

MILLHEIM BOROUGH ZONING ORDINANCE

August 20, 2007

**ZONING
ARTICLE I
General Provisions**

1.	Title	Page 3
2.	Authority	Page 3
3.	Purpose	Page 3
4.	Community Development Objectives	Page 3
5.	Establishment of Controls	Page 3
6.	Disclaimer of Municipal Liability	Page 3

**ARTICLE II
Definitions**

7.	Definitions	Page 4
----	-------------	--------

**ARTICLE III
DISTRICT REGULATIONS**

8.	Established Districts	Page 28
9.	Key Design Criteria	Page 40
10.	Use and Building Type Regulations	Page 41
11.	Detail Design Standards	Page 42
	1. Green Space Requirements	
	2. Streets, Alley and Accessways	
	3. Curb Cuts, Driveways and Garages	
	4. Sidewalks and Pathways	
	5. Street Trees and Other Landscaping	
	6. Buffer Yards and Screening Requirements	
	7. Building and Neighborhood Design	
	8. Design Criteria for the Conservation/Agricultural District	
	9. Parking and Parking Lots	
	10. Off-street Loading Areas, Outdoor Storage and Trash Disposal	
12.	Other Requirements	Page 52
13.	Relationship to Other Ordinance Provisions	Page 53
14.	Zoning Hearing Board	Page 53
15.	Nonconforming Uses, Lots, and Structures	Page 54
16.	Appeals	Page 56
17.	Amendments	Page 56
18.	Interpretation	Page 56
19.	Repealer	Page 56
20.	Effective Date	Page 57

Article I General Provisions

1. Title

This ordinance shall be known as may be cited as the "Millheim Borough Zoning Ordinance".

2. Authority

This ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code (PA MPC), Act 247 of 1968, as amended.

3. Purpose

A. This ordinance is enacted for the following purposes:

- (1) to promote, protect, and facilitate the general health, safety, and welfare of the citizens.
- (2) coordinate community development, proper density, civil defense, disaster evacuation, provision of adequate light and air, police protection, transportation, water, sewerage, schools, and public grounds and facilities.
- (3) prevent overcrowding of land, blight, transportation congestion, loss of health, life, and property from fire, flood, and other natural disasters and dangers.
- (4) provide for a variety of residential housing types, business, and industry uses, preserve prime agriculture and farmland.
- (5) facilitate appropriate development activities, affordability in housing, protect the tax base, and encourage proper management of public expenditures.

4. Community Development Objectives

The Community Development Objectives of this ordinance are those identified and set forth in the *Planning Goals* of the ***Penns Valley Region Comprehensive Plan 2006***.

5. Establishment of Controls

The interpretation and application of the regulations of this ordinance shall be held to the adopted minimum and/or maximum requirements in order to implement the purposes and policies identified in this ordinance.

6. Disclaimer of Municipal Liability

This ordinance is not intended to create nor assume liability on the part of Millheim Borough or any officer or employee thereof for any fire, flood or other damage that may result from reliance on this ordinance or from any lawfully made administrative decisions. These regulations shall not guarantee a specific level of protection for any construction. In all cases, the applicant shall rely on accepted methods and practices

for the design and construction of buildings approved pursuant to this ordinance and other applicable regulations, as amended.

Article II Definitions

7. Definitions

ABANDONED: The visible or otherwise apparent discontinuance of a nonconforming use of a building or premises, or the removal of equipment and/or furnishings of a nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or structure.

ACCESS DRIVE: A durable, all-weather access, other than a street, that provides vehicular access from a street or public road to a lot; e.g. a driveway or private street or right-of-way.

ACCESSORY RESIDENTIAL USE: For the purposes of this Ordinance, an accessory residential use shall be defined as a residential dwelling unit(s) which is accessory to the principal commercial use of a lot, i.e. an apartment(s) located above or adjoining a retail establishment.

ACCESSORY STRUCTURE: See STRUCTURE, ACCESSORY.

ACCESSORY USE: See USE, ACCESSORY.

ADULT ARCADE: See Millheim Borough Codified Ordinances Chapter 13, Part 2.

ADULT BOOK STORE: See Millheim Borough Codified Ordinances Chapter 13, Part 2.

AGRICULTURAL BUILDING: Any farm building or structure used for storing agricultural equipment or farm produce, housing livestock or poultry, or processing dairy products. Such buildings shall not be used for residential purposes.

AGRICULTURE: The use of land for agricultural purposes, including crop farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, and the accessory buildings or structures for packing, treating, or storing that which is produced; provided however, that the operation of any such accessory use shall be secondary to that of the agricultural activities. (See also FARM-RELATED BUSINESS.)

ALTERATION: As applied to a building or structure, an alteration shall be defined as a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another. For the purposes of this Ordinance, alteration shall not be defined to include maintenance or repair activities.

AMENDMENT: The process set forth by the PA Municipalities Planning Code, Act 247, as amended for changing or altering the provisions of this Ordinance or the boundary of any zoning district shown on the zoning map. Also, the actual change or alteration proposed for the zoning ordinance text or map.

AMUSEMENT ARCADE: A retail establishment whose principal business is offering to patrons mechanical, electrical or video amusement devices or games such as pinball machines, ping-pong, darts, rides, shooting galleries or similar devices and games.

ANIMAL EQUIVALENT UNIT: One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. Refer to a listing of standard animal weights from the PA Nutrient Management Act for additional information.

ANIMAL HUSBANDRY: For the purposes of this Ordinance, animal husbandry shall be defined as the raising or keeping of livestock and/or poultry for capital gain or profit or with the intent of selling any livestock or poultry products as a commercial enterprise, including custom butchering. (The boarding or raising of livestock or poultry as farm animals or household pets pursuant to the regulations of this Ordinance shall not be considered animal husbandry)

APARTMENT: See, DWELLING, MULTI-FAMILY.

APPLICANT: Any lessee or his authorized agent who submits plans, data and/or applications to the Zoning Officer or other designated Borough official for the purpose of obtaining approval thereof.

AREA: The surface included within a set of lines.

- a. **Area, Buildable:** That portion of a lot bounded by the required front, side and rear yard setbacks.
- b. **Area, Building:** The total area of a lot covered by buildings, excluding uncovered patios, terraces and steps.
- c. **Area, Lot:** The area contained within the property lines of individual parcels of land shown on a plan, excluding any area within a street right-of-way, but including the area of any easement.
- d. **Area, Site:** The total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

ARTISTS, ARTISANS, AND CRAFTMANS STUDIO: A place where a musician, photographer, dancer, or artist does his work, gives lessons, or sells related products.

ASSISTED LIVING HOME: See NURSING HOME.

AUTO SALVAGE OPERATION: See JUNK YARD and JUNKED VEHICLE.

AUTOMOTIVE AND/OR MANUFACTURED HOME SALES FACILITY: Any building or land area used for the display and sale of new or used automobiles, other motor vehicles, and/or manufactured homes including warranty repair or service associated work.

AUTOMOTIVE REPAIR GARAGE: A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance.

AUTOMOTIVE SERVICE STATION: A building or place of business where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered.

BASEMENT: 1) That portion of a building partly underground but having less than half of its clear height below the average lot grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. 2) For floodplain management purposes, a basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST ESTABLISHMENT: An establishment, dwelling, or part thereof, in which individual rooms are offered for temporary lodging purposes by the owner or operator for limited periods of time. Breakfast or other meals may also be offered for overnight guests as a part of the lodging fee.

BOARD OR ZONING HEARING BOARD: The Zoning Hearing Board of Millheim Borough, Centre County, PA.

BOARDING HOUSE: An owner-occupied single-family dwelling or part thereof, where lodging is provided for a fee. Such lodging may be provided for no more than six (6) persons unrelated to the owner and shall be for periods of time in excess of one week, whether or not arrangements have been made for meals.

BUFFER YARD: Yard space, either landscaped or planted, provided between high intensity activities and other uses.

BUILDING: A structure having walls and a roof that is used for the shelter, housing or enclosure of persons, animals, or property. The word "building" shall include any part thereof. Included shall be all mobile or manufactured homes and trailers used for human habitation.

- a. **Building, Accessory:** A detached, subordinate building located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.
- c. **Building, Attached:** A building which has one (1) or more walls in common with adjacent buildings.
- d. **Building, Detached:** A building which has no common walls and is surrounded by open space on the same lot.
- b. **Building, Principal:** A building in which the principal use of the site is conducted.

BUILDING COVERAGE: That percentage of the lot area covered by the total ground floor area of all principal and accessory buildings or structures, including covered porches, patios and decks, but excluding unenclosed parking spaces or loading areas.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the ground surrounding the building to a point midway between the highest and lowest point of the roof, excluding chimneys, spires, towers, tanks and similar projections which may be attached to the building.

BUILDING LINE: The required setback (front, side, or rear) of a building from a property line.

BUILDING SETBACK LINE: A line parallel to the street right-of-way line located at a distance which is equal to the front yard for the district in which the lot is located; i.e. the front yard setback.

BUILDING/ZONING PERMIT: 1) The permit required by this ordinance for the construction, alteration, or change of use of any building or structure. 2) A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this Ordinance for the district in which it is to be located. (See also TEMPORARY BUILDING/ZONING PERMIT)

CAMP, CABIN, OR VACATION HOME (Seasonal Dwelling): A permanent building intended for occupancy only occasionally during the year, including facilities intended as camps, cottages, lodges, hunting cabins, vacation homes and similar seasonal dwellings. For purposes of this Ordinance, a recreational vehicle shall not be permitted as a permanent camp, cabin, or vacation home, but may be used on a temporary or seasonal basis.

CAMPGROUND: A tract or tracts of ground, or portion thereof, used for the purpose of providing space for two (2) or more recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space. Such facility may also include a recreational vehicle park.

CARTWAY: The area of a street or alley within which vehicles are permitted, including travel lanes and on-street parking spaces, but excluding shoulders, curbs, sidewalks, or drainage swales.

CELLAR: A portion of a building partly underground, having half or more than half of its clear height below grade. (See also BASEMENT).

CEMETERY: Property used for interring the dead.

CERTIFICATE OF NONCONFORMANCE: A certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure or lot as of the effective date of this Ordinance, thereby authorizing its right to continue until it is eliminated or abandoned.

CHANGE OF USE: An alteration of a building or a change of use existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

CHILD DAY CARE FACILITIES: See DAY CARE CENTER.

CHURCH OR PLACE OF WORSHIP: A building or structure, or group of buildings or structures which by design and construction are primarily intended for conducting organized religious or worship services, and uses customarily accessory and incidental thereto. For the purposes of this Ordinance, uses such as schools, child nursery or day care facilities, social halls or similar places of assembly associated with the church or other place of worship shall require separate consideration and approval by Township officials.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerlines.

CLINIC, MEDICAL OR DENTAL: See MEDICAL OR DENTAL CLINIC.

CLUB OR SERVICE ORGANIZATION: An organization catering exclusively to members and their guests in premises or buildings for social, recreational, or administrative purposes which are not conducted for profit. Clubs shall include but need not be limited to service organizations, fraternal organizations, as well as social, athletic or similar groups.

COMMERCIAL LODGING FACILITY: See LODGING FACILITY, COMMERCIAL.

COMMISSION: The Planning Commission of Millheim Borough, Centre County, PA.

COMMON OPEN SPACE: See OPEN SPACE, COMMON.

COMMON WALL: A wall on an interior lot line or a fireproof wall adapted for joint service between two (2) buildings; i.e. a party wall.

