

307. DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.

307.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 Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202. The following lot sizes are based upon each dwelling unit and principal building being served by public sewage service. If a dwelling unit or principal building is not served by public sewage service, then a one acre minimum lot size shall be required for each dwelling unit or principal building, unless a more restrictive requirement is provided by another provision.

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Setback (ft.) (Note D)	Min. Rear Setback (ft.) **	Min. Side Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)
<p>1. R-1 Low Density Residential District:</p> <p>a) Single family detached dwelling:</p> <p>b) Open Space Development - the regulations of Section 309 shall apply.</p> <p>c) Other allowed principal use</p> <p>See also the steep slope provisions in Section 308.</p>	<p>a) 9,000</p> <p>c) 15,000</p>	<p>a) 70</p> <p>c) 90</p>	<p>All uses: 25</p>	<p>All uses: 25</p>	<p>a) 10 each, except 8 each for lots that were created prior to January 1, 2000. c) 15 each</p>	<p>40% for all uses</p>	<p>50% for all uses</p>

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Setback (ft.) (Note D)	Min. Rear Setback (ft.) **	Min. Side Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)
<p>2. R-2 Medium Density Residential District:</p> <p>a) Single family detached dwelling</p> <p>b) Semi-detached dwelling unit</p> <p>c) Single Family Attached Dwelling</p> <p>d) Two Family Detached Dwelling or Other Apartment Dwellings, provided that any lot that includes 4 or more apartment dwelling units shall require a minimum lot area of 15,000 square feet.</p> <p>e) Other allowed principal use</p> <p>Note B shall apply, at the end of this table.</p>	<p>a) 2,500</p> <p>b) and c) Minimum average lot area of 2,000 per dwelling unit for the tract (Note C).</p> <p>d): Minimum average lot area of 2,000 per dwelling unit for the tract (Note C), (Note H).</p> <p>e) 10,000</p>	<p>a) 25 (Note B)</p> <p>b) 20 per dwelling unit (Note B)</p> <p>c) 20 per interior dwelling unit, and 25 for unit on a corner lot (Note B)</p> <p>d) 60 (Note B)</p> <p>e) 60</p>	<p>All uses: 10</p>	<p>All uses: 25</p>	<p>a) 3 (Note G)</p> <p>b) 3 (Note G)</p> <p>c) 3 (Note G), except 0 at the shared lot line of lawfully attached dwellings</p> <p>d) 15</p> <p>e) 15</p>	<p>All uses: 60%</p>	<p>All uses: 70%</p>

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Setback (ft.) (Note D)	Min. Rear Setback (ft.) **	Min. Side Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)
<p>3. C-G General Commercial District:</p> <p>a) Allowed residential uses - The requirements of the R-1 district shall apply instead of the requirements of the C-G District.</p> <p>b) Other Allowed Uses</p>	<p>b) 4,000</p>	<p>b) 40</p>	<p>b) 10, except 40 if any parking is provided between the front lot line and the principal building</p>	<p>b) 25 (Note A)</p>	<p>b) 10 (Note A)</p>	<p>60% for all uses</p>	<p>90% for all uses</p>
<p>4. C-N Neighborhood Commercial District:</p> <p>a) Allowed residential uses - The requirements of the R-2 district shall apply instead of the requirements of the C-N District.</p> <p>b) Other Allowed Uses</p> <p>See also the Historic Overlay District provisions in Section 310.</p>	<p>b) 1,500</p>	<p>b) 15</p>	<p>b) 0. No new vehicle parking shall be located between the front lot line and the front of a principal building.</p>	<p>b) 15</p>	<p>b) 3</p>	<p>90% for all uses</p>	<p>95% for all uses</p>

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Setback (ft.) (Note D)	Min. Rear Setback (ft.) **	Min. Side Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Impervious Coverage (Note F)
<p>5. I-C Commercial - Industrial District:</p> <p>a) Manufactured home parks shall meet the requirements for such use as stated in Section 402</p> <p>b) Other allowed use</p>	<p>b) 10,000</p>	<p>b) 50</p>	<p>b) 10, except 20 feet if a residential district is across the street</p>	<p>b) 20 (Note A)</p>	<p>b) 15 (Note A)</p>	<p>60% for all uses</p>	<p>80% for all uses</p>

Section 307.A. Continued: Notes for the Above Table:

Corner lot setbacks - see Section 803.B.

