access to an alley, such structures shall be set back at least five (5) feet from the alley right-of-way or fifteen (15) feet from the centerline of the alley, whichever is greater.
 - (5). For lots containing single family semi-detached dwellings and/or single family attached dwellings, accessory buildings and similar structures may be attached to similar accessory buildings and similar structures on abutting lots and may have the same side setback as the principal building at the shared lot line, provided the owner of the abutting lot and building provides notarized, written consent.
 - (6). Accessory buildings and similar structures that can be described as “children’s swing sets”, “children’s play equipment”, “tree houses” and “play houses”, shall be set back at least one (1) foot from any lot line.
- b. The total building footprint of all accessory buildings or similar structures on a lot shall not exceed the building footprint of the principal structure on the same lot.
4. All accessory buildings and similar structures shall comply with all applicable standards in this Chapter, Chapter 133 relating buildings, and elsewhere.

Section 1203. All Uses Shall Comply With Applicable Code and Licensing Requirements.

- A. In all zoning districts, all uses (as applicable) shall comply with Borough building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Borough, or shall be a condition of approval.

Section 1204. Alternative Energy Systems.

- A. Accessory Solar Energy Systems.
 1. In all zoning districts, accessory solar energy systems are permitted subject to the following criteria:
 - a. The design and installation of solar energy systems shall conform to Chapter 133 relating to buildings, and with all other applicable Borough electrical, fire, life safety, and other similar standards.
 - b. The design and installation of solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations. The manufacturer’s specifications shall be submitted as part of the application.

- c. All solar energy systems shall be designed and located to ensure solar access without reliance on or interference from adjacent properties.
- d. All solar energy systems shall be designed and located to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
- e. All on-site utility and transmission lines that are part of the solar energy system shall, to the maximum extent feasible, be placed underground.
- f. All solar energy systems shall, to the maximum extent feasible, be inconspicuously sited when viewed from adjacent street rights-of-way.
- g. All solar energy systems shall, to the maximum extent feasible, be sited so that tree removal is not required. If any trees are to be removed, the applicant shall submit a plan demonstrating the need to remove trees and a plan for the replacement of the trees.
- h. Roof and wall mounted solar energy systems shall be sited in accordance with the following:
 - (1). Solar energy systems located on the roof of any structure shall not extend beyond the existing overhangs of the structure's roof.
 - (2). Solar energy systems located on a pitched roof of any structure shall not extend vertically above the highest point (peak) of the pitched roof of the structure, as viewed from the lot line.
 - (3). Solar energy systems located on a roof of any structure shall be the same slope as, or parallel to the pitched roof.
 - (4). Solar energy systems located on a flat roof shall not exceed fifteen (15) feet in height above the height of the roof. In all zoning districts such facilities shall be screened by parapets, walls, fences, or other approved means as viewed from the lot line, except for the General Business Districts.
 - (5). All solar energy systems mounted on roofs and walls of any structure shall be subject to the maximum height regulations specified within the applicable zoning district.
 - (6). No solar energy system shall be attached to, or sited along the front facade (wall) or front building line of any principal building.
- i. If the solar energy system is unable to be located on a roof or a wall of a structure as is preferred, then placement of free standing, ground mounted solar energy systems shall be provided in accordance with the following:
 - (1). In addition to any yard and setback requirements set forth in this Section, all freestanding, ground mounted solar energy systems shall comply with all yard and setback requirements for accessory structures in the applicable zoning district.
 - (2). All freestanding, ground mounted solar energy systems shall be set back from all property lines and street rights-of-way a distance equal to the total height of the solar energy system.

- (3). Freestanding, ground mounted solar energy systems shall not exceed fifteen (15) feet in height.
 - (4). For purposes of determining the maximum surface area of all freestanding, ground mounted solar energy systems, the maximum surface area shall be considered the total surface area of the cumulative solar panels; where two (2) or more panels are grouped together, the total dimensions (length and width) of each panel, array, cell, etc. shall be the cumulative dimension of the panels. The maximum surface area of all freestanding, ground mounted solar energy systems on any lot in:
 - (a). Residential use shall not exceed ten (10) percent of the total lot area;
 - (b). Nonresidential use, except for the General Business Districts, shall not exceed twenty-five (25) percent of the total lot area.
 - (c). There shall be no maximum surface area requirement in the General Business Districts.
- j. All applications for solar energy systems shall include the information required for a site plan approval pursuant to Part 17 of this Chapter relating to *Applications for Zoning Permits*. In addition, the applicant shall submit:
- (1). A completed glare study ensuring that reflective glare is not directed towards nor upon any adjacent properties or adjacent street rights-of-way. The glare study shall include:
 - (a). Angle of the solar energy system panels, arrays, cells, etc. at the location;
 - (b). A diagram showing the maximum and minimum angles of reflective glare from the solar energy system panels, arrays, cells, etc. at the location and the relationship of that glare to adjacent properties, structures and rights-of-way; and,
 - (c). Mitigation plan that limits or eliminates reflective glare on adjacent properties, structures, and rights-of-way.
 - (2). Certification from a professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the proposed installation of the solar energy system will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with any solar energy system, and applicable requirements of Chapter 133 relating to buildings; and
 - (3). Confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.
- k. Prior to the issuance of a permit for the installation of a solar energy system, the applicant shall provide the Zoning Officer with written confirmation that the public utility company has been informed of the customer's intent to install an interconnected

customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

B. Accessory Wind Energy Systems.

1. In all zoning districts, accessory wind energy systems are permitted subject to the following criteria:
 - a. The design and installation of wind energy systems shall conform to Chapter 133 relating to buildings, and with all other applicable Borough electrical, fire, life safety, and other similar standards.
 - b. The design and installation of all wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, or as approved under an emerging technology program such as the California Energy Commission, International Electrotechnical Commission, or any other wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. The manufacturer's specifications shall be submitted as part of the application.
 - c. All on-site utility and transmission lines as part of the wind energy system shall system shall, to the extent feasible, be placed underground.
 - d. All wind turbines shall have a flat finish and non-obtrusive colors such as white, off-white, or gray as applied by the manufacturer in order to reduce the visual impact to the extent feasible.
 - e. All wind turbine towers shall be painted silver or have a galvanized finish retained in order to reduce the visual impact to the extent feasible. Towers may be painted green or brown up the height of nearby trees.
 - f. All wind energy systems shall be equipped with manual—electronic or mechanical—and automatic over-speed controls to limit the blade rotation speed to within the design limits of the wind energy system.
 - g. Wind energy systems shall not be installed in any location where they would interfere with existing fixed broadcast, re-transmission, or reception antenna. This includes interference with residential radio, television, or wireless phone, or other personal communication system reception. No wind energy system shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.
 - h. All wind energy systems shall, to the extent feasible, be sited to prevent shadow flicker on any adjacent properties as well as any adjacent street rights-of-way.
 - i. Noise from wind turbines shall comply with Part 12 of this Chapter relating to *Performance Standards for All Uses*. The maximum decibel level may be exceeded during short-term events such as utility outages and/or severe wind storms.

- j. In addition to any yard and setback requirements set forth in this Section, all wind energy system shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
- k. Wind turbines shall be set back a distance equal to the total height of the wind turbine from all property lines, streets and other rights-of-way, and overhead utility lines.
- l. The maximum height of wind energy systems shall comply with the following:
 - (1). For all roof mounted wind turbines, the height of the wind turbine shall not exceed the height of the existing building by more than fifteen (15) feet.
 - (2). For lots less than one-half (1/2) acre in area, wind turbines shall be roof mounted. The maximum rotor diameter for wind turbines shall be six (6) feet.
 - (3). For lots between one-half (1/2) acre but less than one (1) acre, the wind turbines may be sited on wind turbine towers, the turbine height shall be limited to seventy-five (75) feet, or twenty (20) feet above the tree line, whichever is lower.
 - (4). For lots greater than or equal to one (1) acre, wind turbines may be sited on wind turbine towers, the turbine height shall be limited to one hundred twenty (120) feet or forty (40) feet above tree line, whichever is lower.
 - (5). The maximum height of any wind turbine in the General Business Districts, regardless of lot area shall be one hundred forty (140) feet.
- m. For all wind energy systems not otherwise mounted on a roof, unauthorized access to the turbine and tower shall be prevented by design, with a minimum of twelve (12) feet from the ground to the bottom of the ladder. All doors to the turbine and tower shall be locked.
- n. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground. If the wind turbine proposed is a Vertical Axis Wind Turbine (also referred to as a 'helix type' turbine or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight (8) feet.
- o. Wind energy systems shall not be lighted, except to comply with applicable Federal Aviation Administration (FAA) regulations.
- p. No portion of any wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
- q. Wind energy systems shall not display advertising, except for reasonable identification of the wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet.
- r. When an accessory building or structure is necessary for storage cells or related mechanical equipment, the accessory building shall comply with the accessory building and structure requirements specified within the applicable zoning district.