COMMUNICATIONS ANTENNA: Any structure or device used for the purpose of collecting and transmitting electromagnetic waves, including but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antenna, such as whip antennas.

COMMUNICATIONS FACILITY: Equipment, buildings, and structures involved in the transmitting and receiving electromagnetic waves.

COMMUNICATIONS FACILITY BUILDING: The building in which electromagnetic receiving and relay equipment for a communications tower and antenna are housed.

COMMUNICATIONS TOWER: Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto. Not included are towers and supportive structures on residential dwellings for private noncommercial amateur purposes, including but not limited to ham radios and citizen band radios.

COMMUNITY CENTERS: A structure designed or intended to provide space for neighborhood or community gatherings or assemblies, including grange halls or similar facilities.

COMPREHENSIVE PLAN: The complete plan for future development of the Penns Valley Region in Centre County, PA, as adopted by Resolution of the Millheim Borough Council, as amended.

CONDITIONAL USE: A principal use allowed in certain districts which may only be authorized by the Borough Council as set forth in this Ordinance, after review and recommendation by the Borough Planning Commission.

CONDOMINIUM: A building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION: See NEW CONSTRUCTION.

CONTRACTOR'S SHOP AND STORAGE YARD: A building or buildings and space used for the storage of construction equipment and/or building materials. Such uses may also include equipment repair facilities and office space.

CONVENIENCE MARKET: A retail establishment selling a limited range of food products and some household or other consumer goods. Such facilities generally offer fewer items and maintain a smaller inventory of merchandise than a supermarket or grocery store. In some cases, gasoline and related automotive supplies are also offered on a self-service basis.

CONVENIENCE PLAZA, MULTI-SERVICE: A retail establishment contained in one or more buildings offering a variety of products and services to the traveling public, including consumer goods or merchandise, gasoline and related automotive supplies, food and beverages, as well as ATM or similar convenience services.

CONVERSION APARTMENT: A dwelling or other building existing at the effective date of this Ordinance which is converted for residential occupancy by more than one (1) family.

COUNTY: Centre County, PA.

CULTIVATION: See LAND CULTIVATION.

CULTURAL FACILITIES: Art galleries, auditoriums, libraries, museums, community centers, botanical gardens, adult education centers, or other similar facilities, open to the public or connected with a permitted educational, institutional, philanthropic, service or religious use.

DAY CARE CENTER: A private facility enrolling more than 12 young children where tuition, fees, or other forms of compensation for the care of the children may be charged and which is licensed, inspected and approved to operate as a child day care center by the PA Department of Public Welfare. For the purposes of this Ordinance, such facilities may also provide care for adult, elderly, or handicapped persons.

DENSITY: The number of families, individuals, dwelling units, or housing structures permitted to be constructed or situated on a specific unit of land.

DENTAL CLINIC: See MEDICAL OR DENTAL CLINIC.

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

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

DISTRIBUTION CENTER: For the purposes of this Ordinance, a distribution center shall be defined as a building or group of buildings containing 50,000 square feet of gross floor area and/or more than four (4) loading berths where merchandise is stored for ultimate distribution to specific wholesale or retail operators or to the general public. (See also TRANSPORTATION TERMINAL and WAREHOUSING FACILITY.)

DISTRICT: A zoning district as laid out on the Zoning Map, along with the regulations pertaining thereto.

DRIVEWAY: A minor vehicular access between a street and a parking area or garage within a lot or property.

DUPLEXES: See DWELLING, TWO-FAMILY.

DWELLING: A building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons.

- a. **Dwelling, Multi-Family:** A dwelling structure containing three (3) or more dwelling units, with or without independent outside access, excluding single family attached dwelling structures as defined above, i.e. an apartment building.

- b. Dwelling, Single-Family Attached (Townhouses): A dwelling structure containing one (1) dwelling unit from ground to roof, having independent outside access and a portion of one or two walls in common with an adjoining dwelling(s); i.e. a townhouse. For the purposes of this Ordinance, a single-family attached dwelling structure shall contain a minimum of three (3) dwelling units.
- c. Dwelling, Single-Family Detached: A dwelling structure containing one (1) dwelling unit from ground to roof, having independent outside access and open space on all sides, including a mobile home as defined below. (See also MOBILE HOME.)
- d. Dwelling, Two-Family: A dwelling structure containing two (2) independent dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or a common basement or cellar; i.e. a duplex.

For the purposes of this Ordinance, a MULTI-FAMILY HOUSING DEVELOPMENT shall be defined as a development consisting of more than one (1) multi-family dwelling structure or more than one (1) single-family attached dwelling structure, or a combination thereof.

DWELLING UNIT: One or more rooms in a dwelling structure designed for use by one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Recreational vehicles, lodging facilities, personal care or nursing homes shall not be considered as dwelling units for the purposes of this Ordinance.

EATING AND DRINKING ESTABLISHMENTS: A retail establishment where food and/or drink is prepared, served, and consumed primarily within the principal building.

ENCLOSED USE: A use which is located entirely within a building or structure.

ENTERTAINMENT FACILITY, PUBLIC: An indoor facility operated as a business for profit, open to the public, for the purpose of providing entertainment, including but not limited to bowling alleys, roller skating rinks, amusement arcades, motion picture theaters, health clubs, and similar types of establishments, but excluding adult entertainment facilities as defined herein.

ESSENTIAL SERVICES: Utility services which are necessary for the preservation of public health and safety, including the placement, construction, installation, use, or maintenance of underground or overhead electrical, telephone, television, natural gas, water or sewage disposal systems. Such services may include the use of poles, wires, lines, mains, drains, sewers, pipes, conduit, cables, or similar equipment, including the structures in which they are housed.

FAMILY: One (1) or more persons related by blood, marriage, adoption, or guardianship occupying a single dwelling unit and living as a single household unit using common living, cooking, sanitary and sleeping facilities. (See also GROUP FAMILY HOUSEHOLD.)

FAMILY DAY CARE HOME: A family residence where care is provided for no more than six (6) children unrelated to the resident household and which is registered by the PA Department of Public Welfare to provide such care. For the purposes of this Ordinance, a family day care home may also provide for care of up to six (6) adult or elderly persons.

FARMER'S MARKET: A publicly or privately operated establishment held in an open area or structure where primarily agricultural products such as raw vegetables, fruits, syrups, herbs, flowers, plants, meats, nuts, and/ or handcrafted items are sold. Non-agricultural products and prepared foods may be sold but shall not occupy more than twenty-five percent (25%) of the total sales area. Canopies may be allowed in order to provide protection from the elements for the vendors and their products. A temporary permit from Millheim Borough will be required.

FARM-RELATED BUSINESS: For the purposes of this Ordinance, a farm-related business shall be defined as a commercial enterprise conducted on a farm parcel which is related to or supportive of and accessory to an on-going agricultural operation located on the same tract.

FENCE: Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. For the purposes of this Ordinance, a fence shall not be considered a structure and shall therefore not require the issuance of a Building/Zoning Permit prior to its placement or erection.

FINANCIAL OFFICE: For the purposes of this Ordinance, a financial office shall include, but need not be limited to, a bank, credit union, loan company, or other lending institution, including drive-in windows, ATM machines, and similar night deposit facilities.

FLEA MARKET: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods, primarily second hand and/or antique items, for sale to the public. Flea markets are not considered yard sales and a temporary permit from Millheim Borough will be required

FLOOD: A temporary inundation of normally dry land areas.

FLOOD, ONE HUNDRED YEAR: A flood that on the average is likely to occur once every 100 years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

FLOODPLAIN: 1) A relatively flat or low land area adjoining a river, stream or other watercourse which is subject to partial or complete inundation. 2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source. *See Millheim Borough Codified Ordinances Chapter 8.

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

FLOOR AREA: The area of a structure covered by floors.

- a. **Floor Area, Gross:** For the purpose of determining compliance with the minimum gross floor area requirements for dwelling units, gross floor area shall be defined as the sum of the gross horizontal areas of all of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding interior parking spaces for motor vehicles, basement or cellar floor areas where this area is not used for business or dwelling purposes, and the area of enclosed or unenclosed porches, decks, patios and terraces.

For the purpose of applying the requirements for off-street parking and loading, floor area in the case of office, merchandising, or service type uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public or customers, patrons, clients, or patients, including areas occupied by fixtures or equipment used for display or sale of merchandise.

- b. **Floor Area, Habitable:** Any floor area within a dwelling unit which is useable for living purposes, including area for working, sleeping, eating, cooking and recreation, or a combination thereof. Stairways, hallways and floor area used only for storage purposes, such as closet, attic or unimproved basement space shall not be considered habitable floor area, nor shall any space where the floor-to-ceiling height is less than five (5) feet.

FOOD PROCESSING OPERATION: A commercial establishment in which food is processed or otherwise prepared for human consumption, but is not consumed on the premises.

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

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE: A building or structure used for the parking and storage of vehicles.

- a. Garage, Private: An accessory building or an accessory portion of a principal building designed or used for the parking or storage of motor vehicles, which is not a commercial enterprise available to the general public, provided however that no more than one space therein may be leased to a non-resident of the premises.
- b. Garage, Public: A building or group of buildings used primarily for the parking or storage of motor vehicles available to the general public for compensation. (See also AUTOMOTIVE REPAIR GARAGE)

GENERAL STORE: See CONVENIENCE MARKET.

GOVERNMENT FACILITIES: A facility housing governmental agencies or operations, including, but not limited to, U.S. Postal Service, PADOT, PA DEP, or other Federal, State, County or municipal operations. (See also PUBLIC SERVICE FACILITIES.)

GRADE: The degree of rise or descent of a sloping surface.

- a. Grade, Finished: The final elevation of the ground surface after development.
- b. Grade, Street: The elevation of the centerline of an existing or proposed street; the percentage of slope.

GREENHOUSE: A building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. (See also NURSERY.)

GROCERY STORE: A retail establishment primarily selling food or groceries as well as other household goods or merchandise; i.e. a supermarket.

GROUP DAY CARE HOME: A residence where day care is provided for between seven (7) and 12 children unrelated to the resident household, which is licensed and inspected by the PA Department of Welfare to provide such care. For the purposes of this Ordinance, such use may be either a principal or accessory use and may also provide care for adult or elderly persons.

GROUP FAMILY HOUSEHOLD: A group of individuals not related by blood, marriage, adoption or guardianship living together in one dwelling unit as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship providing organization and stability.

GROUP HOME: A residence occupied by eight (8) or fewer persons unrelated by blood, marriage, adoption or guardianship which live together as a single housekeeping unit; i.e. a group family household. Such homes include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped persons, battered children and women, and specialized treatment facilities providing less than primary health care. (See also INSTITUTIONAL RESIDENCE.)

HAZARDOUS MATERIALS: Any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being.

HOME OCCUPATION: An accessory use or service-oriented occupation operated for gain or profit conducted entirely within the dwelling or building accessory thereto, which is carried on by the inhabitants thereof and is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

HORTICULTURE: The growing of fruits, vegetables, flowers, ornamental plants, shrubs, or trees for profit.

HOUSE PETS: Dogs, cats, or other animals which are domesticated for personal use and are generally housed within a dwelling unit.

IDENTIFIED FLOODPLAIN AREA: Those floodplain areas specifically identified on the Borough's National Flood Insurance Program Flood Mapping (as amended) and as being inundated by the 100-year flood.