** = The following exceptions shall apply:

- For accessory structures and uses, see Section 307.C. below.
- Structures shall not obstruct minimum sight clearance at intersections.
- See Section 803.B. pertaining to Corner Lots.
- See Section 806 regarding extension of nonconforming setbacks.
- See Section 803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

(Note A) = Except 20 feet side and 30 feet rear minimum setback for a principal business from a lot in a residential district that is occupied by a principal dwelling. Such side or rear setback shall be increased to 70 feet for any building area or land area used for manufacturing or a tractor-trailer truck loading dock from such a lot.

(Note B) = If an existing rear or side alley is available or could be feasibly extended, it shall be used for access to parking spaces for the lot instead of a front yard driveway. If 2 or more side-by-side off-street parking spaces are located in the front yard of a single family attached dwelling or if garage door(s) for 2 or more vehicles face onto the street in the front of the single family attached dwelling, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 60 percent of the land area between the front of each single family attached dwelling or semi-detached dwelling and the street right-of-way line shall be used for vehicle parking and driveways.

(Note C) = The average density is based upon gross acreage. The average density provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used. No minimum lot area applies for each individual dwelling unit, provided that the overall density requirements are met. Each semi-detached dwelling and single family attached dwelling unit shall still be able to meet the minimum front, side yard and rear setback and lot width as if each dwelling was on its own fee simple lot.

- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The total lot area of the tract prior to development is used. The area occupied by existing street right-of-way of existing streets and alleys is then deleted. The following areas are not required to be deleted from the lot area: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins. The resulting lot area is then divided by the average lot area per dwelling unit to result in the maximum number of dwelling units allowed on the tract.
- See also the applicable standards in Section 402, which may require common open space for single family attached dwellings and apartments.

- (Note D) = Setbacks shall be measured from the existing street right-of-way. An unenclosed front porch or deck may intrude up to 10 feet into the minimum front setback area. This porch or deck may be covered by a roof. Steps and stoops may also intrude into this setback. See also the maximum building setback in Section 307.E.
- (Note E) = See natural feature regulations in Section 308. See text at the beginning of Section 307 if a lot will not be served by both public water service and public sewage service.
- (Note F) = For single family attached dwellings and semi-detached dwellings, the maximum building and impervious coverage requirements may be met as an average across a tract after development, as opposed to regulating each individual lot.
- (Note G) = However, in no case shall a new or expanded principal building be allowed to have a separation distance of less than 6 feet from the nearest enclosed principal building wall on another lot.
- (Note H) = The minimum average lot area per apartment dwelling shall be reduced to 1,500 square feet if a lot will include 6 or more dwelling units, and each dwelling unit will be restricted to occupancy by at least one person age 62 or older or a person with physical disabilities, and there is no occupancy by any person under age 18 years old.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B. Height. Except as provided in Section 802, or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. Any structure that is accessory to a dwelling on a lot of less than one acre shall have a maximum height of 20 feet and shall not include more than one story.
2. If a building is accessory to a non-residential 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 C-N, C-G and I-C districts, a maximum building height of 50 feet shall apply.
4. The maximum height for any other structure shall be 3 stories or 40 feet, whichever is more restrictive.

307.C. Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum setbacks provided for in Section 307.A., unless otherwise provided for in this Ordinance, including this Section 307.C.
2. The minimum side and rear setback for a permitted detached structure that is accessory to a dwelling shall be 5 feet, except in the following cases:
 - a. The minimum side setback shall be reduced to 3 feet on each side and the rear 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 one story.

- b. A side 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 semi-detached dwellings). However, such structure shall still meet the minimum side setback 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. Space under an unenclosed porch may be used for household storage. See Note D above considering front setbacks.
 - d. See Section 403 for swimming pools.
3. No accessory building and no swimming pool shall be allowed in the minimum front setback area.

307.D. Rear Landscaping 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 principal building, 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.

307.E. Maximum Building Setback. In the R-2 or C-N 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 predominant front setback along such block, then if a new principal building is proposed, the front building wall of such new building shall have a maximum front building setback that is not more than 5 feet larger than such predominant front setback. The maximum front setback may be met with an attached front porch or a building wall.

308. WETLANDS, LAKES, STEEP SLOPES AND CREEK CONSERVATION.

308.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.

308.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 Ordinance and any "wetland" or natural lake or pond.

308.C. Steep Slopes.

1. A principal building shall not be constructed or placed on any area with a natural slope of 25 percent or greater. A natural slope is a slope that was not man-made.
2. If a new principal building is proposed to be constructed on land area involving 500 or more square feet with natural slopes of 15 to 25 percent, then a minimum lot size of 30,000 square feet shall be required, unless a more restrictive requirement applies under another section.
3. Land shall not be re-graded prior to seeking development approval in a manner that seeks to circumvent the requirements of this Section 308.C.