- s. All applications for wind energy systems shall include the information required for a site plan approval pursuant to Part 17 of this Chapter relating to *Applications for Zoning Permits*. In addition, the applicant shall submit:
- (1). A plot / site plan showing:
 - (a). Property lines and physical dimensions of all areas of the subject property that are within a distance equal to two (2) times the total height of the wind energy system.
 - (b). Location, dimensions, and types of existing principal and accessory structures on the property.
 - (c). Location of the proposed wind energy system tower, foundations, guy anchors, and associated equipment.
 - (d). The rights-of-way of any public street abutting the property.
 - (e). Any overhead utility lines.
 - (2). Wind energy systems system specifications, including manufacturer and model, rotor diameter, tower height, and tower type—freestanding or guyed.
 - (3). Certification from a professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the tower has been designed and will be constructed in accordance with the current industry standards and applicable requirements of Chapter 133 relating to buildings. A copy of the foundation analysis shall also be provided.
- t. Prior to the issuance of a permit for the installation of a wind energy system, the applicant shall provide the Zoning Officer with written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

Section 1205. Appurtenant Service Equipment Screening and Location for Non-Residential and Other Uses.

- A. In all zoning districts, for uses other than single-family detached dwellings, single-family semi-detached dwellings, and two-family dwellings, appurtenant service structures and areas such as solid waste, trash, and refuse containers; recycling containers; propane tanks; air conditioning units and condensers, except window units; generators; electrical transformers; and other similar appurtenant equipment or elements providing essential services to a building or lot are permitted subject to the following criteria:
1. Appurtenant service equipment, structures, and areas such as solid waste, trash, and , refuse containers, and recycling containers; propane tanks, air conditioning units and condensers, except window units; generators; electrical transformers and other similar appurtenant equipment or elements providing essential services to a building or lot shall not be located:
 - a. In the front yard between the principal building and the public street, excluding alleys, or within any required front setback in the Residential Districts and Mixed Use Districts;
 - b. In any required accessory use or structure setback, excluding those lot lines abutting any alley, or a required buffer yard;

- c. In any area of a parking lot that causes obstructed access to designated parking spaces; nor
 - d. Within ten (10) feet abutting property in the Residential Districts or an existing residential use in the Mixed Use Districts.
 2. In addition to the following requirements, all service structures and areas shall be screened on all sides with a minimum of one hundred (100) percent opacity in accordance with Part 12 of this Chapter relating to *Buffer and Screening Regulations*.
 - a. Required screening shall enclose any service structure on all sides unless such structure shall be frequently moved, in which case screening on all but one (1) side is required.
 - b. Fencing, if erected, shall be constructed of the same color and material as the principal building of a lot, but may be a decorative masonry wall, excluding exposed "cinder block". If solid weather-resistant wood or material of similar appearance (e.g. white vinyl vertical planks) is used, vegetative screen planting shall also be provided. The fence or wall shall include a self-latching door or gate. In no case shall "chain link" material or pattern fencing be used for screening.
 - c. The average height of the screening shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height unless specified otherwise by this Chapter.
 - d. When a service structure is located adjacent to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set forth in this Section.
 - e. Although service structures may be screened by plant material, such plant material may not count towards the fulfillment of any required landscaping.
 - f. Whenever screening material is placed around any solid waste or trash disposal unit that is emptied or removed mechanically on a regular basis, a fixed barrier (e.g. mounted metal brackets) to contain the placement of the container shall be provided within the screening on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the screening and shall be of sufficient strength to prevent possible damage to the screening when the container is moved. The minimum front opening of the screening shall be twelve (12) feet to allow service vehicles access to the container.
 3. Non-residential kitchen windows capable of being opened, and ventilation equipment outlets and other similar equipment associated with food service, restaurants, taverns / bars and other similar food and drink service uses, shall not be located or oriented directly toward any abutting property in the Residential Districts or existing residential use in the Mixed Use Districts.
 4. All ventilation equipment outlets, fume collection, and other similar equipment associated with any non-residential service / repair work area(s) and/or service / repair bay doors / openings for non-residential uses, shall not be located or oriented directly toward any abutting property in the Residential Districts or existing residential use in the Mixed Use Districts.

5. For all non-residential uses, mixed uses, and multi-family dwelling uses in the Residential Districts and Mixed Use Districts, all rooftop mounted equipment and other similar appurtenances such as stair wells, air conditioning units, large vents, heat pumps, and mechanical equipment, shall to the maximum extent feasible, be inconspicuously sited on the roof, screened via use of parapets, walls, fences, landscaping, or other approved screening, or integrated be within the roof form, so as to not be viewed from adjacent street rights-of-way, excluding alleys. When fencing is proposed to be used as a rooftop equipment screen, it shall be designed to be architecturally compatible with the principal building, including design, materials, and colors.
6. The locations of all service structures and screening shall be shown on all site plans and land development plans submitted to the Borough.
7. This Section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises.

Section 1206. Buffer and Screening Regulations.

A. In all zoning districts, buffering and screening shall be provided subject to the following criteria:

1. Required buffer yards and screening shall be provided on a lot proposed for development of non-residential uses, mixed uses, and/or higher density residential dwelling types and extend the entire length of the lot line abutting the Residential District and/or lower density/intensity residential dwelling lots. See Table 12-1 in this Section for required minimum buffer yard widths and required minimum screening opacity:

**TABLE 12-1
REQUIRED BUFFER YARDS AND SCREENING**

Where Permitted:	Abut:	Minimum Required Buffer Yard Width	Minimum Required Opacity of Screening
Non-Residential uses in the General Business Districts	Residential Zoning Districts or a lot with an existing residential use	35 ft.	80%
Non-Residential uses in the Residential Districts	a lot with an existing lower density residential dwelling type use	25 ft.	90%
Higher density residential dwelling types including mobile / manufactured home parks, except as provided in this table below	a lot with an existing lower density residential dwelling type use (e.g. 3 dwelling unit apartment abuts a single-family detached dwelling)	15 ft.	90%
Non-Residential uses or higher density residential dwelling types in the Mixed Use Districts*	a lot with an existing lower density residential dwelling type use*	5 ft.*	90%*

* Where an existing or former residential building is being proposed for reuse for a permitted non-residential use, and where there is insufficient distance between said building and the abutting lot line to achieve the required buffer yard, there shall be no buffer yard required for the area of the lot where said building is located, as long as

screening with no less than one hundred (100) percent opacity is provided in the area of the lot where said building is located. Remaining portions of the lot shall comply with the buffer yard and screening requirements provided for elsewhere in this Section.

