

PART 4
GENERAL REGULATIONS

Section 400. Application. The regulations contained in this Part shall apply to all uses within the Borough of Highspire.

Section 401. Accessory Buildings and Similar Structures

A. No accessory building or similar structure shall be constructed upon a lot until the construction of the principal building has been actually begun and except as provided elsewhere in this Chapter. Unless otherwise specified elsewhere in this Chapter, accessory buildings and similar structures, including but not limited to detached garages, barns, storage buildings, garden structures and greenhouses (not used for commercial purposes), may be erected in accordance with the following requirements:

1. Accessory buildings and similar structures shall not be erected, set, placed or otherwise permitted to be located between the principal building and the public street (excluding alleys) or within any required front setback area within any zoning district, unless otherwise provided herein this Chapter.
2. Accessory buildings and similar structures may be erected, set, or placed inside rear or side yards provided that:
 - a. Accessory buildings and similar structures shall be no more than two hundred (200) square feet in ground floor area and no more than fifteen (15) feet in height shall be exempted from building permit requirements; provided, however, that the structure:
 - (1). does not involve any electrical, plumbing or mechanical installation;
 - (2). shall not be required to have a permanent foundation or be set on piers, provided the structure is sited on a level and stabilized area and anchored down by an approved method for wind load requirements.

Otherwise, all accessory buildings and similar structures shall comply with all applicable standards herein this Chapter and Chapter 5 of the Codified Ordinances of the Borough of Highspire relating to buildings.

- b. Accessory buildings and similar structures shall be located no closer than five (5) feet to the nearest wall of the principal building on the same lot. For accessory buildings and similar structures erected, set or placed less than five (5) feet from the principal, they shall be attached to the principal building and shall be considered as part of that principal building.
- c. Except as otherwise provided herein the subsection, accessory buildings and similar structures shall comply with the dimensional requirements of the underlying zoning district relating to accessory buildings and similar structures, except that detached garages adjacent to and having access to an alley, shall be setback at least five (5) feet from the right-of-way or fifteen (15) feet from the centerline of the alley, whichever is greater.
 - (1). Accessory buildings and similar structures involving “children’s swing sets” and related accessory child related “play equipment”, “tree houses” and “play houses”, shall be setback at least three (3) feet from any abutting lot line and shall not be located between the principal building and the public street

(excluding alleys), nor within any required front setback area of within any zoning district.

- d. Accessory buildings and similar structures in the R-L, R-M, MN/C zoning districts and/or upon a lot with a residential use upon it shall not exceed fifty (50) percent of gross floor area of the principal building. But in all zoning districts, in no case shall the footprint of an accessory building or similar structure exceed the footprint of the principal building.
- e. Accessory buildings and similar structures with a permanent foundation shall be calculated as part of any impervious lot coverage standards or requirements.

Section 402. Bus Shelters

- A. A bus or public transit shelter shall be allowed in all zoning districts to provide refuge for mass transit riders from adverse weather conditions.
- B. Only the following signs shall be permitted:
 - 1. One two-sided sign with a maximum sign area of eight (8) square feet, which shall only be internally illuminated in the C-G and I zoning districts.
 - 2. Non-illuminated signs identifying the name of the transit provider, route schedules and maps.
- C. The location of a bus shelter shall not interfere with pedestrian traffic along a sidewalk and shall be not located within a clear-sight triangle.
- D. There shall be a legally binding commitment provided by a responsible entity to properly maintain the bus shelter and to remove the shelter if it is not needed in the future or if it falls into disrepair.
- E. Shelters shall be durably constructed and be covered by a roof. For security and safety purposes, the majority of the side and rear walls of the shelter shall be constructed of a clear, shatter resistant material.
- F. Any light bulbs or lighting elements shall not be directly visible from outside the shelter. Glare shall not be created.

Section 403. Buffer and Screening Regulations

- A. Where permitted non-residential and mixed uses in the CBD, C-G and I zoning districts abut the R-L and R-M zoning districts; and where permitted non-residential, multi-family dwellings/apartment, and single family attached uses in the R-L and R-M zoning districts abut a lot with an existing single family detached or two family detached dwelling in the R-L and R-M zoning districts, the aforementioned non-residential, multi-family dwelling/apartment, and single family attached use shall provide a ten (10) foot wide buffer yard and screening, unless otherwise stipulated in this Chapter. The buffer yard and screening shall be provided on the lot proposed for development and extend the entire length or width of the lot line abutting either the R-L and R-M zoning districts or the single family detached or two family detached dwelling lots in the R-L and R-M zoning districts as required herein above.
 - 1. Otherwise, in the MN/C zoning district where permitted non-residential, multi-family dwellings/apartments, single family attached, or mixed uses abut a lot with an existing single family detached or two family detached dwelling in the MN/C zoning district, the aforementioned non-residential, multi-family dwellings/apartments, single family attached, or mixed uses shall provide a five (5) foot wide buffer yard and screening with no less than ninety (90) percent opacity.