4. A residential lot shall not be regraded to result in slopes greater than 3:1. A residential lot shall not be regraded to result in slopes greater than 25 percent located within 10 feet from a door of the dwelling.

308.D. 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 centerline of a perennial 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.

309. OPEN SPACE DEVELOPMENT.

309.A. Purposes. The purpose of this Section 309 is to allow flexible development of areas with sensitive natural features in such a way as to: a) avoid severe soil erosion and sedimentation, b) avoid severely increased storm water flows and speeds, c) steer development to those areas that are more physically suited for it, d) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and snow plow, e) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, f) to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats and g) reduce construction costs while h) allowing each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land. In most cases, this option will encourage the preservation of significant areas of preserved open space.

309.B. Applicability. This article allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves to the satisfaction of the Borough that all of the requirements of this Section 309 will be complied with.

1. The term "Open Space Development" shall mean a residential development meeting the requirements of this Section 309 and which is approved as provided in Section 306.
 - a. Uses. An Open Space Development shall only include single family detached dwellings, semi-detached dwellings, single family attached dwellings, nature preserves, Borough-owned recreation, a golf course and their customary permitted accessory uses.
 - b. A mobile/ manufactured home park shall not qualify as an Open Space Development.
2. A tract may be eligible for approval for an Open Space Development if it includes a minimum of 2 acres of land area in common ownership. Such land area shall be contiguous, except that portions of the tract may be separated by existing or proposed streets or creeks.
 - a. These provisions are intended to allow flexibility in the placement of individual dwelling units, in order to locate homes away from important natural areas and other community assets.
 - b. Areas that were preserved by a conservation or agricultural preservation easement *prior* to the submittal of the subdivision shall not be counted towards the area of the tract in calculating common open space or allowed density.

- c. Areas used for a principal non-residential use (other than uses approved by the Borough to be part of the preserved open space, such as a recreation building) shall not be included within the land area used to calculate residential density.
 - d. Conservation easements shall be established on lots as necessary to ensure that the maximum density requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section.
3. An Open Space Development shall be designed as a unified, coordinated residential development, and shall be approved within a development plan controlled by a single development entity. After final subdivision approval and within an approved development agreement(s), a developer may sell individual lots to different builders or home buyers, provided that the developer or his/her successor remains responsible for ensuring the compliance with the approved development plan.

309.C. Density, Open Space and Lot Standards.

1. An Open Space Development shall only be allowed in the R-1 District and shall need conditional use approval by the Borough Council. For single family detached dwellings, the minimum lot area may be reduced to 7,500 square feet and the minimum lot width to 60 feet. For semi-detached dwellings, the minimum lot area shall be 4,000 square feet per dwelling unit and the minimum lot width shall be 40 feet. For single family attached dwellings, the minimum lot area shall be 2,200 square feet and the minimum dwelling unit width shall be 22 feet. The development may be designed in a condominium arrangement, provided that the applicant shows that the dimensional requirements could have been met if the development had consisted of fee simple lots.
2. If an Open Space Development does not include semi-detached dwellings or single family attached dwellings, a minimum of 25 percent of the total lot area of the tract (prior to subdivision) shall be preserved as common open space. If the Development includes semi-detached dwellings or single family attached dwellings, such minimum common open space shall be increased to 50 percent of the tract. The majority of the required common open space shall be in one contiguous tract, except that it may be separated by one street. The amount of the tract shall be calculated prior to deletion of rights-of-way of future streets and before deleting the area of any environmental features.
3. Each dwelling shall be served by public sewage and public water service.
4. The minimum side setback may be reduced to 8 feet per side and the maximum impervious coverage may be increased to 60 percent.

309.D. Conditions for Approval. In addition to the specific requirements of this Section, an Open Space Development shall only be approved if the applicant proves to the satisfaction of the Borough Council, based upon review by the Planning Commission, that the following conditions will be met:

1. That the Open Space Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be development as a conventional development. Such valid public purposes include but are not limited to the following:

- a. The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features.
 - b. The dedication of public parkland at a site deemed appropriate by the Borough Council and that involves land that is clearly suitable for active and/or passive recreation.
2. The applicant shall prove that the proposed Open Space Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.

309.E. Open Space.