INDUSTRIAL OPERATION, LIGHT: For the purposes of this Ordinance, light industrial operations shall be defined as those manufacturing, assembly, processing, and shipping activities which generate no audible noise off-site nor create odor discernible beyond the boundaries of the industrial site.

INSTITUTIONAL RESIDENCE: Establishments primarily engaged in the provision of residential, social and personal care for children, the elderly, and other special categories of persons with some limits on their ability for self-care, but where medical care is not a major element. These uses include, but are not limited to, group foster homes; residential alcohol and drug rehabilitation centers with incidental health care; children's boarding homes; halfway homes for persons with social or personal problems (except halfway homes for delinquents, offenders and other adjudicated individuals, and training schools for delinquent and other adjudicated individuals); homes for destitute individuals; homes for the deaf or blind; homes for emotionally disturbed or mentally or physically handicapped persons, with health care incidental; and group homes for nine (9) or more residents, excluding staff. Residents of these facilities would be treated by staff in an institutional setting rather than living independently. Institutional housing where there is commercial rental or condominium ownership is also included in this category, with the exception of personal care homes as defined herein. Such facilities may also require licensing by the PA Department of Public Health or other State agencies.

INSTITUTIONAL USE: A private, non-profit or quasi-public use or facility such as a church, library, a public or private school, nursing home, personal care home, or a municipally owned building, structure or land used for public purposes.

JUNK: Any discarded article or material not ordinarily disposed of as rubbish, garbage, or refuse and including, but not limited to, scrap metal, scrapped or junked vehicles, machinery, equipment, paper, rags, glass containers and other salvageable materials. For purposes of this Ordinance, the term "junk" shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the PA Solid Waste Management Act.

JUNK YARD: *See Millheim Borough Codified Ordinances Chapter 15, Part 7, Section 702. Motor Vehicle Nuisances Prohibited.

JUNKED VEHICLE: *See Millheim Borough Codified Ordinances Chapter 15, Part 7, Section 702. Motor Vehicle Nuisances Prohibited.

KENNEL: For the purposes of this Ordinance, a kennel shall be defined as an establishment where five (5) or more dogs and/or cats in excess of six months old are housed, groomed, bred, boarded, trained or sold. (House pets maintained in a private home are excluded.) In addition, all requirements of the PA Dog Law, administered by the PA Department of Agriculture, shall be met before establishing a kennel in the Borough.

LAND CONSERVATION ACTIVITIES: Land uses including game lands, wildlife or nature preserves, or similar activities.

LAND CULTIVATION: The tilling or cultivation of soil for crop or tree farming.

LAND DEVELOPMENT: Any of the following activities: the improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving: a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features; or a subdivision of land.

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

LANDSCAPING: Grass and other plantings such as trees, shrubs and/or bushes.

LIBRARY: See CULTURAL FACILITIES.

LIGHT INDUSTRIAL OPERATION: See INDUSTRIAL OPERATION, LIGHT.

LIVESTOCK: For the purposes of this Ordinance, livestock shall be defined to include cows, horses, sheep, llamas, and other similar types of farm animals.

LIVE-WORK UNITS: A retail/business and residential use in one unit. The retail/business use shall be located in the front of the unit at street level and the residential use shall be located in back or rear of the unit.

LOADING BERTH: An off-street space accessible from a street or alley in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

LODGING FACILITY, COMMERCIAL: A building or structure arranged or used for sheltering, sleeping, and/or feeding of overnight guests for limited periods of time, including hotels, motels, inns and other similar types of commercial lodging establishments. Dining facilities associated with such uses may also be open or available to the public if authorized by the proper Borough officials. (See also **BED AND BREAKFAST ESTABLISHMENT.**)

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

- a. **Lot Area:** See "AREA".
- b. **Lot Depth:** The distance measured from the front lot line to the rear lot line.
- c. **Lot Width:** The distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, between such lot line and the opposite lot line.
- d. **Lot, Corner:** A lot with two adjacent sides abutting on streets. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.
- e. **Lot, Double Frontage:** A lot which extends from one street along its front lot line to another street along its rear lot line, with frontage on both streets.
- f. **Lot, Reverse Frontage:** A double frontage lot which is not accessible from one of the streets upon which it fronts, usually due to topographic constraints or safety considerations.

LOT LINES: The property lines bounding the lot.

- a. **Lot Line, Front:** The line separating the lot from a street right-of-way; or where a lot has no road frontage, the lot line opposite the rear lot line.
- b. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line.
- c. **Lot Line, Side:** Any lot line other than a front or rear lot line.

LOT OF RECORD: A lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Centre County, PA.

LUMBER YARD: A business establishment primarily engaged in the sale of lumber and related products to contractors or the general public.

MACHINE SHOP: A workshop, manufacturing facility, or other industrial operation where machines are built, repaired or assembled. For the purposes of this Ordinance, such facilities shall include tool and die making, engine rebuilding, and similar types of activities.

MANUFACTURING: The act of producing, preparing or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.

MARKET VALUE: The fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

MEDICAL OR DENTAL CLINIC: For the purposes of this Ordinance, a medical or dental clinic shall be defined as an establishment housing three (3) or more physicians, dentists, psychologists, social workers, or similar practitioners, where patients are received for examination or treatment, but where no patients are lodged overnight.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes which are placed on a site for a period of time exceeding 180 consecutive days.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PAD OR STAND: That part of an individual mobile home lot, which has been reserved for the placement of a mobile home and appurtenant structures and connections.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more park trailers, travel trailers, recreational vehicles, and other similar types of manufactured housing for a period of time exceeding 180 consecutive days.

MULTI-FAMILY HOMES: See DWELLING, MULTI-FAMILY

MULTI-SERVICE CONVENIENCE PLAZA: See CONVENIENCE PLAZA, MULTI-SERVICE.

MUNICIPALITY: Millheim Borough, Centre County, PA.

MUSEUM: See CULTURAL FACILITIES.

NEIGHBORHOOD RETAIL BUSINESS: Retail stores, shops, or establishments of limited scale designed to provide service to a local neighborhood or be

oriented to pedestrian or limited vehicular traffic, including general stores, antique or gift shops, personal service businesses, or similar types of activities.

NEW CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile and manufactured homes), structure, and/or improvements (such as streets, utilities, etc.). For floodplain management purposes, the term shall pertain to structures for which the start of construction commenced on or after March 5, 1984, and includes any subsequent improvements thereto.

NONCONFORMING LOT: A lot which does not conform to the minimum width, depth, or other dimensional requirements specified for the district in which it is located, including those lots which existed prior to the enactment of this Ordinance.

NONCONFORMING STRUCTURE: A structure or part of a structure not designed or built to comply with the use or extent of use provisions of this Ordinance, including those structures, which lawfully existed prior to the enactment of this Ordinance or amendment. Such nonconforming structures include, but shall not be limited to, nonconforming signs.

NONCONFORMING USE: A use of a building or land which does not comply with the applicable use regulations (Article III) of this Ordinance or amendment, including those uses which lawfully existed prior to the enactment of this Ordinance or amendment.

NURSERY: Land and/or greenhouses used to raise flowers, shrubs, trees, and plants for sale. (See also GREENHOUSE.)

NURSING HOME: A state-licensed institutional establishment which provides full-time convalescent or chronic nursing and/or medical care. Such facilities shall not provide surgical, obstetrical or other services generally provided by a hospital.

OFFICE: See PROFESSIONAL OFFICE.

OFFICE COMPLEX: For the purposes of this Ordinance, an office complex shall be defined as a group of three (3) or more offices, which have been planned, developed and managed as a unit, whether contained in one building or in several buildings on the same tract.

ON-LOT SEWAGE SYSTEM: See SEWAGE SYSTEM, INDIVIDUAL ON-LOT.

OPEN SPACE: Space not occupied by a structure, open to the sky, and on the same lot with the building or structure.

- b. **Open Space, Common**: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use and enjoyment of the residents of the development and which may include complementary structures and improvements as are necessary and appropriate, but shall not include

streets, off-street parking areas, and areas set aside for public facilities or utilities.

- a. Open Space, Public: Any land area set aside, dedicated, designated or reserved for public enjoyment.

ORCHARD: Land used for growing fruit and/or nut trees where the fruit or nuts produced are sold on a wholesale or retail basis.

OUTDOOR PUBLIC RECREATION USES: An outdoor recreation facility, including a ball field, a golf course, golf driving range, a miniature golf course, swimming or tennis club, and similar facilities. (See also PARKS OR PLAYGROUND)

PARKING AREA: An open area, other than a street or other public way, used for the parking of automobiles which is available to the public whether for a fee, free, or as an accommodation for clients or customers.

PARKING SPACE: An off-street area on a lot available for the parking of one (1) motor vehicle and having direct, useable access to a street or road. For the purposes of this Ordinance, parking space shall include uncovered lot space located off of any right-of-way and enclosed garage space.

PARKS OR PLAYGROUND: A public, semi-public or private park or park-type facility which provides for outdoor recreational enjoyment and activity, either for free or on a fee basis. Such facilities may include tennis or basketball courts, athletic fields, swimming, hiking and picnic areas, playgrounds and tot lots, and may include buildings and accessory structures.

PERMITTED USE: A principal use allowed in a zoning district, subject to the applicable district regulations, and approved by the Zoning Officer.

PERSONAL CARE HOME: A state-licensed institutional facility providing supervised care services, including meals and less than full-time skilled or intermediate nursing care, for individuals, usually the elderly.

PERSONAL SERVICE BUSINESS: For the purposes of this Ordinance, a personal service business shall be defined as a small-scale retail business providing direct service or care to a patron or client, including, but not limited to, a barber or beauty shop, a tailor or dressmaker's shop, a music or art studio, upholstery or shoe repair facility, or similar establishment of a related nature.

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

PLANNING COMMISSION: The Planning Commission of Millheim Borough, Centre County, PA.

POULTRY: Domesticated birds kept for eggs or meat.

PRINCIPAL USE: See USE, PRINCIPAL.

PRIVATE LAND CONSERVATION: (See also LAND CONSERVATION ACTIVITIES and PUBLIC LAND CONSERVATION.)

PROFESSIONAL OFFICE: An office occupied by up to two (2) members of a recognized profession, including but not limited to, a real estate or insurance agency, medical or dental office, attorney's office, financial institution, or similar operation. A professional office may be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is clearly secondary to the residential use of the dwelling. (See also OFFICE COMPLEX and MEDICAL OR DENTAL CLINIC.)

PUBLIC AND PRIVATE SCHOOLS: See SCHOOL.

PUBLIC ENTERTAINMENT FACILITY: See ENTERTAINMENT FACILITY, PUBLIC.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Borough Council, Borough Planning Commission, or Borough Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC LAND CONSERVATION: (See also LAND CONSERVATION ACTIVITIES and PRIVATE LAND CONSERVATION.)

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

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

PUBLIC SERVICE FACILITIES: A facility housing public service organizations, including State or local police departments, fire, and ambulance companies. (See also GOVERNMENT FACILITIES.)

PUBLIC UTILITY IMPROVEMENTS: Facilities, buildings and/or structures constructed and maintained by public utility companies, municipal or governmental agencies, or public service corporations, which are necessary for the provision of utility services to the general public. Such facilities shall include, but need not be limited to, electrical substations, water or sewage treatment plants, reservoirs, pump stations, or other similar facilities. For the purposes of this Ordinance, public utility improvements shall not include commercial communications facilities. (See also COMMUNICATIONS ANTENNA, COMMUNICATIONS TOWERS, AND/OR COMMUNICATIONS FACILITY BUILDING.)