2. No buffer yard shall be required for a non-residential use, mixed use, or higher density residential dwelling type uses in the Mixed Use Districts that are separated from the Mixed Use Districts and/or existing lower density residential dwelling type lots by a public street right-of-way, excluding alleys.
3. All required buffer yard areas shall be planted and maintained with vegetative cover and living material, as well as any required screening, and kept free of:
 - a. Buildings and structures, excluding fences and walls;
 - b. Dumpsters and refuse containers;
 - c. Parking lots / areas;
 - d. Loading areas; and
 - e. Any type of storage of goods, materials, equipment, or vehicles;
 - f. Any type of display and sales; and
 - g. Any business activity.
4. Signs shall be permitted in a buffer yard that abuts a street right-of-way line.
5. Stormwater management facilities and structures may be maintained within a buffer yard, but the existence of such facilities or structures shall not be a basis for a failure to meet the screening requirements.
6. Buffer yards may be crossed by access drives, driveways, sidewalks, or easements with a maximum width of thirty-five (35) feet, provided the centerline of the access drive, driveway, sidewalk, or easement crosses the lot line and buffer yard at not less than seventy-five (75) degrees; however, no turning or maneuvering of vehicles shall be permitted in the buffer yard area.
7. Buffer yards may be located within any required setback or yard.
8. Screen Plantings. Where screen plantings are provided in buffer yards, said screen plantings shall be located in the exterior portion of the required buffer yards, and shall be evenly spaced extending the length of the lot line in accordance with the following:
 - a. Plant materials used in screen plantings shall be of such species as will produce, within two (2) years, a year-round visual screen in accordance with the standards set forth in Table 12-2 below:

**TABLE 12-2
REQUIRED SCREEN PLANTING MATERIALS**

Description	Minimum Height - Measured from the Finished Grade	Minimum Distance - Measured on Center	Minimum / Maximum Percentage Mix of Plant Materials Used as Required Screening
Trees			
Deciduous Trees*	6 ft.	6 ft.	10% / 20%
Evergreen Trees	6 ft.	6 ft.	15% / 25%
Shrubs			
Deciduous Shrubs	4 ft.	3 ft.	25% / 35%
Evergreen Shrubs	4 ft.	3 ft.	30% / 40%

* Deciduous trees that are used in the planting of a buffer yard and elsewhere on the lot shall be in accordance with those identified within Chapters 370 relating to subdivision and land development and 392 relating to shade trees.

- b. Screen plantings shall be maintained permanently in a healthy condition. Any screen plantings that die or are severely damaged shall be replaced by the current property owner as soon as practical considering growing seasons, within a maximum of one hundred fifty (150) days.
- c. Screen plantings shall be placed so that at maturity they will be located not closer than two (2) feet from any street right-of-way line or property line.
- d. In order to aid surveillance and minimize the potential for crime, screen plantings shall also be sited, massed, and scaled to maintain visibility of doors and first (1st) or ground floor windows from the street and from within the development to the maximum extent feasible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear sight triangle in accordance with Part 14 in this Chapter relating to *Driveways and Access Drives* shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.
- e. Screening plantings shall be interrupted only at:
 - (1). Approved vehicle or pedestrian ingress and egress approximately perpendicular, but not less than seventy-five (75) degrees, to the lot;
 - (2). Locations necessary to comply with safe sight distance requirements; and
 - (3). Locations needed to meet other specific state, Paxtang Borough and utility requirements.
- f. Trees that are used in the planting of a buffer yard and elsewhere on the lot shall be in accordance with those identified within Chapters 370 relating to subdivision and land development and 392 relating to shade trees.
 - (1). If more than twenty (20) evergreen plants are proposed, no more than fifty (50) percent shall be of one (1) species.

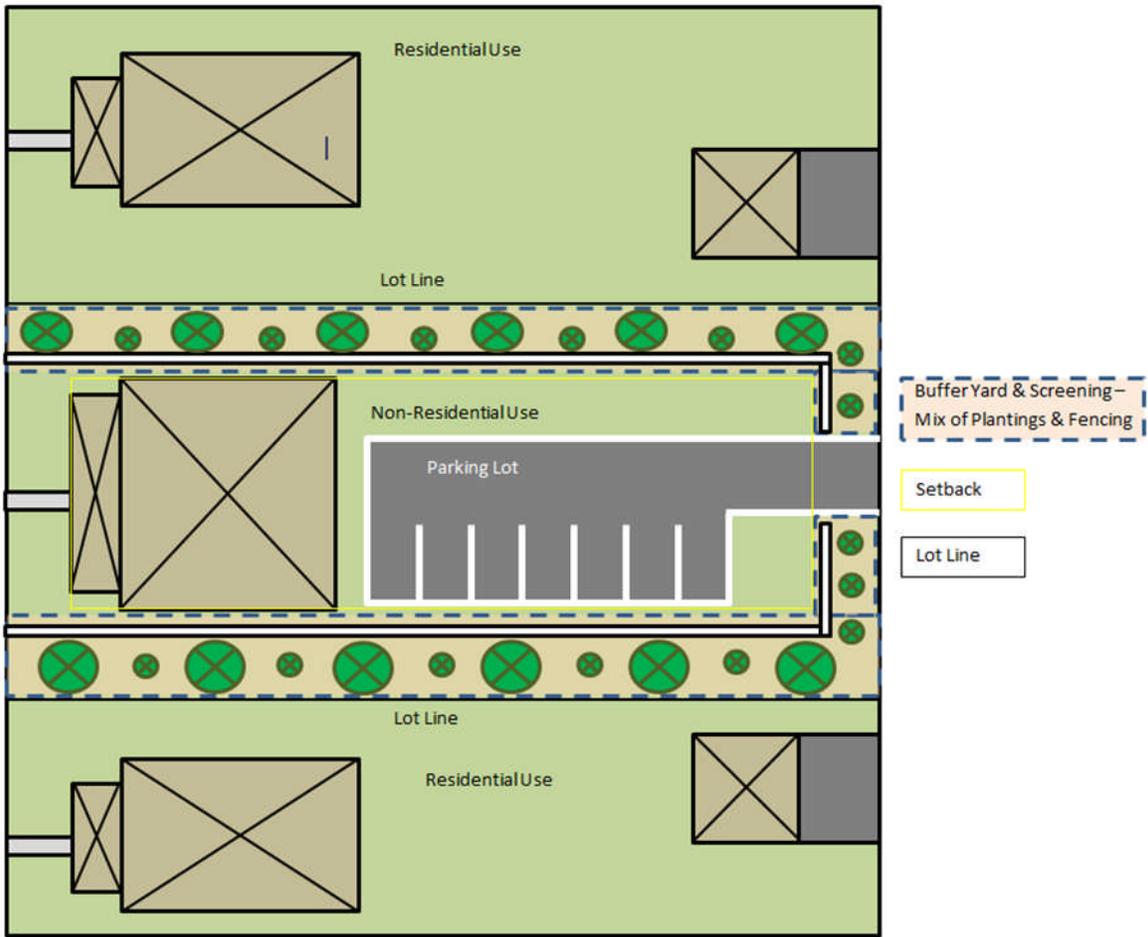


Figure 12.1 Buffer and Screening Example

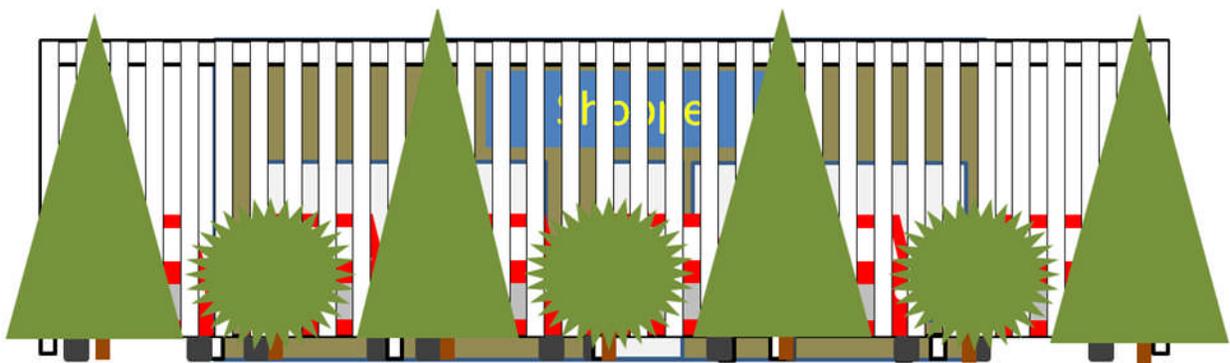


Figure 12.2 Buffer and Screening Example

Section 1207. Bus / Transit Shelters.