1. Open Space. Land within an Open Space Development may be permanently preserved as public, semi-public or private “Common Open Space.” See definition in Section 202 of "Open Space, Common or Preserved."
2. Open Space Standards. Any preserved open spaces shall meet all of the following requirements:
 - a. Such open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes or the use of the land for clearcut forestry. Land approved as required open space shall only be used for non-commercial active or passive recreation, a Christmas Tree Farm, a golf course, a nature preserve, a wholesale plant nursery and/or Borough-approved agricultural uses.
 - b. See the recreation land dedication or recreation fee requirements that may apply under the Subdivision and Land Development Ordinance. A portion of the Common Open Space may be used to meet those recreation requirements, if those requirements are met.
 - c. The Borough may require the use of conservation easements within an Open Space development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features.
 - d. Improvements to Open Spaces. Where open space is proposed to be used for recreation and/or dedicated to the Borough, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land intended to be publicly dedicated open space to make it suitable for its intended purpose.
 - (1) Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.
 - (2) Examples of such improvements for areas intended for active recreation include rough grading of land to create land suitable for free-play fields for youth.
 - e. All proposed Preserved Open Space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
 - f. The applicant shall prove that all required Open Space would be suitable for its intended and Borough-approved purposes. The Borough may require the provision of a trail easement and/or the construction of a trail through common open space. If

- a developer is required to install a trail, it shall be completed prior to the final sale of any adjacent residential lots.
- g. Lots and open spaces shall be located to promote pedestrian and visual access to preserved open spaces whenever possible. A non-motorized recreation trail shall be shown on the plans through common open space and shall be built by the developer prior to the sale or construction of any adjacent homes, unless the Borough Council determine that a trail is not appropriate in the particular situation.
3. Open Space Ownership. The method(s) to be used to own, preserve and maintain any preserved open space shall be acceptable to the Borough. The Borough shall only approve an Open Space Development if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.
- a. The method of ownership and use of any required preserved open space shall be determined prior to preliminary subdivision or land development approval. Required open space shall be permanently preserved by one or a combination of the following methods:
- (1) Dedication to the Borough as public open space, if the Borough Council agree in writing to such dedication.
 - (2) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
 - (3) Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for public school buildings and/or related open space.
 - (4) Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for preserved open space that is not publicly-owned.
 - (i) Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Borough may delay a dedication of maintenance responsibilities by a developer to a homeowners association until such association is incorporated and able to maintain such land.
 - (5) Dedication of the land to an established nature conservation organization acceptable to the Borough Council.
 - (6) Dedication to the State Game Commission, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.
 - (7) Retention as part of one or more private lots, with an appropriate Borough-approved conservation easement. This option (7) shall only be available in locations where the applicant proves to the Borough Council that none of the above options are feasible or appropriate. This option (7) is primarily intended for situations where less than 2 acres of common open space would result (which may include a situation where only part of a tract is being subdivided).

- b. Legal documents providing for ownership and/or maintenance of required preserved open space shall be reviewed by the Borough Solicitor and be subject to approval by the Borough Council prior to recording of the final plan.
- c. A legally binding declaration, set of restrictions or other document shall be established and recorded to provide for the oversight and maintenance of land that will not be publicly-owned that is in compliance with State law, such as the State Planned Communities Act. Proper notations shall be required on the Recorded Plan. For example, if the preserved open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space "shall not be further subdivided and shall not be used for the construction of any non-recreation buildings."

309.F. Steep Slopes. Within an Open Space Development, no principal building shall be placed on slopes of over 25 percent. Development shall comply with the steep slope requirements of this Ordinance, which may require a larger lot.

309.G. Phasing. The development shall include a phasing system that shall be approved by the Borough Council. Such phases shall ensure that the requirements of this Article would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.

309.H. Landscaping Plan. An application for an Open Space Development involving over 20 acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.

- 1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the preserved open space and throughout the tract.
- 2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
- 3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

310. **H-D HISTORIC OVERLAY DISTRICT.**

310.A. Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:

- 1. Promote the retention of community character through preservation of the local heritage by recognition and protection of historic and architectural resources;
- 2. Establish a clear process to review and approve demolition of designated historic buildings;
- 3. Encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings;
- 4. Implement Sections 603(b), 603(g), 604(1) and 605(2) of the Pennsylvania Municipalities Planning Code which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value;
- 5. Strengthen the local economy by promoting heritage tourism, improving property values and increasing investment in older buildings;

6. Utilize the Traditional Neighborhood Development provisions of the Pennsylvania Municipalities Planning Code; and
7. Carry out recommendations of the County Comprehensive Plan, including recommendations to preserve historic buildings and community character.

310.B. Applicability.

1. This Section 310 shall apply to any principal building in the HD Historic Overlay District, except for buildings constructed after 1945.
2. For a building regulated by this Section 310, all of the provisions of the applicable underlying zoning district shall also continue to apply, in addition to the provisions of this Section 310. In the event there is a direct conflict between the provisions of Section 310 and the underlying zoning district, the provision that is most restrictive upon development, demolition and uses shall apply.