RECREATIONAL VEHICLE: A portable or mobile vehicle used for temporary living or sleeping accommodation, without a permanent foundation. Recreational vehicles shall include travel trailers, house trailers, truck campers, motor homes and other similar types of vehicles used for recreational, camping or travel purposes. Such vehicles are permitted to be used in campground areas in the municipality or on private independent parcels.

RECREATIONAL VEHICLE PARK: Any site upon which two (2) or more recreational vehicles are, or intended to be located. (See also CAMPGROUND).

RECYCLABLE MATERIALS: For the purposes of this Ordinance, recyclable materials shall be defined as those designated waste products which are collected at approved recycling drop-off centers in the Borough for transformation into new and/or different products at another location.

RECYCLING DROP-OFF CENTER: For the purposes of this Ordinance, a recycling drop-off center shall be defined as a facility intended for the collection of recyclable materials, not including municipal, residual, or hazardous waste transfer stations.

RESTAURANT: See EATING AND DRINKING ESTABLISHMENTS.

RETAIL BUSINESS: A place of business engaged in selling goods and merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods.

RETAIL SHOPPING COMPLEX: For the purposes of this Ordinance, a shopping center shall be defined as a group of three (3) or more commercial establishments, which have been planned, developed and managed as a unit, whether contained in one (1) building or in several buildings on the same tract. This definition shall also include retail shopping complexes and shopping malls.

RETIREMENT CENTER: A facility, establishment, or development designed to meet the needs of, and exclusively for, senior citizens. (See also NURSING HOME, and PERSONAL CARE HOME.)

RIDING ACADEMY: An establishment where horses are kept for riding, jumping, or showing for compensation or incidental to the operation of a club, association, or similar group.

ROOF: The outside cover of a building or structure other than its walls, including all of the materials and construction necessary to maintain the cover upon its walls or other support.

SAWMILL: A building or business establishment equipped with machinery for cutting lumber into boards.

SCHOOL: An establishment or facility, or part thereof, which is designed, constructed, or used for public or private education. For the purposes of this Ordinance, such facilities shall not include halfway homes or training facilities for

delinquents, offenders, and other adjudicated individuals, nor other detention or retention facilities providing residential or "live-in" services.

SCREEN PLANTING: The provision of a barrier to visibility, glare and noise between adjacent properties made of plant materials, such as trees or shrubs, which will be of such species that will produce the desired visual screen. Such plantings shall be broken only at points of vehicular or pedestrian access or utility easements.

SCREENING: The provision of a visual shield or barrier, which may include vegetative plantings; fencing; or the placement or utilization of natural or man-made berms or landforms between adjacent properties, structures or uses.

SEWAGE FACILITY: A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other wastes.

SEWAGE SYSTEM, COMMUNITY: A sewage facility, whether publicly or privately owned, for the collection of sewage from two (2) or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one (1) or more of the lots or at another site.

SEWAGE SYSTEM, INDIVIDUAL: A sewage facility, whether publicly or privately owned, located on a single lot and serving one (1) equivalent dwelling unit and collecting, treating, and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance of retaining tank wastes to another site for final disposal.

- a. **Sewage System, Individual On-Lot:** An individual sewage system which uses a system of piping, tanks or other facilities for the collection, treatment, and disposal of sewage into a subsurface absorption area or a retaining tank located on the same site as the use it serves.
- b. **Sewage System, Individual Sewerage:** An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.

SIGHT DISTANCE: 1) The length of street, measured along the centerline, which is continuously visible from any point four (4) feet above the centerline. 2) That area of unobstructed vision at street intersections formed by lines of sight between points which are a specified distance from the intersection of the street centerlines. 3) The amount of distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner.

SIGN: Any device, structure or object used for visual communication or for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge, or insignia of any government.

SIGN AREA: The entire face of a single side of a sign, including all advertising surface and any framing, trim, molding, or border area, but excluding any supporting framework or bracing.

SIGN HEIGHT: The vertical distance measured from the highest point of the sign to the average finished grade of the proposed sign site.

SINGLE-FAMILY HOMES: See DWELLING, SINGLE-FAMILY DETACHED.

SLOPE: 1) The face of an embankment or cut section. 2) The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees, i.e. a ratio determined by dividing the vertical distance between two (2) points (change in elevation) by the horizontal distance measured between the same two (2) points.

SOLID WASTE: Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials. (See also HAZARDOUS MATERIALS)

STABLE: A building in which one or more horses are boarded, whether or not for compensation, hire or sale, not including the boarding of horses for personal use.

STORAGE: A place or space for storing goods, articles of personal property, materials, etc.

STORAGE FACILITIES: See WAREHOUSING FACILITY.

STORAGE TRAILER: For the purposes of this Ordinance, a storage trailer shall be defined as that part of a tractor-trailer truck which is pulled by the tractor, but which has been detached from the tractor and placed on a lot for use as a temporary accessory storage facility

STORAGE, UNENCLOSED: For the purposes of this Ordinance, unenclosed storage shall be defined as the outdoor or unenclosed accessory storage of materials, equipment or other items of personal property on a lot occupied by the owner of the item(s) being stored. The unenclosed storage of products or equipment used in the performance of agricultural activities may also be permitted on a lot or land not occupied by the owner of the item(s).

STREET: Any thoroughfare, whether public or private, located in whole or in part within Millheim Borough, excluding alleys. The word "road" may be used interchangeably with the word "street".

STREET LINE: The dividing line between the street right-of-way and the lot, also known as the right-of-way line.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, telecommunications towers, signs, but excluding fences, poles, playground equipment, mailboxes, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid

storage tank that is principally above ground, as well as a mobile or manufactured home.

- a. Structure, Accessory: A structure detached from a principal structure located on the same lot and customarily incidental and subordinate to the principal building, structure or use.
- b. Structure, Principal: The main or primary structure on a given lot.

STUDIO: See ARTISTS, ARTISANS, AND CRAFTMANS STUDIO.

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

SUPERMARKET: See GROCERY STORE.

SWIMMING POOL: A body of water in an artificial container, whether located in or above the ground, having a depth at any point of more than two (2) feet or a surface area of more than 250 square feet, used or intended to be used for swimming by children and/or adults.

TEMPORARY BUILDING/ZONING PERMIT: A Building/Zoning Permit authorized by the Zoning Officer for a non-permanent building, structure or use where such structure or use is deemed to be beneficial to the public health or general welfare or necessary to promote the proper development of the Borough, or for temporary uses or structures.

TEMPORARY STRUCTURE: A non-permanent structure or building which is located on a lot in the Borough for a specified duration.

TEMPORARY USE: A short-term use or special activity which occurs in the Borough and exceeds more than a single day in duration, including but not limited to, carnivals, circuses, farmers markets, flea markets, open-air cultural, religious, or sporting events. Although such a use may be held periodically, in order to retain its temporary status, it may not be an on-going operation or use.

TOWNHOUSES: See DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSES).

TRANSPORTATION TERMINAL: Any building or premises upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is located or conducted, including the dispensing of motor fuel or other petroleum products, the sale of accessories or equipment for motor vehicles, or the temporary storage of freight or cargo. Such uses may also include overnight accommodations and restaurant facilities intended primarily to

serve the needs of drivers or the motoring public if approved by the proper Borough officials. Such uses may also include facilities for the servicing of bus or train passengers. (See also DISTRIBUTION CENTER.)

TREE FARM: Land used for the purpose of growing trees for sale.

UNENCLOSED STORAGE: See STORAGE, UNENCLOSED.

USE: The specific purpose or activity for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

- a. Use, Accessory: A use subordinate to the principal use of a building, structure or land located on the same lot and serving a purpose customarily incidental to the principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.
- b. Use, Principal: The primary purpose for which a lot is occupied or utilized.

VACATION HOME: See CAMP, CABIN, OR VACATION HOME (Seasonal Dwelling)

VARIANCE: A modification of the provisions of this Ordinance which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

VETERINARY HOSPITAL: An establishment where animals are given medical or surgical treatment and may be boarded for short-term care incidental to their treatment.

WALL: A vertical architectural structure that serves to define and divide space, especially the sides of a building that connects the foundation to the roof.

WAREHOUSING FACILITY: A building used primarily for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial operation, and those facilities available to the general public. (See also PERSONAL STORAGE WAREHOUSE.)

WATER FACILITY: Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

WATER SYSTEM: A water facility providing potable water to individual lots or the public for human consumption.

- a. Water System, Non-Public: All water systems which are not public water systems.
- b. Water System, Off-Lot: An approved system in which potable water is supplied to a dwelling or other building from a central water source which is not located on the lot with the dwelling or building.

- c. Water System, On-Lot: A well or other approved system designed to provide potable water to a dwelling or other building located on the same lot as the source.
- d. Water System, Public: A water system as defined by the PA Department of Environmental Protection, which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

WETLANDS: Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes, but is not limited to, the United States Forest Service Wetlands Inventory of PA, the PA Coastal Zone Management Plan, the United States Fish and Wildlife National Wetland Inventory, and a wetland area designated by a river basin commission.

YARD: An open space which lies on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.

- a. Yard, Front: An open space extending the full width of the lot between the principal building or structure and the street right-of-way line or front lot line, unoccupied and unobstructed from the ground upward.
- b. Yard, Rear: An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.
- c. Yard, Required: The minimum area or open space required by this Ordinance to be provided between any front, side or rear lot line and a principal or accessory building(s) or structure(s) on the lot.
- d. Yard, Side: An open space extending from the front yard to the rear yard between the principal building or structure and the side lot line, unoccupied and unobstructed from the ground upward.

YARDSALE: *See Millheim Borough Codified Ordinances Chapter 13, Part 4.

ZONING HEARING BOARD: The Zoning Hearing Board of Millheim Borough, Centre County, PA; appointed by the Borough Council

ZONING MAP: The official Zoning Map of Millheim Borough, Centre County, PA, together with all notations, references and amendments, which may hereafter be enacted.

ZONING OFFICER: The administrative officer duly appointed by the Borough Council and charged with the duty of enforcing the provisions of this Ordinance, the Millheim Borough Zoning Ordinance.

ZONING PERMIT: See BUILDING/ZONING PERMIT.

**ARTICLE III
DISTRICT REGULATIONS**

8. Established Districts

For the purposes of this ordinance, Millheim Borough provides the following districts.

Conservation/Agricultural

Village Residential (Low Density)

Village Residential

Village Residential (High Density)

Village (Mixed Use)

Central Business

Industrial

These seven (7) districts follow the future land use plan as recommended in the Penns Valley Region Comprehensive Plan 2006. Each district is intended to allow for a variety of uses that maintains and enhances the existing characteristics found in the Borough of Millheim.

A. Purpose The main purpose and intent of these districts is:

- (1) To provide for traditional neighborhoods with a diversity of uses, block sizes, dwelling unit types and green spaces in a compact arrangement that promotes walkability.
- (2) To encourage new development, which emulates the character found in the Borough of Millheim in places such as the downtown and surrounding residential neighborhoods.
- (3) To promote a streetscape quality to neighborhoods that furthers the identity of the Borough of Millheim as an historic village in the Penns Valley area of Centre County.
- (4) To encourage a combination of business and residential uses which enables jobs and employment opportunities close to home.

B. Districts

Conservation/Agricultural District

Intent

To preserve the most suitable land and soils for continued agricultural activities;

To preserve areas of natural resources such as forests and stream corridors;

To maintain the existing village pattern;

To create neighborhoods that follow the traditional village design with direct visual access to the agricultural areas.