- A. In all zoning districts, bus / transit shelters are permitted subject to the following criteria:
1. Bus / transit shelters may be located within any required yard or setback.
 2. Only the following signs shall be permitted:
 - a. One (1) two (2) sided sign with a maximum sign area of eight (8) square feet, which shall only be internally illuminated in accordance with Part 13 of this Chapter.
 - b. Non-illuminated signs identifying the name of the transit provider, route schedules and maps.
 3. The location of a bus / transit shelter shall not interfere with pedestrian traffic along a sidewalk and shall be not located within a clear-sight triangle as set forth in Part 14 of this Chapter relating to *Driveways and Access Drives*.
 4. There shall be a legally binding commitment provided by a responsible entity to properly maintain the bus / transit shelter and to remove the shelter if it is not needed in the future or if it is not properly maintained.
 5. Bus / transit shelters shall be durably constructed and shall be covered by a roof. For security and safety purposes, the majority of the side and rear walls of the bus / transit shelter shall be constructed of a clear, shatter resistant material.
 6. Any lighting elements shall not be directly visible from outside the bus / transit shelter, and shall comply with Part 12 of this Chapter relating to *Performance Standards for All Uses*.

Section 1208. Crops / Gardening.

- A. In all zoning districts, crops / gardening is permitted subject to the following criteria:
1. The use may include the sale of harvestable products, but limited to those grown on-site.
 2. Crops / gardening is not subject to yard or setback requirements, but shall be located completely within the property boundary and no part may coincide with any property line
 3. All related accessory structures shall comply with requirements of this Chapter, including the requirements for accessory structures in the applicable zoning district.

Section 1209. Essential Services.

- A. In all zoning districts, essential services are permitted as needed to provide service to lots, structures, and buildings. See also Part 12 of this Chapter relating to *Appurtenant Service Equipment Screening and Location for Non-Residential and Other Uses*.

Section 1210. Fences and Walls.

- A. In all zoning districts, fences and walls are permitted subject to the following criteria:
1. Fences and walls shall be setback a minimum of one (1) foot outside any right-of-way or from any lot line or sidewalk whichever is greater.

2. Fences and walls shall be durably constructed and well-maintained. Fences and walls that have deteriorated parts and materials shall be replaced or removed.
3. No fence or wall shall obstruct the clear-sight triangle requirements set forth in Part 14 of this Chapter relating to *Driveways and Access Drives*.
4. No fence or wall shall be erected in a street right-of-way or other rights-of-way or easements including public or private drainage, utility or access easements, unless otherwise required by this Chapter and/or any other chapter in the Codified Ordinance of the Borough of Paxtang.
5. Fences and walls, in addition to the applicable standards provided in Part 12 of this Chapter relating to *Fences and Walls*, shall also comply with the following:
 - a. Except as otherwise provided in this subsection, fences and walls shall not be permitted to be located in the front yard between the principal building and the street, excluding alleys, in the Residential and Mixed Use Districts:
 - (1). For corner lots, fences and walls shall be permitted to be located between the principal building and the street, excluding alleys, in secondary front yards which shall:
 - (a). Be an open-type of fence (e.g. picket, metal post, wrought iron or split rail) with a minimum of fifty (50) percent open area to fifty (50) percent structural area.
 - (b). Not exceed three and one half feet (3 ½) feet in height; but the height of any fence or wall may exceed three and one half feet (3 ½) feet by one (1) additional foot for each two (2) additional feet by which the fence or wall is set back behind the principal building's front façade or building line.
 - (c). Not be constructed of "chain link" material or pattern. Fences shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Fences are encouraged to be constructed using weather resistant wood, vinyl materials that resemble wood, or vinyl materials that resemble historic style metal post fences.
 - b. Fences and walls that are located within the Residential or Mixed Use Districts or upon a lot with a residential use upon it shall not exceed six (6) feet in height along the side and rear lot lines.
 - c. Fences within the other zoning districts shall not exceed twelve (12) feet in height.
 - d. Any fence or wall exceeding six (6) feet in height shall comply with Chapter 133 relating to buildings.
 - e. Structural posts of a fence shall not extend more than six (6) inches above the height of the fence.
 - f. Unless required for security purposes, no fence or wall shall be constructed of barbed wire, razor, or other sharp components capable of causing injury, and only then if the portion of the fence containing barbed wire, razor, or other sharp components capable

of causing injury is not lower than six (6) feet above the average surrounding ground level.

- g. No fence or wall shall be constructed out of fabric, junk, inoperable vehicles, appliances, tanks or barrels.
 - h. If one (1) side of a fence or wall includes posts and supports / framework that clearly are not designed and integrated as a decorative feature of the fence, or if one (1) side of a fence or wall does not match design patterns of the opposite side, then the side of the fence including the supports / framework shall be placed to face toward the interior of the lot upon which is located, as opposed to the side of the fence which it faces a street or abutting lots.
 - i. If a fence or wall is "finished" only on one (1) side, the "finished" side shall be placed and face outward away from or toward the exterior of the lot or parcel upon which it is located, as opposed to facing toward the interior of the lot.
 - j. Brick may be used for posts or as a base for a fence or wall, provided the maximum fence or wall height for the fence or wall portion is not exceeded.
6. Walls, in addition to the applicable standards provided in this subsection, shall also comply with the following standards:
- a. Engineered retaining walls necessary to hold back slopes are exempt from the regulations of this Section and are permitted by right as needed in all zoning districts.
 - b. Walls that are structurally part of a building shall be regulated as part of that building.
 - c. Concrete and/or similar other block walls shall be of a decorative nature, painted or have decorative colors and/or materials on all sides that face outward away from or toward the exterior of the lot or parcel upon which it is located, as opposed to facing toward the interior of the lot.
7. One (1) arbor, awning, canopy, trellis or similar decorative garden structure not exceeding ten (10) feet in height and four (4) feet in width shall be permitted within the front yard, provided that it is not within a clear sight triangle as required in Part 14 of this Chapter relating to *Driveways and Access Drives*.

Section 1211. Height Exceptions and Alterations.

- A. In all zoning districts, the height exceptions and alterations shall apply:
- 1. Height regulations shall not apply to the following structures, provided the structures do not exceed the height limitations of the zoning district for which they are located by more than fifteen (15) feet: penthouses including those not intended for human occupancy; skylights; steeples of places of worship; antennas, excluding communication antennas as set forth in Part 16 of this Chapter relating to *Communication Antenna, Tower, and Equipment Building Transmitting & Receiving Facility*; flagpoles; spires; belfries; cupolas; domes; chimneys; ventilators; water tanks; bulkheads; utility poles and towers; clock towers and bell towers; elevator shafts; mechanical equipment or other appurtenances usually required to be and customarily placed above roof level and not intended for human occupancy.

- B. Height regulations shall not apply to the following structures, provided the structures comply with the specific height regulations for the use, set forth in this Chapter:
1. Communication antennas and towers as set forth in Part 16 of this Chapter relating to *Communication Antenna, Tower, and Equipment Building Transmitting & Receiving Facility*;
 2. Accessory wind energy systems as set forth in this Part 12 of this Chapter relating to *Accessory Alternative Energy Systems*.
 3. Structures as part of agricultural operations as set forth in Part 16 of this Chapter relating to *Agricultural Operation*.
- C. The height of any principal structure may exceed the maximum permitted height requirements by one (1) additional foot for every one (1) additional foot that the width of each yard exceeds the required yard and setback regulations for principal structures within the applicable zoning district.

Section 1212. Hours of Operation and Management Plan.