310.C. General Provisions.

1. The HD Historic Overlay District is hereby made part of this Zoning Ordinance.
2. Any partial or complete demolition of a building regulated by this Section 310 that is visible from a public street shall only occur in compliance with this Section 310.
3. The HD Historic Overlay District may be revised as a Zoning Ordinance Amendment.
4. Definitions. In addition to the definitions provided in Section 202, the following terms shall have the following meanings for the purposes of this Section 310:
 - a. Demolition - The dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building.
 - b. Demolition by Neglect - The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building to a point that causes a need for major repair or may cause a need for demolition.
 - c. Maintenance and Repair - Work that does not alter the appearance or harm the stability of exterior features of a building.
 - d. Streetscape - The overall appearance of a block along a public street, including yards visible from a public street, the relationship of building setbacks, the consistency of architectural styles or features, the spacing and shapes of windows and doors and rooflines and similar features that give the block its distinctive visual character.

310.D. Approval of Demolition of Historic Buildings.

1. A building regulated by this Section 310 shall not be demolished, in whole or in part, unless the applicant proves by credible evidence to the satisfaction of the Borough Council as a conditional use that one or more of the following conditions exists:
 - a. The existing building cannot feasibly and reasonably be reused or is structurally unsound, and that such situation is not the result of intentional neglect or demolition by neglect by the owner;
 - b. The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created;
 - c. The demolition is necessary to allow a project to occur that will have substantial public or neighborhood benefit that would greatly outweigh the loss of the Historic Building,

- and the project needs to occur at this location. For example, a demolition may be needed for a necessary expansion of an existing public building or to allow a street improvement that is necessary to alleviate a public safety hazard;
- d. The demolition will result in a new building that will be a net improvement to the historic streetscape of the district, considering the architectural design proposed of the new building; and/or
 - e. The building does not contribute to the historic character of the Historic District and the streetscape.
2. For approval of a demolition, the standards of this Section 310 shall apply in place of the conditional use standards of Article 1. In reviewing the application, the Borough Council shall consider the following:
 - a. The effect of the demolition on the historical significance, streetscape and architectural integrity of neighboring Historic Buildings and on the historic character of the surrounding neighborhood.
 - b. The feasibility of other alternatives to demolition.
 3. An application for partial or complete demolition of a building regulated by this Section 310 shall not be approved unless all of the requirements of this Section 310 have been met. A partial demolition shall include, but not be limited to: removal of an attached porch roof, removal of porch columns and removal of architectural features. See definition of "Demolition" above.
 4. A complete application for the demolition shall be submitted by the applicant in writing. This application shall include the following:
 - a. The name, address and daytime telephone number of the owner of record and the applicant for the demolition.
 - b. Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
 - c. A site plan drawn to scale showing existing buildings and the proposed demolition.
 - d. A written statement of the reasons for the demolition.
 - e. The proposed use of the site, and a proposed timeline for development of that proposed use.
 - f. Salvage of building materials is strongly encouraged to preserve historic features.
 5. Procedures. The applicant shall be informed of meeting dates where the application is intended to be discussed and encouraged to be present to discuss the proposed demolition.
 6. Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused.
 7. Emergency. The Zoning Officer may issue a permit for the demolition without compliance with this Section 310 if the Construction Official/Building Inspector certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.
 8. Exceptions. Conditional use approval shall not be needed for the following:
 - a. Demolition of accessory structures that are not an integral part of the principal building.

- b. Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street (not including an alley).
- c. Removal of features that were added after 1945, such as a modern porch or aluminum siding or carport.
- d. Relocation of a building within the Borough, provided that the relocation does not result in a partial or complete demolition that is regulated by this Section.

310.E. Demolition by Neglect (see definition above).

- 1. Every property-owner of a building regulated by this Section 310 shall repair and maintain the building to avoid demolition by neglect. The Zoning Officer or Construction Official /Building Inspector may require any unoccupied building shall be properly sealed and secured to prevent decay from the elements and vandalism.
- 2. Every property-owner of a building regulated by this Section 310 shall properly repair and maintain the building to maintain the structural integrity of the building and to protect the building and attached features from damage from the elements. The attached features that shall be protected, repaired and maintained include the roof, chimney, cornice, soffit, fascia, spouting, columns, beams, posts, window sills, door sills and lintels.
- 3. If a property-owner fails to comply with an order from the Construction Official/Building Inspector to repair a building regulated by this Section 310 to correct a code violation that threatens the structural integrity of a building, such matter shall be considered a violation of this Ordinance.