District Regulations – Only the following uses shall be permitted in the Conservation/Agricultural District. All uses must conform to the density, height, lot width, and building setback line requirements stipulated herein, as well as other appropriate requirements of this chapter. All uses not specifically stated are prohibited.

Permitted Uses.

Farm uses

Tilling of the land, raising of crops, fruits and vegetables

Raising and keeping of livestock and poultry (excluding concentrated animal feeding operations). *Also, see Millheim Borough Codified Ordinances, Chapter 2, Part 1, Section 102. Certain Animals Prohibited. It shall be unlawful for any person to keep any pigs, hogs or swine at any place within the Borough of Millheim. (Ord. 151, 11/12/84)*

Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other plant materials produced and raised on the premises

Usual farm structures, including barns, silos, and greenhouses

Commercial establishments for the processing, storage, and sale of farm products produced and raised on the premises

Supplemental Uses

Bed and breakfast establishments

Cemeteries

Churches

Essential services

Government and public service facilities

Outdoor public recreation uses

Parks or playground

Public and private land conservation

Public and private schools

Single-family homes

Stables/riding academies

Veterinary hospital

Density

Minimum lot size – 1 acre (on-site sewer water)

2 acres for Agricultural uses

(See Section 11.8, Design Criteria for Conservation/ Agricultural District)

Height, Lot Width, Building Setback Line

Height – 45 ft. Bld/120 ft. silos

35 ft. Residential

Lot Width – 150 ft. with on-site sewer & water

75 ft. with public sewer & water

Sidewalk/Traffic Details

Sidewalk – None

Street Right-Of-Way – 50 ft.

Traffic Lane – 2 @ 9ft. with a maximum of 10 ft.

Parking Lane – None

Off-Street Parking – 2 spaces per dwelling unit

Alley Right-Of-Way - 18 feet

Maximum Impervious Coverage of Lot –

Agricultural use – 20%

Residential use – 50%

Village Residential (Low Density) District

Intent.

To provide for low density housing opportunities in close proximity to the historic downtown of Millheim that follows the traditional village pattern.

District Regulations – Only the following uses shall be permitted in the Village Residential (Low Density) District. All uses must conform to the density, height, lot width, and building setback line requirements stipulated herein, as well as other appropriate requirements of this chapter. All uses not specifically state are prohibited.

Permitted Uses.

Bed and breakfast establishments
Cemeteries
Child day care facilities
Churches
Essential services
Government and public service facilities
Home occupations
Outdoor public recreation uses
Parks or playground
Public and private land conservation
Public and private schools
Single-family homes

Density

Minimum lot size – 6,500 sq. ft.
Maximum lot size – 2 acres

Height, Lot Width, Building Setback Line

Height – 35 ft. maximum
Lot Width – 100 ft. maximum
Setbacks – Front – 10 to 20 ft.
 Side – 10 ft. minimum
 Rear – 20 ft. minimum

Sidewalk/Traffic Details

Sidewalk – 1 @ 4 ft. minimum
Street Right-Of-Way – 50 ft.
Traffic Lane – 2 @ 9ft. with a maximum of 12 ft.
Parking Lane – None
Off-Street Parking – 2 spaces per dwelling unit
Alley Right-Of-Way – 18 ft. minimum
Maximum Impervious Coverage of Lot – 50% maximum

Village Residential District

Intent.

To promote the continuation of the existing traditional village neighborhood pattern in Millheim that is predominantly residential.

District Regulations – Only the uses listed below shall be permitted in the Village Residential District. All uses must conform to the density, height, lot width, and building setback line requirements stipulated herein, as well as other appropriate requirements of this chapter. All uses not specifically stated are prohibited.

Permitted uses.

Barbers and beauticians
Bed and breakfast establishments
Child day care homes
Churches
Conversion apartments
Duplexes
Essential services
Government facilities
Home occupations
Parks or playground
Public and private schools
Single-family homes

Density

Minimum lot size – 4,000 sq. ft.
Maximum lot size – 15,000 sq. ft.

Height, Lot Width, Building Setback Line

Height – 35 ft. maximum
Lot Width – 60 ft. maximum
Setbacks – Front – 0 to 10 ft.
 Side – 0 to 8 ft.
 Rear – 0 (garage), 20 ft. min. (building)

Also, see Millheim Borough Code Book Chapter 4, Part 3, Section 305, Design Guidelines for regulations on such things as building height, proportion of building front facades, etc. for properties located within the Millheim Borough Historic District.

Sidewalk/Traffic Details

Sidewalk – 2 @ 4 ft. minimum
Street Right-Of-Way – 50 ft.
Traffic Lane – 2 @ 9ft. with a maximum of 12 ft.
Parking Lane – 1 @ 8 ft.
Off-Street Parking – 2 spaces per dwelling unit
Alley Right-Of-Way – 18 ft. minimum
Maximum Impervious Coverage of Lot – 50% maximum

Village Residential (High Density) District

***Also see buffer yard criteria**

Intent.

To provide for a variety of affordable housing opportunities that reflect the traditional village neighborhood pattern in locations that are walkable to downtown Millheim.

District Regulations – Only the following uses shall be permitted in the Village Residential (High Density) District. All uses must conform to the density, height, lot width, and building setback line requirements stipulated herein, as well as other requirements of this chapter. All uses not specifically stated are prohibited.

Permitted Uses.

Bed and breakfast establishments
Boarding houses
Cemeteries
Child day care facilities
Churches
Duplexes
Multi-family homes
Nursing and assisted living homes
Parks or playground
Public and private schools
Single-family homes
Townhouses

Density

Minimum lot size – 4,000 sq. ft. (Single Family)
Maximum lot size – 7,500 sq. ft. (Single Family)

Height, Lot Width, Building Setback Line

Height – 35 ft. SFD, THD
45 ft. MFD

(Would allow high story apartment building with height restrictions of 35 ft. or 3 stories.)

SFD – Single Family Dwellings
MFD – Multifamily Dwellings
THD – Townhouse Dwellings

(For definitions see Dwellings, Single Family; Dwellings, Multifamily, and Dwellings, Single Family Attached Townhouses)

Lot Width – 50 ft. SFD
100 ft. THD, MFD

Setbacks – Front – 5 to 15 ft.
Side – 0 to 10 ft.
Rear – 25 ft. minimum

Sidewalk/Traffic Details

Sidewalk – 2 @ 4 ft. minimum
Street Right-Of-Way – 50 ft.
Traffic Lane – 2 @ 9ft. with a maximum of 12 ft.
Parking Lane – None
Off-Street Parking – 2 spaces per dwelling unit
Alley Right-Of-Way – 18 ft. minimum
Maximum Impervious Coverage of Lot – 50% maximum

Village (Mixed Use) District

Intent.

To promote the continuation of the traditional village neighborhood pattern that recognizes the residential, commercial, and public activities adjacent to downtown Millheim.

District Regulations – Only the following uses shall be permitted in Village (Mixed Use) District. All uses must conform to the density, height, lot width, and building setback line requirements stipulated herein, as well as other appropriate requirements of this chapter. All uses not specifically stated are prohibited.

Permitted uses

Artists, artisans, and craftsman studios
Automotive Repair Garage
Automotive Service Station
Barbers and beauticians
Bed and breakfast establishments
Business services
Cemeteries
Child day care facilities
Churches
Clubs or service organizations
Conversion apartments
Cultural facilities
Duplexes
Eating and drinking establishments
Essential services
Farmers Market (Temporary permit required)
Flea Market (Temporary permit required)
Government facilities
Home occupations
Live/work units
Medical and dental offices
Neighborhood retail business
Parks or playground
Professional offices
Public and private schools
Repair and rental services
Single-family homes

Density

Minimum lot size – 4,000 sq. ft.
Maximum lot size – 15,000 sq. ft.

Height, Lot Width, Building Setback Line

Height – 35 ft. maximum

Lot Width – 50 ft. maximum

Setbacks – Front – 0 to 10 ft.

Side – 0 to 10 ft.

Rear – 0 (garage), 20 ft. min. (building)

Also, see Millheim Borough Code Book Chapter 4, Part 3, Section 305, Design Guidelines for regulations on such things as building height, proportion of building front facades, etc. for properties located within the Millheim Borough Historic District.

Sidewalk/Traffic Details

Sidewalk – 2 @ 4 ft. minimum

Street Right-Of-Way – 50 ft.

Traffic Lane – 2 @ 10 ft. with a maximum of 12 ft.

Parking Lane – 1 @ 8 ft.

Off-Street Parking – 2 spaces per 1,000 sq. ft. shared or off site

Alley Right-Of-Way – 18 ft. minimum

Maximum Impervious Coverage of Lot – 50% maximum

Central Business District

Intent.

To provide for the retail, business, residential, cultural, and civic needs of Millheim and the eastern Penns Valley Area.

To promote and maintain Millheim's historical character and adaptive reuse of buildings.

To promote uses that encourage pedestrian activities and serve the needs of adjacent neighborhoods.

District Regulations – Only the following uses shall be permitted in the Central Business District. All uses must conform to the density, height, lot width, and building setback line requirements stipulated herein, as well as other appropriate requirements of this chapter. All uses not specifically stated are prohibited.

Permitted Uses.

Amusement arcade

Artists, artisans and craftsman studios

Bakeries

Banks

Barbers and beauticians

Bed and breakfast establishments

Business services

Churches

Clubs or service organizations

Community centers

Duplexes

Eating and drinking establishments

Essential services

Farmers Market (Temporary permit required)

Flea Market (Temporary permit required)

Florists

Government facilities

Hotels

Jewelry stores

Laundromats and dry cleaners

Libraries

Live/work units

Medical and dental offices

Movie theatres

Multi-family homes

Museums

Neighborhood retail business

Parks or playground

Professional offices

Public and private schools

Repair services (such as small appliance, shoe, etc., but excluding automotive)

Single-family homes

Tailors and seamstresses

Veterinary Hospital

Adult businesses and gasoline sales shall not be permitted

Density

None recommended – Historic district criteria, setbacks and impervious coverage will determine size of permitted uses.

Height, Lot Width, Building Setback Line

Height – Maximum Height – Not to exceed the height of the tallest adjacent building or structure by 10%.

Setbacks – Front – 0 to 5 ft.

Side – 0 to 3 ft.

Rear – 0, 25 ft. (if off-site parking is provided).

See Millheim Borough Code Book Chapter 4, Part 3, Section 305 Design Guidelines for regulations on such things as building height, proportion of building front facades, etc. for properties located within the Millheim Borough Historic District.

Sidewalk/Traffic Details

Sidewalk – 2 @ 4 ft. or curb to property

Street Right-Of-Way – 50 ft.

Traffic Lane – 2 @ 10 ft. with a maximum of 12 ft.

Parking Lane – 2 @ 8 ft. on street

Off-Street Parking – 2 spaces per 1,000 sq. ft. shared or off site

Alley Right-Of-Way – 18 ft. minimum

Maximum Impervious Coverage of Lot – 85% maximum

Industrial District

****Also see buffer yard criteria***

Intent.

To provide for small-scale manufacturing, research, and other related industries in a location that minimizes impacts to the residents of Millheim Borough and Penn Township.

District Regulations – Only the following uses shall be permitted in the Industrial District. All uses must conform to the density, height, lot width, and building setback line requirements stipulated herein, as well as other appropriate requirements of this chapter. All uses not specifically stated are prohibited.

Permitted Uses.