- A. In all zoning districts, the hours of operation and management of activities of proposed non-residential uses and mixed use developments shall be appropriately scheduled, operated, and maintained to protect the existing neighborhood and residential uses from detrimental noise, disturbance, or interruption. A "hours of operations and management plan" shall include the following, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Section:
1. Address of the premises of proposed use including tax parcel identification number.
 2. Name and general and specific type of the proposed use (e.g. commercial use, retail sales).
 3. Name and related contact information of the owner, on-site manager, and/or other authorized agent of the proposed use and the lot (e.g. telephone number[s], email address, etc.).
 4. The nature of the on-site activities and operations involved in the proposed use (e.g. the type of products, materials, equipment and/or processes, etc.).
 5. Advertising associated with the proposed use, as applicable.
 6. Estimated number of employees, patrons, and/or occupants, including per shift and maximum permitted occupancy, as applicable.
 7. The gross floor area of the building(s) and gross area of the lot devoted to the proposed use.
 8. Estimated amount of sales from the proposed use, as applicable.
 9. General description of the land uses adjacent to the property and on the same block.
 10. Intended market area / service area of the proposed use, as applicable.
 11. Vehicles and traffic associated with the proposed use (e.g. employees and customers / occupants deliveries, loading, etc.).
 12. Hours and days the proposed use will be open and/or operating including any expected "special events", as applicable.

13. The disposal of materials will be accomplished in a manner that complies with Borough, State, and Federal regulations, including but not limited to those listed in Part 12 of this Chapter relating to *Non-Residential and Other Uses Waste Handling Requirements*.
14. A discussion of any possible impacts and/or problems the proposed use may cause (e.g. traffic, odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts / problems. The applicant shall further furnish evidence that the impacts generated by the proposed use will be within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Part 12 of this Chapter relating to *Performance Standards for All Uses*.

Section 1213. Landscaping and Vegetation Preservation.

A. In all zoning districts, landscaping and vegetation shall be subject to the following criteria:

1. Any part of a lot which is not used for structures, buildings, access drives, driveways, loading areas, parking spaces and aisles, sidewalks, and designated storage areas, other structures, or hardscaping shall be provided with an all-season, well-maintained groundcover, including grass, trees, and shrubs.
2. In order to aid surveillance and minimize the potential for crime, plantings shall be sited, massed, and scaled to maintain visibility of doors and first (1st) or ground floor windows from the street and from within the development to the maximum extent feasible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear sight triangle as required in Part 14 of this Chapter relating to *Driveways and Access Drives* shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.
3. Vegetation.
 - a. Preservation. Existing vegetation preservation is governed by the standards in this Section and the provisions of the PA MPC. The removal of trees, shrubbery, foliage, grass, groundcover, or other natural growth shall be permitted when in conformance with the provisions of this Chapter, Chapter 360 relating to stormwater management, Chapter 370 relating to subdivision and land development, Chapter 392 relating to shade trees, and/or other relevant chapter of the Codified Ordinances of the Borough of Paxtang. Violations and penalties associated with cutting and clearing of vegetation include:
 - (1). Forestry activities of timber harvesting and/or logging shall comply with Part 16 of this Chapter relating to *Forestry*.
 - (2). The cutting of trees and/or clearing of vegetation within a required buffer yard as required in this Part 12 of this Chapter relating to *Buffer and Screening Regulations* is prohibited. Only the removal and replacement of damaged/deceased trees and/or vegetation is permitted. Grubbing activity is permitted where the purpose is to improve the appearance of the lot.
4. Shade Trees.

- a. As part of the construction of any new street or establishment of any new use, shade trees shall be required to be planted in accordance with Chapters 392 relating to shade trees and 370 relating to subdivision and land development.

Section 1214. Lot Frontage onto Improved Streets.

- A. In all zoning district, all lots shall front on and have direct access to improved streets, shall be subject to the following criteria:
 - 1. Each proposed new lot and principal building shall abut one (1) of the following:
 - a. A public street right-of-way, excluding alleys, with at least twenty-four (24) feet of right-of-way;
 - b. A street, excluding alleys, proposed to be dedicated to the Borough by the subdivision plan which created such lot; or
 - c. An existing (at date of adoption of this Chapter) private street, excluding alleys, which meets all of the requirements of a public street.
 - 2. The erection of a principal building on any lot which existed at the time of the enactment of this Chapter and does not have lot frontage on a public street right-of-way, excluding alleys, shall be permitted if the applicant provides proof of access to the property in the form of a legal document recorded at the Dauphin County Recorder of Deeds. If the existing document does not address access rights and maintenance responsibilities between the landowner and affected parties, or if no such document exists, a new document shall be recorded that does address these issues. In addition, the landowner shall enter into a binding legal agreement with the Borough prepared by the Borough Solicitor outlining the responsibility of each party as it pertains to the private right-of-way.
 - 3. Access to lots shall comply with Part 14 of this Chapter and/or Chapter 370 relating to subdivision and land development.

Section 1215. Non-Residential and Other Uses Waste Handling Requirements.

- A. In all zoning districts, for all uses other than single-family dwellings and two-family dwellings, waste handling and material disposal methods and procedures shall be subject to the following criteria. The following detailed information is required to be submitted concerning waste handling and material disposal methods and procedures:
 - 1. Listing of all materials to be used and/or generated on the site;
 - 2. Listing of all wastes generated on the site, including but not limited to food and greases; animal wastes; solid wastes; medical wastes; and hazardous wastes; etc.; and
 - 3. Evidence shall be provided indicating that the disposal of all materials and wastes shall be accomplished in a manner that complies with Chapter 353 relating to solid waste, as well as any county, state and federal regulations. Such evidence shall, at a minimum, include copies of working plans for the cleanup of litter and recycling showing exterior trash and recycling receptacles that are provided amid any an outdoor display and/or sales area, parking lot facilities open to the public, and other outside public areas designed and proposed for patrons and customers of the use. Such receptacles shall be routinely emptied so as to prevent the scattering of litter and debris.

Section 1216. Number of Principal Uses and/or Principal Structures Per Lot.

- A. In all zoning districts, the number of principal uses and/or principal structures permitted per lot shall be subject to the following criteria:
 - 1. A lot in the TN Zoning District, MNB Zoning District, DT Zoning District, and/or Commercial / Industrial Districts may include more than one (1) permitted principal use per lot provided a plan has been recorded in compliance with Chapter 370 relating to subdivision and land development and:
 - a. For developments with more than one (1) principal use in one (1) building, the most restrictive of the uses' area / design features of the applicable zoning district shall apply to the building (as opposed to applying each of the requirements to each use as if each use was located on each individual lot), but that each use shall comply with all other applicable requirements of this Chapter including parking and signs as though each use were located on an individual lot.
 - b. For developments with more than one (1) principal use in more than one (1) building, the area / design features of the applicable zoning district and all other requirements of this Chapter shall apply to all the uses on a single lot as if all of the uses are one (1) development (as opposed to applying each of the requirements to each use as if each use was located on each individual lot).
 - c. The lot may include a condominium form of ownership of individual buildings, with a legally binding property owner or other similar type of association, if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.
 - 2. A lot in the Residential Districts PAC Zoning District and/or a lot used for residential purposes shall not include more than one (1) permitted principal use nor more than one (1) principal building, except as provided below, and each of the use's area / design features of the applicable zoning district and all other requirements of this Chapter as though each use were located on an individual lot are met, and a plan has been recorded in compliance with Chapter 370 relating to subdivision and land development:
 - a. A mobile / manufactured home park, condominium residential development, single-family attached dwelling, or multi-family dwelling development may include more than one (1) principal building per lot, provided all other requirements of this Chapter are met.
 - b. The lot may include a condominium form of ownership of individual dwelling units, with a legally binding homeowners or other association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable state law.

Section 1217. Ornamental Ponds.

- A. In all zoning districts, ornamental ponds are permitted subject to the following criteria:
 - 1. No ornamental pond shall:

- a. Be capable of holding water at a depth of more than twenty-four (24) inches;
 - b. Be capable of holding more than four hundred fifty (450) cubic feet of water; and/or
 - c. Have a length or diameter exceeding fifteen feet (15).
2. Ornamental ponds shall comply with all accessory use and structure setbacks for the zoning district in which they are located.
 3. All such ponds shall be maintained so as not to pose a nuisance by reason of odor, or the harboring of insects and/or vermin.
 4. Water shall not be discharged from an ornamental pond directly onto any public right-of-way or within ten (10) feet of any adjacent property without the applicable owner's consent.
 5. Ornamental ponds shall not be located over a drainage, utility, or access easement.
 6. No such pond shall be used for the commercial hatching of fish or other aquatic species.
 7. Otherwise, ornamental ponds not meeting the requirements set forth in subsection 1. above, in addition to the standards in this Section, shall also comply with the requirements of the Part 12 of this Chapter relating to *Swimming Pools, Private Household*, and Chapters 377 relating to swimming pools, 133 relating to buildings, and 310 relating to property maintenance.

Section 1218. Outdoor Storage and Outdoor Stockpiling.

- A. In all zoning districts, unless otherwise permitted elsewhere in this Section or Part 3 of this Chapter relating to *Use Tables* and Part 16 of this Chapter, the outdoor storage and outdoor stockpiling shall be permitted subject to the following criteria:
 1. Outdoor storage and outdoor stockpiling shall not include the sale of any bulk materials such as goods, material, and merchandise offered for sale to customers. Otherwise, it shall be considered outside sales and display and shall comply with the provisions set forth elsewhere in this Part 12 and Part 16 of this Chapter relating to *Outside Display and Sales*.
 2. Outdoor storage and outdoor stockpiling shall not occupy any part of the existing or future street right-of-way, including sidewalks and alleys, required off-street parking areas, buffer yards, or any other areas specifically prohibited as set forth in this Chapter.
 3. In the Residential Districts, Mixed Use Districts, and Other Districts:
 - a. On lots used for single family dwellings and two-family dwellings, the outdoor storage and stockpiling of:
 - (1). Personal material, except firewood, for more than one (1) year shall be prohibited. In all instances, outdoor stockpiling of personal material shall not be located in the front yard between the principal building and the public street, excluding alleys, or within any required front setback. All such stockpiling shall comply with accessory use and structure yard and setback requirements for the applicable zoning district.

- (2). Non-personal material including goods, junk, material, or merchandise associated with and generated by an off-site business or non-residential establishment shall not be permitted.
 - b. On non-residential use, mixed use, and other residential dwelling types other than listed in this subsection above, the outdoor storage and stockpiling of bulk items, including but not limited to goods, material, equipment, merchandise, junk, waste, discarded or salvaged material, machinery, equipment, or automobile, truck, or other vehicle parts shall not be permitted. All related storage shall be within a completely enclosed building.
 - c. Outdoor storage and outdoor stockpiling shall not be located in the front yard between the principal building and the public street, excluding alleys, nor within any required front, side, or rear setback.
4. In the Commercial / Industrial Districts:
- a. All bulk items, materials and activities not within completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height and provided with screening in accordance with Part 12 of this Chapter relating to *Buffer and Screening Regulations*, with no less than one hundred (100) percent opacity. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
 - b. The outdoor storage and outdoor stockpiling may be located in the front yard between the principal building and the public street, excluding alleys, but shall not be located within any required yard or setback.
 - c. In order to prevent dust, erosion, and excessive water flow across streets or abutting property, all areas used for the outdoor storage and stockpiling shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 360 relating to stormwater management, Chapter 370 relating to subdivision and land development, or any other construction materials specifications adopted by the Borough, and approved by the Borough Engineer.
 - d. All items and materials stored as part of outdoor storage and stockpiling shall be kept in an orderly fashion to permit access by emergency responders.
5. Compost.
- a. The placement of compost as an accessory use to a residential use of a lot is permitted, subject to all accessory use, building, and structure setbacks of the applicable zoning district. Only waste materials from the residential use of the lot shall be deposited within the compost, and in no case shall meat, or meat by-products, dairy products, or bones be composted. All compost shall be properly maintained so as not to become a nuisance to nearby properties.

Section 1219. Performance Standards for All Uses.

A. In all zoning districts, all uses (as applicable) shall be subject to the following performance standards:

1. All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. No availability of essential services shall 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 shall be by and at the cost of the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full conformance with the jurisdiction’s standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.
2. All uses shall be subject to and comply with the following regulations, where applicable.
 - a. **Vibration.** Ground vibration inherently and recurrently generated on the lot and detectable without instruments on any adjacent lot shall be prohibited, except that temporary vibration as a result of construction or vehicles which enter or leave the lot (e.g. trucks, trains, airplanes, helicopters, etc.) shall be permitted. Otherwise all of the applicable “Rules and Regulations” of the Pennsylvania Department of Environmental Protection (DEP) shall be complied with.
 - b. **Noise.**
 - (1). Noise from non-residential uses which are determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled in accordance with Chapter 273 relating to noise. For purposes of this standard, all non-residential uses shall comply with the standards in Table 12-3 Noise Standards:

**TABLE 12-3
NOISE STANDARDS**

Land Use or Zoning District Receiving the Noise	Hours / Days	Maximum Sound Level*
At a lot line of an existing residential use in the Residential Districts or Mixed Use Districts	7:00 a.m. to 9:00 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Labor Day, Memorial Day, and the 4 th of July	60 dBA
	9:00 pm to 7:00 am, plus all day Sunday, Christmas Day, Thanksgiving Day, New Year's Day, Easter Sunday, Labor Day, Memorial Day, and the 4 th of July	52 dBA
At any other lot line	All times and days	70 dBA

*or ten (10) decibels above ambient noise in any one hour, whichever is higher.

- (2). Noise is measured from the lot line. The ambient sound measurement, known as “A-weighted sound level” is taken where the noise from the non-residential use cannot be heard, or when the use is not in operation and therefore not

producing noise. The ambient sound level shall be considered the level that is exceeded ninety (90) percent of the time when the noise measurements are taken.

- (3). The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:
- (a). Sound needed to alert people of an emergency.
 - (b). Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7:00 a.m. and 8:00 p.m., except for clearly emergency repairs which are not restricted by time.
 - (c). Household power tools and lawn mowers between the hours of 8:00 a.m. and 9:00 p.m.
 - (d). Agricultural activities, including permitted agricultural operations, but not exempting a commercial kennel.
 - (e). Public celebrations specifically authorized by the Paxtang Borough Council or a county, state or federal government agency or body.
 - (f). Unamplified human voices or the sound of a single animal.
 - (g). Routine ringing of bells and chimes by a place of worship or Borough clock.
 - (h). Vehicles operating on a public street, railroads and aircraft.
- c. Air Pollution and Airborne Emissions. No pollution of air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause spoiling of property. Otherwise all of the applicable "Rules and Regulations" of DEP shall be complied with.
- d. Odors. No malodorous gas or matter shall be permitted which is discernible at any and all property lines of the subject property on which the odor source is located.
- e. Water Pollution. Water pollution shall be subject to the standards established by the Pennsylvania Fish and Boat Commission (FBC), DEP, and The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691, or as amended.
- f. Mine Reclamation and Open Pit Setback. Refer to Pennsylvania Act 147, the "Surface Mining Conservation and Reclamation Act" of 1971, or as amended.
- g. Glare and Heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening accordance in with this Part 12 of this Chapter relating to *Buffer and Screening Regulations* in in such a manner as to make such glare or heat completely imperceptible from any point along the property line. No heat from any use shall be sensed at any property line to the extent of raising the ambient temperature of air or materials more than five (5) degrees Fahrenheit. Any operation or activity that produces glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (0.5)

footcandles measured at the property line. Otherwise, all of the applicable "Rules and Regulations" of DEP shall be complied with.