Any production, manufacturing, assembly, processing, cleaning, repair, storage and/or distribution of goods, materials, foodstuffs, and other products (retail sales of manufactured products is permitted as an accessory use).

All uses in the Conservation/Agricultural District

Communication facilities

Essential services

Government and public service facilities

Moving, storage, and parcel delivery facilities

Repair and rental services (except gasoline sales)

Wholesale distribution, warehousing facility, contractor's storage yard, and office complex

Density

None recommended – Setbacks and impervious coverage will determine size of permitted uses.

Height, Lot Width, Building Setback Line

Height – 45 ft. maximum

Setbacks – Front – 10 to 25 ft.

Side – 25 ft. (50 ft. if adjoining Residential)

Rear – 50 ft. minimum

Sidewalk/Traffic Details

Sidewalk – 2 @ 4 ft. or curb to property

Street Right-Of-Way – 50 ft.

Traffic Lane – 2 @ 12 ft. minimum

Parking Lane – None

Off-Street Parking – 3 spaces per 1,000 sq. ft.

Alley Right-Of-Way – None

Maximum Impervious Coverage of Lot – 70% maximum

9. Key Design Criteria

(1) Unlike conventional suburban development patterns (with separated land uses, deep setbacks, no on-street parking or sidewalks, and cul-de-sacs), the development of neighborhoods in the Borough of Millheim shall be consistent with its historic development which promotes a more compact and integrated layout pattern and shall have connectivity to and/or provide the following key design elements:

(a) **Millheim Downtown/Civic Area** – the anchor for Millheim, this focal point contains Fountain Park, retail shops, offices, and a post office that provide a place for commerce, gatherings, and special events.

(b) **Mix of uses** – combines residential, civic, recreational, commercial and open space uses in a diversified but seamless arrangement; also combines first floor retail with first rear dwellings and/or second floor dwellings and/or offices.

(c) **Building types** – focuses on buildings designed by type, not solely by function, to allow for adaptations and changes in use (i.e. from dwelling, to shop, to work place, to civic).

(d) **Park and open space land** – creates the green, square, or park to help anchor the neighborhood; a system of green spaces balanced with the built environment and distributed within the neighborhood; includes a green edge of open space to help shape the neighborhoods where appropriate.

(e) **Network system of interconnecting streets** – organizes a block and pattern of lots in keeping with the historic pattern of Millheim; integrates with existing lanes, alleys, neighborhood streets; links to sidewalks, pedestrian trails, and other transportation systems.

(f) **On-street/parallel or angled parking** – provides a separator between vehicular and pedestrian traffic; utilizes the cartway as an aisle; (with overflow parking to the rear or side of buildings); promotes effective traffic calming by slowing down the speed of vehicles, especially along narrower streets.

(g) **Alleys** – allows for preservation of frontage streetscape; moves vehicular access to detached garages in the rear; provides access for deliveries, utilities and staging construction.

(h) **Shallow setbacks** – helps to re-create and follow the existing streetscape widths throughout the historic area of Millheim. Two and three-story buildings, typically **55 to 85 feet** across from one another on both sides of the street; promotes a human scale for the pedestrian with buildings placed at a build-to line create a street wall.

(i) **Front porch/portico/colonnade** – serves as transition element from the private realm of the building to public realm of the sidewalk and street; provides shade; promotes an ornamental feature on the building; creates a space to sit, read, relax; provides outdoor area to greet and socialize with neighbors.

(j) **Sidewalks/crosswalks/pedestrian paths/walkways** – serves to link neighborhoods, street blocks, lots, and buildings/dwellings: accommodates a healthy pedestrian circulation network; provides close to home opportunities for shopping, exercise; and an appreciation of the neighborhood and its place as a connection to Millheim’s downtown.

(k) **Shade trees** – provide a green canopy along the sidewalks on both sides of the street where appropriate - and as shade trees, provides an old shade character.

(l) **Other vertical infrastructure** – includes fences, hedges, walls, street lamps, benches, gazebo, pavilion, pergola, and monuments or like features.

10. Use and Building Type Regulations.

(1) Millheim’s districts shall focus first on building types and second on uses within buildings. Except for the downtown (central business district), civic buildings, and industrial buildings, other buildings in a neighborhood shall have a size, height, scale and proportion that is compatible with Millheim’s residential buildings. Therefore, the corner store, the office, or other business uses located outside the downtown should blend with the residential architecture of the neighborhood.

(2) Regardless whether fee-simple lots or some form of common ownership is to be used, when Millheim’s Neighborhood developments are first created, the proposed lots shall be laid out and designated as either residential, nonresidential (which may include live-work units) or green space. Residential lots shall be further categorized as either family attached or multifamily. All lots shall be laid out so that the dimensional, coverage and all other requirements specified in this subsection shall be satisfied.

However, the actual lot lines do not need to be legally established. Any future development on an individual lot, regardless whether or not it has been legally established, shall conform to this initial use designation for that particular lot.

(3) The following uses shall be permitted by right in the specified zoning district, provided that all detailed design standards of this Section are met:

(a) Adaptive reuse of existing buildings.

(b) Conversions of existing buildings.

(c) Civic buildings such as municipal/community center buildings, meeting hall, post office, library, or places of worship.

(d) Small commercial buildings, limited to uses such as a corner store, coffee shop, newsstand, delicatessen or flower shop less than 1,500 square feet of gross floor area, provided that they are designed to be compatible with and limited to the convenience of the surrounding neighborhood.

(e) Live-work units.

(f) A range of dwelling unit types as set forth and described in this chapter.

(g) Offices, limited to uses permitted in the specified zoning districts, provided that they are designed to be compatible with the neighborhood, as set forth in this chapter.

- (h) Home occupation, in accordance with this chapter.

(4) The following uses shall be permitted as accessory uses:

- (a) Accessory uses that are clearly incidental to the uses permitted by right, such as parking, residential accessory structures or nonresidential structures, and further provided that all accessory structures meet all setback requirements of principal buildings and structures.

11. Detail Design Standards.

(1) Green space requirements.

- (a) A green space of at least 25 feet in width shall be designated and maintained along any property line which directly abuts lots with existing single-family detached dwellings. Such green space shall be free of any structures, except for boundary fences, walls, curbing, pathways or sidewalks connecting adjacent neighborhoods, and existing buildings or structures. Such green space shall be landscaped in accordance with a landscape plan determined by Borough Council.
- (b) Within the Business and Neighborhood district, a variety of green spaces shall be designed to complement residential and nonresidential development. A minimum of 20% of the total site area shall be designated, landscaped and maintained as green space, exclusive of any stormwater management facilities or areas.
- (c) Green space shall take on the form of a park, parklet, playfield, playground, buffer, or approved landscaped area, in accordance with a landscape plan that complies with the borough's Landscape Design Standards (See Buffer Yards and Screening Requirements) as determined by Borough Council.
- (d) Green spaces shall be at least 2,000 square feet in area in order to count toward the 20% minimum requirement.
- (e) Green space shall be owned and maintained in a form that is acceptable to Borough Council. All green space shall be subject to a declaration of covenants, easements and restrictions in a form that is acceptable to the Borough Solicitor.
- (f) Green space shall be landscaped in accordance with this Section.

(2) Streets, alleys and accessways.

- (a) Streets, alleys, and access ways shall form an interconnected vehicular circulation network to the maximum extent possible as determined by Borough Council.
- (b) All streets shall be sufficient in width to provide for on-street parking on at least one side. An on-street parking space shall measure at least 8 (eight) feet wide by 22 feet long when parallel to the curb line.

- (c) Streets with on-street parking on one side shall be a minimum of 26 feet in width (with two 9 (nine) foot travel lanes and 1 (one) – 8 (eight) foot parking bay).
- (d) Streets with on-street parking on both sides shall be a minimum of 34 feet in width (with two 9 (nine) foot travel lanes and 2 (two) – 8 (eight) foot parking bays).
- (e) Alleys shall be provided to enable buildings to be placed closer to the street and thereby enhance the curb appeal of the traditional neighborhood. Alleys shall be provided to move vehicular access to the rear of buildings to the maximum extent possible and thereby to move garage doors and curb cuts away from the frontage streetscape.
- (f) Alley right-of-ways that are two-way and proposed for dedication to the borough shall be at least 18 feet in width. Alleys that are two-way and not proposed for dedication to the borough may be reduced to 14 feet in width.
- (g) Alley cartways that are one-way and not proposed for dedication shall be at least 12 feet in width.
- (h) All one-way accessways and driveways shall be at least 9 (nine) feet in width.

(3) Curb cuts, driveways, and garages.

- (a) Garages, driveways and/or parking lots shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street.
- (b) To the maximum extent possible as determined by Borough Council, garages shall be accessed from an alley. In those places where alleys are not possible to service development as determined by Borough Council, curb cuts may be permitted, provided that the garage door is recessed at least 18 feet from the front façade, and further provided that no more than 10% of the total number of dwelling units are accessed by such curb cuts.
- (c) Where garages are accessed from an alley and a parking apron is provided perpendicular to an alley, such garage shall be 18 feet from the edge of the alley.
- (d) Where garages are accessed from an alley and a parking apron is provided parallel to an alley, such garage shall be 8 (eight) feet from the edge of the alley.
- (e) Garages for residential dwelling units shall meet one of the following design options, listed in the order of preference for the traditional neighborhood:
 - (1) The garage is rear-entry, such that garage doors are on the opposite side of the house from the front facade, preferably accessed from an alley.
 - (2) The garage is located behind the rear façade of the house. Such garage may be detached from or attached to the dwelling, and the garage doors may face any direction.

- (3) The garage is front-entry and recessed at least 18 feet from the front facade (excluding any porches or decks) of the building. When residential garages face a street, the garage shall comprise no more than 25% of the total area of the front façade elevation of a dwelling unit, measured from ground level to the lower edge of the roof.
- (4) The garage is side-entry, such that garage doors are perpendicular or radial to the street which the front facade faces.

(4) Sidewalks and Pathways.

- (a) Sidewalks of at least 4 (four) feet in width shall be constructed and maintained along all streets.
- (b) Pathways of at least 4 (four) feet in width shall be constructed and maintained to link to existing off-site pathways and to enhance the use of green areas as required by Borough Council.

(5) Street trees and other landscaping.

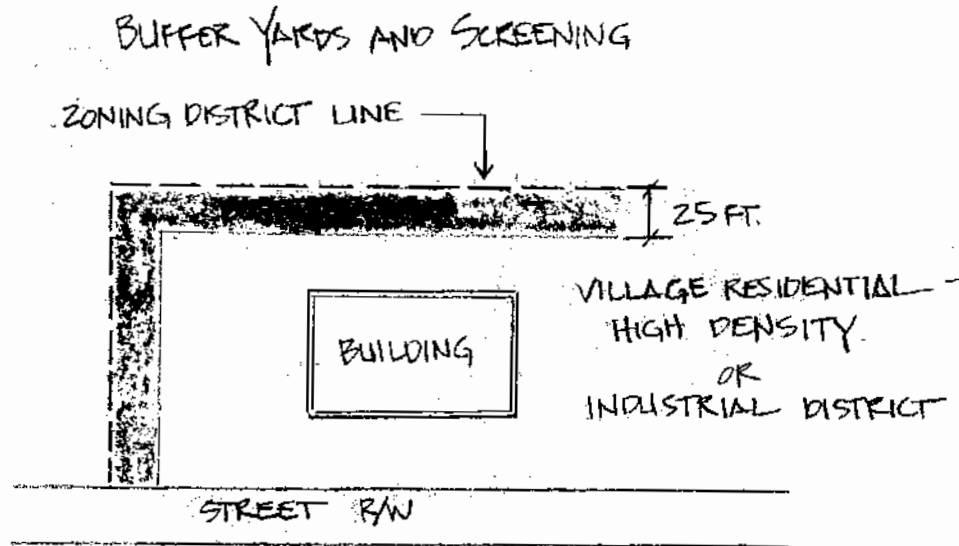
- (a) All street trees, landscaping and plantings shall comply with the landscaping design standards. (See Buffer Yards and Screening Requirements.)
- (b) Other landscaping in the form of perimeter buffers, screens, foundation plantings, fencing walls, pergolas, gazebos, monuments or other civic art shall be essential to the Business and Neighborhood district and shall be subject to plan approval by Borough Council.
- (c) Nonresidential parking areas shall be buffered from residential areas by landscaping and/or compatible small-scale residential buildings and/or structures.