- h. No use or operation shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause. Additionally, all uses and operations shall comply with the following:
- (1). Electromagnetic Interference. In all zoning districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including but not limited to interference with normal radio, telephone or television reception and/or transmission off the premises where the activity is conducted.
 - (2). Fire and Explosive Hazards. Fire protection and fire-fighting equipment, procedures and safety protocols acceptable to the Borough fire standards, National Fire Protection Association, Chapters 133 relating to buildings and 213 relating to fire prevention, and other applicable chapters of the Codified Ordinances of the Borough shall regulate hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the occupancy of a structure or premises.
 - (3). Toxic and Hazardous Substance Storage. Storage of toxic and hazardous substance shall meet the requirements of DEP, Pennsylvania Labor and Industry (L&I), and/or the United States Environmental Protection Agency (USEPA).
- i. Outdoor Lighting: Outdoor lighting is permitted subject to the following criteria:
- (1). All outdoor lighting fixtures including but not limited to those used for parking areas, buildings, building overhangs, canopies, signs, billboards, displays and landscaping, shall be full cut-off type fixtures.
 - (2). Full cut-off fixtures shall be installed and maintained so that the shielding is effective so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.
 - (3). Automobile-oriented uses including but not limited to automobile, boat, heavy equipment, mobile / manufactured home, recreational vehicle and similar motor vehicle rental / sales, repair / service, washing and/or fuel / gas sales and drive-thru facilities shall install recessed ceiling fixtures in any canopy.
 - (a). Any canopy over fuel / gasoline pumps shall have a maximum distance between the ground level and the underside of the canopy of twenty (20) feet. If the ground level is sloped, or the canopy is sloped to deflect noise and soot away from neighboring properties, then a portion of the canopy may have a greater height, provided that the maximum height is twenty (20) feet at the portion of the canopy that is closest to an adjacent street.
 - (4). Where permitted, signs that are wholly illuminated from within and freestanding signs that are externally illuminated with an exposed lamp not exceeding twenty-five (25) watts do not require shielding.

- (5). Light trespass over a non-residential or mixed use property line shall be limited to no more than five-tenths (0.5) footcandles measured at the property line. All on-site lighting of buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent property or building, or to cause glare onto any public street right-of-way or vehicle thereon.
- (6). Measurement.
 - (a). Light levels shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
 - (b). Measurements shall be taken at the lot line, along a horizontal plane at a height of three and one-half (3 ½) feet above the ground.
- (7). All non-essential outdoor lighting fixtures, including parking, sign, display and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary.
- (8). Light poles shall not exceed a height of:
 - (a). Twenty (20) feet within the Residential Districts and Mixed Use Districts; and
 - (b). Thirty-five (35) feet within the Commercial / Industrial Districts and Other Districts.
- (9). Exemptions.
 - (a). Decorative outdoor lighting fixtures with bulbs of less than twenty-five (25) watts, installed seasonally, are exempt from the requirements of subsection (8) above.
 - (b). Overhead street lighting, warning, emergency, and traffic signals are exempt from the requirements of subsection (8) above.
 - (c). Temporary construction or emergency lighting is exempt from the requirements of subsection (8) above. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
 - (d). Nothing in subsection (8) above shall apply to lighting required by the FAA or any other federal regulatory authority.
- j. In order to determine whether a proposed use will conform to the requirements of this Section, Paxtang Borough may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.

Section 1220. Pets, Keeping Of.

- A. In all zoning districts, unless provided elsewhere in the Chapter 121, relating to animals, the outdoor keeping of pets is permitted subject to the following criteria:
1. The keeping of pets outdoors and any related structure shall comply with Chapter 121 relating to animals, Chapter 310 relating to property maintenance, and other applicable health and safety codes, as well as any applicable State regulations.
 2. The keeping of pets outdoors and any related structure shall not create a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the pet(s) shall be responsible for collecting and properly disposing of all fecal matter from pets.
 3. The keeping pets outdoors and any related structure, shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.

Section 1221. Public Water and Sewage Required.

- A. In all zoning districts, all lots shall be subject to the following criteria:
1. All lots shall be served by both public water and public sewage services in accordance with Chapters 336 relating to sewers and 370 relating to subdivision and land development.
 2. If, however, a lot is permitted without having both public water and public sewage services, then:
 - a. A minimum lot area of one (1) acre shall be required; and
 - b. The applicant shall demonstrate compliance with DEP's sewer module standards and review process.

Section 1222. Repair of Personal, Passenger, or Recreational Motor Vehicles.

- A. In all zoning districts, the routine maintenance, repair and servicing of personal, passenger, or recreational motor vehicles including go-carts and racing vehicles, and other similar motor vehicles that are owned or leased by the owner and/or occupant of the residential use is permitted as an accessory use to the residential use, when the owner and/or occupant is performing such services outside of a building, subject to the following criteria:
1. All vehicles shall be maintained with current, valid license plates and inspection stickers (when applicable), and shall be kept in operable condition.
 2. All work shall be performed on the vehicle owner's or lessee's property of residence.
 3. Work shall be limited to the following:
 - a. Servicing and replacement of spark plugs, batteries, distributors, distributor parts, and brakes;
 - b. Repair and replacement of tires and wheels, excluding recapping or regrooving;
 - c. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors and engine coolants;

- d. Repair and replacement of car radios, CD players, amplifiers, speakers, and similar electronic devices;
 - e. Cleaning and flushing of radiators only when flushed into water-tight containers;
 - f. Repair and replacement of fuel pump and line repairs;
 - g. Minor servicing and adjustments;
 - h. Minor motor adjustments, that do not involve the removal of the heads or replacement of head gaskets or crankcases, or the prolonged revving of the motor;
 - i. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating;
 - j. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, ribbing, polishing, waxing, and the application of paint sealants.
- 4. All by-products or waste fuels, lubricants, chemicals, and other products shall be properly disposed of.
 - 5. No vehicle shall be stored in a "jacked-up" position, on concrete blocks, or other similar type of lift or support equipment for more than seventy-two (72) consecutive hours in a seven (7) day period when located in the front yard between the principal building and the public street, excluding alleys, nor within any required setback, unless completely covered with a "car cover" (an item designed, manufactured, sold, and intended to be used to cover motor vehicles).
 - 6. All exterior work or that work being completed outside of a completely enclosed building shall be performed during daylight hours. Otherwise, all maintenance, repair and servicing operations occurring during times other than the hours of between 8:00 a.m. and 8:00 p.m. shall be conducted within a completely enclosed building and completely undetectable from adjacent properties through soundproofing the building.
 - 7. Neither of the following shall be maintained or repaired upon residential lots in the Residential Districts nor Mixed Use Districts:
 - a. Motor vehicles or trucks with an aggregate gross vehicle weight rating of more than ten thousand (10,000) pounds;
 - b. Vehicles not owned or leased by an owner or occupant of the lot.

Section 1223. Sale of Personal, Passenger, or Recreational Motor Vehicles.

- A. In all zoning districts, the sale of personal, passenger, or recreational motor vehicles is permitted subject to the following criteria:
 - 1. Owners and/or occupants of the lot may display a maximum of two (2) personal, passenger, or recreational motor vehicles titled to the land owner or occupant of the building or lot, for sale at any time. Such displays shall be for a maximum of sixty (60) days not more than twice a calendar year. Two (2) signs a maximum of six (6) square feet each may be displayed per vehicle. All such vehicle sale activities shall be in accordance with applicable state regulations.

2. Neither of the following shall be sold on residential lots in the Residential Districts or Mixed Use Districts:
 - a. Motor vehicles or trucks with an aggregate gross vehicle weight rating of more than ten thousand (10,000) pounds;
 - b. Vehicles not owned or leased by a resident or owner of the lot.
3. Otherwise, it shall be considered motor or automobile, heavy equipment and similar motor vehicle sales and shall comply with all applicable provisions set forth in Part 16 of this Chapter relating to *Automobile, Boat, Heavy Equipment, Mobile / Manufactured Home, Recreational Vehicle, and Other Similar Motor Vehicle Rental / Sales, Repair / Servicing, Washing, and/or Fuel / Gasoline Sales* .

Section 1224. Satellite Dish Antennas.

- A. In all zoning districts, satellite dish antennas are permitted subject to the following criteria:
 1. Consideration shall be given to the physical characteristics of the surrounding neighborhood, the property, the location of existing structures, and the feasibility of obtaining reception in the siting of satellite dish antennas.
 2. Satellite dish antennas may be located on accessory structures, such as garages or sheds.
 3. Satellite dish antennas should be attached to the rear of the principal structure in the following locations (in order of preference):
 - a. On the rear building line (wall) of any structure;
 - b. The rear slopes of the roof; or
 - c. The center of a flat roof;
 4. Satellite dish antennas attached to a structure shall be sited at least eight (8) feet above adjoining ground level.
 5. Satellite dish antennas should employ colors that tend to mask their appearance and that are appropriate to the colors of structures upon which they are mounted.
 6. All freestanding, detached, ground mounted and freestanding satellite dish antennas shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
 7. In no case shall satellite dish antennas project into any public right-of-way (including streets, alleys, sidewalks, etc).
 8. The location of the satellite dish antennas shall not interfere with or otherwise obstruct pedestrian and vehicular traffic:
 - a. Traveling within a public right-of-way including sidewalks and streets;
 - b. Entering or leaving the lot or adjacent lots (including access drives and driveways); and

- c. Shall be not located within a clear-sight triangle as set forth in Part 14 of this Chapter relating to *Driveways and Access Drives*.
- 9. Notwithstanding the standards in this Section, these standards shall not conflict with or supersede any rule or regulation relating satellite dishes as governed by the Federal Communications Commission under the federal Telecommunications Act of 1996.

Section 1225. Swimming Pools, Private Household.

- A. In all zoning districts, private household outdoor swimming pools are permitted subject to the following criteria:
 - 1. All swimming pools shall comply with the requirements of Chapters 377 relating to swimming pools and 133 relating to buildings.
 - 2. No swimming pool shall be permitted to be located in the front yard between the principal building and the public street, excluding alleys, or within any required front setback.
 - 3. Swimming pools shall be set back a minimum of five (5) feet from any lot line, and any associated decking shall comply with accessory structure and use yard and setback requirements for the applicable zoning district.
 - 4. Water shall not be discharged from a swimming pool directly onto any public right-of-way or within ten (10) feet of any adjacent property without the applicable owner’s consent.
 - 5. Pools shall not be located over a drainage, utility, or access easement.
 - 6. All on-site, outdoor lighting shall be designed to prevent glare to adjoining properties by employing hooded, shielded, or screened fixtures that confine glare to the site, and shall comply with all provisions for lighting in Part 12 of this Chapter relating to *Performance Standards for All Uses*.
 - 7. These standards shall not apply to “kiddie” or “wading” pools, or pools designed with pools walls not capable of holding water at a depth of more than twenty-four (24) inches of water.

Section 1226. Temporary Structures.

- A. In all zoning districts, the following temporary structures are permitted on a temporary basis subject to the following criteria:
 - 1. Temporary Construction Sheds and Trailers are permitted on a temporary basis subject to the following criteria:
 - a. Temporary construction sheds and trailers shall be permitted only during the period that the construction work is in progress. A permit for the temporary structure shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every one hundred eighty (180) days.
 - b. Temporary construction sheds and trailers shall be located on the lot on which the construction is progressing and shall not be located within ten (10) feet of any lot line abutting an existing residential use.

- c. Temporary construction sheds and trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use.
 - d. Temporary construction sheds and trailers may be permitted to be used as a temporary sales center for residential lots. The maximum gross floor area of such a temporary sales center shall be five hundred (500) square feet.
- 2. Temporary, non-traditional storage units, including those commercially known as “pods” or enclosed “containers” of a box trailer with or without wheels, are permitted on a temporary basis subject to the following criteria:
 - a. Temporary, non-traditional storage units shall be permitted for a maximum period of sixty (60) consecutive days in any one (1) calendar year. This period may be extended upon written request to the Zoning Officer for a period not exceeding one hundred eighty (180) days.
 - b. Temporary, non-traditional storage units shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
 - c. No temporary, non-traditional storage units, shall be used for permanent storage
- 3. The temporary storage of portable dumpsters and bulk materials, including, but not limited to stone, mulch, firewood, and building materials within the public right-of-way of a street under the jurisdiction of the Borough shall be permitted in all zoning districts, subject to the following conditions:
 - a. The temporary storage shall not exceed forty eight (48) hours, unless otherwise approved by the designated Paxtang Borough Police Chief or designee:
 - b. The location of the storage shall not interfere with or otherwise obstruct pedestrian and vehicular traffic:
 - 1. Traveling within a public right-of-way including sidewalks and streets;
 - 2. Entering or leaving the lot or adjacent lots (including access drives and driveways); and
 - 3. Shall be not located within a clear-sight triangle in accordance with Part 14 of this Chapter relating to *Driveways and Access Drives*.
 - c. The location of the storage shall be directly in front of the lot, and shall not extend in front of adjacent lots without the applicable owner’s consent.
 - d. All items (objects and material) associated with the temporary storage shall be marked or otherwise designated with reflective material, lighted, or other material or method acceptable to the Borough Police Chief, sufficient to identify the outline of the object or material.

Section 1227. Yard and Setback Exceptions and Alterations.

- A. In all zoning districts, required yard and setback exceptions and alterations are permitted subject to the following criteria:
 - 1. Projections into Required Yards and/or Setbacks.

- a. Covered and uncovered stoops less than thirty (30) square feet, and related awnings and hand railings, may project into required yards or setbacks, not more than five (5) feet.
 - b. Patios, terraces, decks, and other similar uncovered structures provided the structure elevation shall not be more than three (3) feet above the yard grade, may extend or project into required side or rear yard or setback not more than five (5) feet as long as there is a minimum of five (5) feet remaining between the structure and the lot line.
 - c. Cornices, eaves, sills, or other similar architectural features such as gutters, bay windows, window awnings, chimneys, or similar structures, including solar energy systems, attached to the wall of any building, may extend or project into any required yard or setback, not more than three (3) feet.
 - d. Exterior stairways, fire escapes, or other required means of egress, ground-mounted doors for basement access, or other similar structures that do not include space usable by persons may extend or project into a side or rear yard or setback of a lot, not more than five (5) feet as long as there is a minimum of five (5) feet remaining between the structure and the lot line.
 - e. Covered porches and those porches with enclosed habitable spaces, shall be considered as part of the principal building and shall not extend or project into any required yard or setback.
 - f. Exterior walkways, sidewalks, stairs, and related hand railings, window wells, and such other structures customarily incidental to the principal or accessory building, may extend or project into any required yard or setback of a lot provided the structure height shall be not more than twelve (12) inches above the yard grade. The maximum structure height shall not apply to related hand railings.
 - g. For all handicapped ramps, landings, and other features necessary to provide entrance and accessibility to a building which project into any required yard or setback, see Chapter 133 relating to buildings and the reasonable accommodation provisions set forth in Part 17 of the Chapter relating to *Administration*.
2. Yard and Setback Alterations.
- a. Front Yard and Setback. Except as otherwise provided in this Chapter, on a lot proposed for development, where the required front setback regulations for the applicable zoning district are greater than the actual distances that the existing buildings on abutting lots are setback from the street right-of-way, the required front yard and setback may be altered to be similar to those distances between existing principal buildings and the street right-of-way on the abutting lots, in accordance with the following standards:
 - (1). Identify the existing principal buildings on the lots abutting the lot proposed for development. Calculate the average setback distance between the existing principal buildings and the street rights-of-way line(s) on the abutting lots.
 - (a). If an abutting lot is vacant, the required setback of the abutting vacant lot shall be assumed to be the minimum front setback standard regulated in the applicable zoning district.

- (b). For corner lots, this value shall be calculated using each abutting lot, which includes those abutting lots having frontage on and the existing principal buildings oriented toward the intersecting street.
- (2). The front building setback for the building on the lot proposed for development shall be no closer toward, and no farther away from, the street right-of-way than the front building line of existing buildings on abutting lots, unless all buildings on the abutting lots have the same building setback distance.
 - (a). Front building façades and/or covered front porches shall be permitted to fulfill this requirement.
- (3). No building shall extend into any street right-of-way.