(6) Buffer Yards and Screening Requirements

As required in the Millheim Borough Zoning Ordinance, buffer yards shall be required in the Village Residential - High Density and industrial Zoning Districts in accordance with the following:

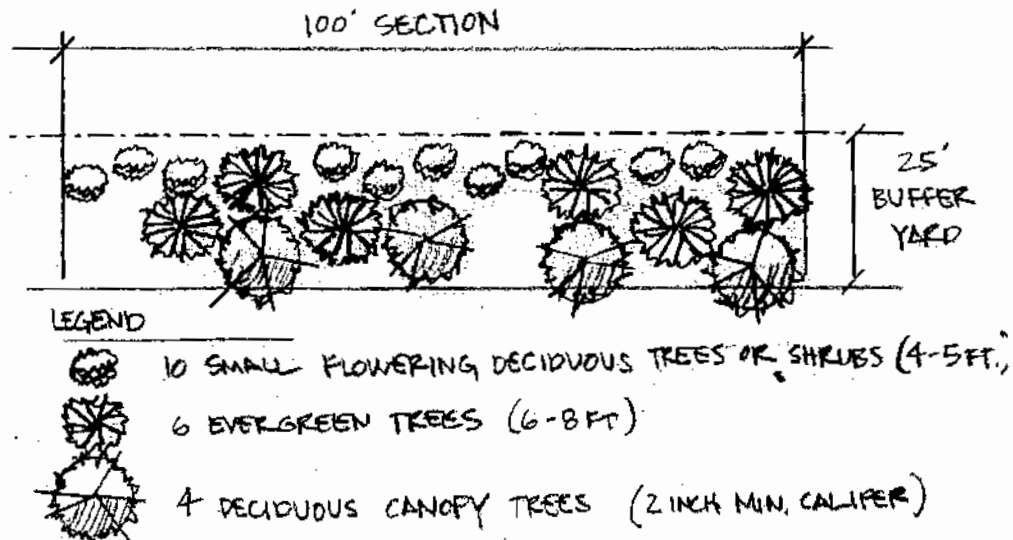
- (a) Potential impacts from multi-family developments and industrial uses such as noise, dust, heat, glare, lighting, and on-site traffic shall be effectively screened with a visual barrier. In addition:
 - (1) Buffer yards as required shall be a minimum of 25 feet in width and provided on each lot, lease area, or development area.
 - (2) Consideration may be given to the use of existing vegetation or hedgerows for the required buffer yard as determined by Borough Council and the Planning Commission.
 - (3) Buffer yards shall not be used for storage, loading, parking, or structures.

- (4) All plantings shall be compatible with the environmental conditions they will be exposed to.
- (5) Buffer yards shall be maintained regularly. Any plant material that does not survive must be replaced.



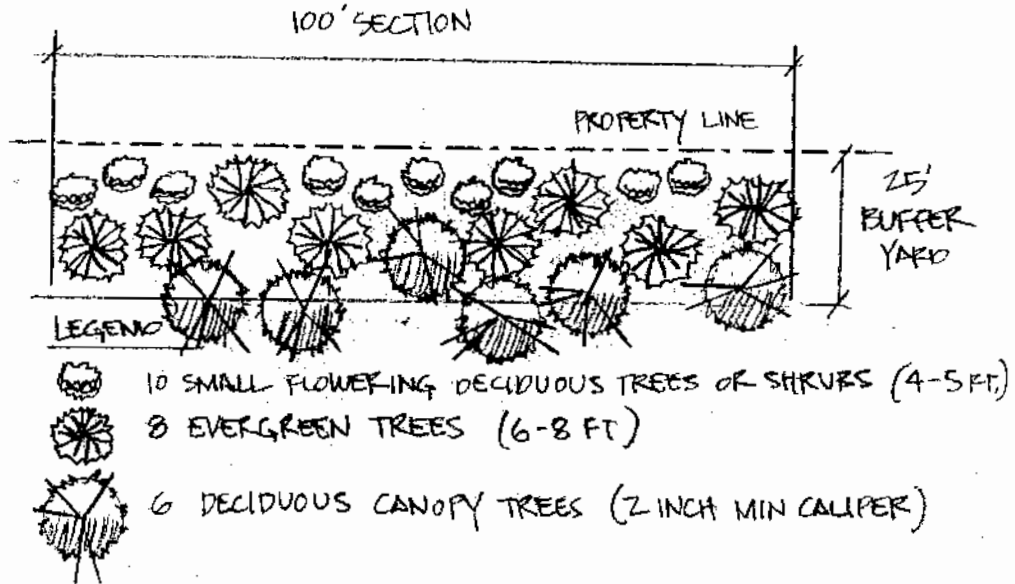
- (b) The required buffer yard between the proposed high density residential district and adjacent districts shall be screened in accordance with the following:
 - (1) Three (3) evergreen trees six (6) to eight (8) feet in height at the time of planting; two (2) deciduous canopy trees with a minimum caliper width of at least two (2) inches at the time of planting; and five (5) small flowering deciduous trees or shrubs four (4) to five (5) feet in height at the time of planting for every 50 linear feet of buffer yard length.

VILLAGE RESIDENTIAL - HIGH DENSITY
BUFFER YARD SCREEN



- (c) The required buffer yard between the proposed industrial district and adjacent districts shall be screened in accordance with the following:
- (1) Four (4) evergreen trees six (6) to eight (8) feet in height at the time of planting; three (3) deciduous canopy trees with a minimum caliper width of at least two (2) inches at planting; five (5) small flowering deciduous trees or shrubs four (4) to five (5) feet in height at the time of planting for every 50 linear feet of buffer yard length.
 - (2) The evergreen trees shall be strategically located to obscure sight of the proposed buildings from adjacent residential homes, buildings, and roadways.
 - (3) Landscaped earth mounding and/or decorative fencing may be used in addition to the required plantings as determined by Borough Council and the Planning Commission.

INDUSTRIAL BUFFER YARD SCREEN



- (d) No tree, fence, wall, earth mound, or similar item shall be installed in the sight triangle of any street corner, street intersection, or access intersecting a public right-of-way that would cause an obstruction to visibility.
- (e) Invasive species are detailed below and shall not be permitted as a component of a buffer yard or landscape plan, except for those species that are existing on the site and are proposed for incorporation into the site landscaping.
- (1) Invasive plants displace naturally occurring vegetation and, in the process, upset nature's balance and diversity. Invasive plants share the following characteristics:
- * Rapid growth and prolific reproductive capabilities.
 - * Successful seed dispersal, germination, and colonization processes.
 - * Rampant spreading that takes over native species.
 - * Very costly to control.
- (2) In general, aggressive, non-native plants have no controls to limit their spread. Those listed below are not to be planted in Millheim Borough

Trees (botanic name: common name)

Acer platanoides; Norway Maple
Acer pseudoplatanus; Sycamore Maple
Ailanthus altissima; Tree-of-Heaven
Elaeagnus angustifolia; Russian Olive
Populus alba; White Poplar
Ulmus pumila; Siberian Elm
Viburnum lantana; Wayfaring Tree

Shrubs and Vines (botanic name: common name)

Berberis thunbergii; Japanese Barberry
Elaeagnus umbellata; Autumn Olive
Euonymus alatus; Winged Euonymus
Ligustrum vulgare; European Privet
Lonicera japonica; Japanese Honeysuckle
Lonicera maackii; Amur Honeysuckle
Lonicera morrowii; Morrow's Honeysuckle
Lonicera tatarica; Tartarian Honeysuckle
Lonicera x-bella; Hybrid Honeysuckle
Lythrum salicaria; Purple Loosestrife (herbaceous)
Morus alba; White Mulberry
Morus rubra; Red Mulberry
Phyllostachys aubea; Bamboo
Rhamnus cathartica; Common Buckthorn
Rhamnus frangula; Glossy Buckthorn
Rosa multiflora; Multiflora Rose
Viburnum opulus; European Highbush Cranberry

(f) Plants that are native to central Pennsylvania and appropriately selected for the site conditions provide a beautiful, hardy, low maintenance landscape while benefiting the environment. Once established, native plants save time and money by eliminating or significantly reducing the need for fertilizers, pesticides, water, and maintenance equipment.

(1) The plants listed below are well suited for the Penns Valley Area as identified in USDA Hardiness Zone 6 (or colder zone) and/or are shown in plant book maps as native to central PA:

Trees (botanic name; common name)

Acer spp.; Maple species
Amelanchier spp.; Serviceberry species
Alnus rugosa; Hazel Alder
Carpinus caroliniana; American Hornbeam
Carya spp.; Hickory species
Celtis occidentalis; Common Hackberry
Cercis Canadensis; Eastern Redbud
Cornus alternifolia; Pagoda Dogwood
Cornus florida; Flowering Dogwood
Fagus grandifolia; American Beech
Fraxinus spp. White; Black & Green Ash
Juniperus virginiana; Eastern Red Cedar
Liriodendron tulipifera; Tuliptree
Nyssa sylvatica; Black Tupelo
Ostrya virginiana; American Hornbeam
Pinus strobus; Eastern White Pine
Pinus resinosa; Red Pine
Platanus occidentalis; American Planetree
Populus spp.; Aspen species

Prunus spp.; Pin and Black Cherry; Chokeberry
Quercus spp.; Black, White, Northern Red, Scarlet, Pin & Chestnut Oak
Rhus spp.; Sumac species
Salix discolor nigra; Pussy and Black Willow
Sassafras albidum; Common Sassafras
Tilia Americana; American Basswood (Linden)
Tsuga Canadensis; Canada Hemlock

Shrubs (botanic name: common name)

Alnus serrulata; Common alder
Aronia spp.; Red, Black and Purplefruit Chokeberry
Comptonia peregrine; Sweetfern
Cornus spp.; Dogwood species
Corylus spp.; Filbert species
Hydrangea arborescens; Smooth Hydrangea
Hypericum prolificum; Shrubby St. Johnswort
Ilex verticillata; Common Winterberry Holly
Kalmia latifolia; Mountain Laurel
Lindera benzoin; Common Spicebush
Rhododendron arborescens; Sweet Azalea
Rhododendron nudiflorum; Pinxterbloom Azalea
Rhododendron roseum; Roseshell Azalea
Rubus spp.; Blackberry, Raspberry, & Thimbleberry
Sambucus spp.; Elder species
Vaccinium spp.; Lowbush & Highbush Blueberry; Deerberry
Viburnum spp.; Mapleleaf; Hobblebush, & Cranberrybush Viburnum

Or other plant materials native to Central Pennsylvania as listed in reference books, such as:

Native Plant References (or newer editions):

Hightshoe, Gary L. 1988. Native Trees, Shrubs, and Vines for Urban and Rural America. New York: Van Nostrand Reinhold.

Little, Elbert L. 1993. The Audubon Society Field Guide to North American Trees. New York: Alfred A. Knopf.

Otteson, Carole. 1995. The Native Plant Primer. New York: Harmony Books.

Petrides, George A. 1998. Peterson Field Guide to Eastern Trees. New York: Houghton Mifflin.

Taylor, Patricia. 1996. Easy Care Native Plants: a guide to selecting and using beautiful American flowers, shrubs, and trees in gardens and landscapes. New York: Henry Holt and Company.

Sternberg, Guy and Jim Wilson. 1995. Landscaping with Native Trees. Shelburne, VT: Chapters Publishing, Ltd.

(7) Building and neighborhood design.

- (a) The buildings in the Business and Neighborhood districts shall relate to the context of existing places and buildings within the Borough. The size, mix, proportion, and form of buildings shall emulate the heritage and character of the Millheim downtown and residential neighborhoods.
- (b) No principal buildings shall include a flat roof. Significant roof pitches and variations in roof lines are specifically encouraged.
- (c) With respect to nonresidential buildings, blank walls shall not be permitted along with any exterior wall facing a street, parking area or walking area. Exterior walls in these locations shall have architectural treatments that are the same as the front façade, including consistent style, materials, fenestration, and details.

(8) Design Criteria for the Conservation/Agricultural District

The following design criteria is to be used in conjunction with the Millheim Borough Zoning Ordinance, Conservation/Agricultural District regulations.

This criteria follows the intent of that ordinance, which is to preserve the most suitable land for agricultural activities, preserve natural resources and features, and create neighborhoods that are an extension of, and follow as much as possible, the existing village development pattern in the Borough of Millheim.

(1) Site Analysis:

- (a) Primary conservation features, such as steep slopes (25% or greater), 100 year floodplain areas, and wetlands, shall be identified and avoided.
- (b) Secondary conservation features such as slopes of 15 to 25%, prime agricultural soils (class I and II soils), mature woodlands, tree and hedgerows, and historic sites and structures shall be identified and avoided if possible.

The primary and secondary conservation features shall be identified as the *conservation* area. The conservation area shall be retained by the initial parent tract owner or an approved homeowners association. The allowable uses within the conservation area are as follows:

- (1) Agriculture (see permitted in zoning district regulations),
 - (2) An estate lot for one single family dwelling with allowance for an accessory dwelling if suitable for an on-lot septic system or public sewer is available,
 - (3) Park, recreation, and natural/ wildlife resource areas, and
 - (4) Stormwater management areas
- (c) Once the primary and secondary conservation features are identified, the remaining area of the site can be considered as the potential development area (50% maximum of the total site area).

- (d) Public sewer and water shall be provided to proposed developments within the identified potential development area. Lots shall not be less than 10,000 square feet nor exceed one (1) acre in total lot size.

(2) Site Design

- (a) Woodlands, orchards, hedgerows, and large healthy trees should be preserved to create buffer areas to minimize conflicts between agriculture and residences.
- (b) Development on fields should be located near existing neighborhoods, woodlands, or hedgerows and where feasible, on the least prime agricultural soils.
- (c) Lots shall access interior and/or local roads that are extended from the existing neighborhoods within the Borough. The current rectilinear street pattern shall be continued in new development areas. Streets shall be designed in accordance with Millheim's regulations and shall have a maximum length of 600 feet between intersecting streets. Cul-de-sacs shall be minimized and where unavoidable shall provide a pedestrian connection to the next street system and/or to the identified conservation area.
- (d) Pedestrian access and circulation in the form of sidewalks, paved paths, and trails from existing neighborhoods to the potential development area shall be provided.
- (e) Historic, archeological/cultural, and natural sites identified by the Borough's Historic District along with County and State resources, shall be incorporated into the site design.
- (f) A minimum riparian buffer area of 50 feet from identified streams and intermittent streams measured perpendicular from the stream bank edge shall be provided.

(9) Parking and parking lots.

- (a) Parking shall be located on street to the maximum extent possible to provide the streetscape appearance that is traditional in the Borough and to serve as insulator between moving vehicles and pedestrians walking along the adjoining sidewalks.
- (b) Parking lots shall be located to the rear or sides of buildings.
- (c) Parking lots and/or garages shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street.
- (d) Live-work units shall have the parking ratio as required for a dwelling, as provided for in this Section.
- (e) Parking ratios for all other uses shall also be in accordance with this Section except that the parking ratio for multifamily dwellings shall comply with a Subsection of this Section. However, if the standards of this Section impose an

excessive standard, as determined by Borough Council, the applicant shall demonstrate through the use of the empirical data from other built projects that a lesser standard can adequately serve the proposed use(s). In any event, the Borough shall hold in escrow the monetary value of the parking spaces not built for a period of two years after commencement of the use, and the development plan shall show the layout of the required parking areas to be held in reserve and include calculations on the potential impervious surface area addition. If after two years, the use is adequately serviced by the parking provided, escrow funds may be released. If the provided parking is not adequate, then the escrow funds shall be used to construct the needed parking.

- (f) All nonresidential parking areas shall be visually screened from existing and proposed streets by hedges, buffer plantings, decorative fencing, or similar elements.

(10) Off-street loading areas, outdoor storage and trash disposal areas.

- (a) All loading areas and loading docks shall be located to the sides and rear of buildings. Loading docks shall not be visible from public streets. All loading areas and loading docks shall be set back at least 25 feet from the residential areas or the minimum buffer yard width as determined by Borough Council..
- (b) Outdoor storage or display of materials shall not be permitted.
- (c) Trash disposal areas shall be located within buildings or within an opaque screened area that completely hides the trash and is located to the side or rear of the building. All outdoor trash disposal areas shall be set back at least 25 feet from residential property lines.

12. Other Requirements.

- (a) All buildings within the development shall be served by a public water supply and public centralized sewage disposal system.
- (b) All public utility lines and similar facilities servicing the proposed development and its area shall be installed underground, and electric transformers shall be installed underground or within the walls of a completely enclosed building.
- (c) If the development is to be carried out in phases, each phase shall be so planned that the intent of this chapter shall be fully complied with at the completion of any phase. Any phased development shall be fully described and defined on the subdivision or land development plan.
- (d) All streets and alleys, whether public or private, shall have a right-of-way. The right-of-way width for alleys may be the same width as the paved area.

13. Relationship to Other Ordinance Provisions.

- (a) The regulations in this Section shall take precedence over other provisions of the Borough Ordinances to the extent that this Section specifies additional or varied requirements. Otherwise, all applicable sections of the Borough Ordinances and the Centre County Subdivision and Land Development Ordinance, shall apply.

14. Zoning Hearing Board

(a) Membership of Board:

The Millheim Borough Council shall appoint by resolution three (3) residents who are, in the opinion of the Council, qualified for the duties of the position to the Zoning Hearing Board. The terms of office for the Board shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year.

The Board shall promptly notify the governing body of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Borough, nor shall any member be an employee of the Borough. The Borough may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternative members to the Board.

(b) Removal of Members:

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

(c) Organization of the Board:

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Board.

The Chairman of the Board may designate alternate members of the board to replace an absent or disqualified member, and if, by reason of absence or disqualification of a member, a quorum not reached, the Chairman shall designate an alternate member of the Board to reach a quorum. The alternate member shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final decision on the matter or case.

The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the

property of the Borough, and shall submit a report of its activities to the Borough as requested.

(d) Powers and Duties:

The Zoning Hearing Board shall have all powers and duties as provided by Borough Council and pursuant the Pennsylvania Municipalities Code (PA MPC), Act 247, Article IX, as amended. These powers and duties pursuant to subsections of Article IX of the PA MPC shall include but not be limited to expenditure of services, hearings, mediation options, jurisdiction of the Board, and Board functions.

(e) Appointment and Powers of Zoning Officer:

For the administration of a zoning ordinance, a zoning officer, who shall not hold any elective office in the Borough, shall be appointed. The zoning officer shall meet qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning. The zoning officer shall administer the zoning ordinance in accordance with its literal terms, and shall not have the power to permit any construction or cause any use or change of which does not conform to the zoning ordinance. Zoning officers may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment.

15. Nonconforming Uses, Lots, and Structures

Intent

It is the intent of this section to recognize the right of nonconformities to continue, but to encourage that such uses, lots, and structures be brought into conformity when applicable and in accordance with this ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Nonconforming Use Regulations

Where a lawful use or structure exists which, on the effective date of this ordinance or subsequent amendments, becomes nonconforming, such use or structure may be continued as long as it remains otherwise lawful, including subsequent sales of the property, subject to the following provisions:

1. The nonconforming use or structure shall not be changed to a different nonconforming use.
2. No nonconforming use or structure shall be altered or extended except if it complies with the following criteria and standards:
 - a) To provide for natural expansion which, is not detrimental to public health, safety, and general welfare, provided that such expansion does not exceed fifty percent (50%) of the existing ground floor area of the structure or other space occupied by the use.

- b) Provided that it does not constitute the addition of a new nonconforming use or structure.
 - c) Provided that it does not decrease yards when it already fails to meet minimum yard setback areas.
 - d) Provided that the alteration or extension meets the district regulations for the use or structure as if same were being altered or extended in the district where such use is permitted. In cases where the use is permitted in two (2) or more districts, the most restrictive district regulations shall apply.
3. In the event that any nonconforming structure is destroyed or partially destroyed by any means to an extent of seventy-five percent (75%) or more of the market valuation of all structures and other improvements on the lot, as determined by the Centre County Tax Assessment Office, effective at the date of the destruction, such nonconforming structure and use thereof shall terminate and the lot shall thereafter be used only for conforming uses and structures.
 4. When a nonconforming use or structure is discontinued or abandoned for a period of one (1) year or more continuously or replaced by a conforming use or structure, the premises shall not thereafter be used except in conformity with the regulations of the district in which it is located, except if the use is a farm use as defined in this ordinance.

Registration of Nonconforming Uses and Structures –

In order to administer this section, the Zoning Officer shall identify and maintain a record of nonconforming uses and structures.

New Construction –

To avoid undue hardship, nothing in this section shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this section and upon which actual building construction has begun. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction.

16. Appeals

An appeal from a decision or action of the Millheim Borough Council or any officer or agency of the Borough regarding this ordinance shall be made in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

17. Amendments

The regulations and district boundaries set forth in this ordinance may be amended through the action of Millheim Borough Council in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

18. Interpretation

(a) Severability

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

(b) Saving Clause

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

(c) Conflict with other Laws

The provisions of this ordinance shall be deemed to be minimum requirements to meet the purposes stated herein. Where the provisions of this ordinance impose greater restrictions than those of any federal or state statute, rule, regulation or other ordinance, the provisions of this ordinance shall prevail. Where the provisions of any federal or state statute, rule, regulation, or other ordinance impose greater restrictions than those of this ordinance, the provisions of such federal or state statute, rule, regulation or ordinance shall prevail.

19. Repealer

All Ordinances or any parts of Ordinances which are inconsistent herewith are hereby repealed.

20. Effective Date

This Ordinance shall become effective on the date of adoption.

Enacted, adopted and ordained as an Ordinance of the Borough of Millheim
this _____ day of _____, 2007.

ATTEST:

BOROUGH OF MILLHEIM

Secretary

President