- B. No buffer yard shall be required for any non-residential, multi-family dwellings/apartments, single family attached, or mixed use separated from the applicable R-L and R-M zoning districts or single or two family residential dwelling lots in the R-L and R-M zoning district by a public street right-of-way including alleys.
- C. All buffer yard areas shall be planted and maintained with vegetative cover and material, and where required, screen plantings no less than eighty (80) percent opacity shall be planted and maintained to the full length or width of the required buffer yard.
- D. Buffer yards may coincide within any required building setback and yard requirements.
- E. The buffer yard shall be a landscaped, and where required, screen planted area free of buildings; structures; dumpsters and refuse containers; commercial or industrial sales, storage and display; manufacturing or processing activity; materials; loading and unloading areas; and vehicle parking, sales, and display. Signs shall be permitted in a buffer yard abutting a street right-of-way (excluding alleys).
- F. Buffer yards may be crossed by access drives, driveways, sidewalks, or easements with a maximum width of thirty-five (35) feet, provided that the centerline of access drive, driveway or easement crosses the lot line and buffer yard at not less than seventy-five (75) degrees; however, no turning or maneuvering of vehicles shall be permitted in the buffer yard area.
- G. Screen Planting
1. Each buffer yard shall include screen plantings located in the exterior portion of the required buffer yards, extending the length or width of the lot line in accordance with the following requirements:
 - a. Plant materials used in screen planting shall be at least four (4) feet in height (measured from the finished grade) when planted, shall be planted no more than three (3) feet apart, and be of such species as will produce, within three (3) years, a complete year-round visual screen of at least six (6) feet in height.
 - b. The screen planting shall be maintained permanently in a healthy condition. Any landscaping that dies or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of one hundred fifty (150) days.
 - c. The screen planting shall be so placed that at maturity it will be not closer than two (2) feet from any street right-of-way or property line.
 - d. In order to aid surveillance and minimize the potential for crime, planting shall also be sited, massed, and scaled to maintain visibility of doors and first (1st) or ground floor windows from the street and from within the development to the greatest extent possible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear sight triangle shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.
 - e. The screen plant screen shall be interrupted only at:
 - (1). approved points of approximately perpendicular [not less than seventy-five (75) degrees] vehicle or pedestrian ingress and egress to the lot;
 - (2). locations necessary to comply with safe sight distance requirements; and
 - (3). locations needed to meet other specific State, Highspire Borough and utility requirements.

- f. Trees that are used in the planting of a buffer yard and elsewhere on the lot shall be in accordance with those identified within Chapter 22, relating to subdivision and land development or Chapter 25 relating to trees, of the Codified Ordinances of the Borough of Highspire.
 - (1). American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. If more than twenty (20) evergreen plants are proposed, no more than fifty (50) percent shall be of one species.
- g. Screen plantings shall be provided between the lot line and any off-street parking area and any outdoor solid waste storage and refuse area for any non-residential, multi-family dwelling/apartment, single family attached, and/or mixed use where the parking or solid waste storage and refuse area abuts the R-L and R-M zoning districts or a lot occupied by a single family detached or two family detached use.
- h. Fencing shall be permitted to comprise no more than sixty (60) percent of any screen planting, and shall be placed in the buffer yard on the inside (towards the proposed principal use) of any required plant screening.

Section 404. Fences and Walls

- A. Fences and walls shall be permitted by right in all zoning districts, but it shall be unlawful to construct or alter any fence or wall without first having secured a permit as provided in Part 3 of this Chapter.
- B. Fences and walls are permitted without complying with any setback requirements except they shall not be installed directly on any lot line; however a small setback is recommended to provide future maintenance.
- C. Fences and walls shall be durably constructed and well-maintained. Fences and walls that have deteriorated parts and materials shall be replaced or removed.
- D. No fence or wall shall obstruct the clear-sight triangle requirements of this Chapter.
- E. No fence or wall shall be erected in a street right-of-way or other rights-of-way or easements including public or private drainage, utility or access easements, unless otherwise required by this Chapter or any other Chapters of the Codified Ordinances of the Borough of Highspire. .
- F. Fences, in addition to the applicable standards provided herein Section 404, shall also comply with the following:
 - 1. Any fence located between the principal building and the street (excluding alley) in the R-L, R-M, MN/C and CBD district shall:
 - a. be an open-type of fence (such as picket, metal post, wrought iron or split rail) with a minimum ratio of 1:1 of open structural areas;
 - b. not exceed forty eight-(48) inches in height;
 - c. not be constructed of “chain link” material or pattern. Fences shall not be constructed of corrugated metal, corrugated fiberglass or sheet metal. Fences are encouraged to be constructed using weather resistant wood, vinyl materials that resemble wood, or vinyl materials that resemble historic style metal post fences.

2. Fences within the R-L, R-M, MN/C, and CBD zoning districts or upon a lot with a residential use upon it shall not exceed eight (8) feet six (6) inches in height. Fences within the other zoning districts shall not exceed twelve (12) feet in height.
 - a. Any fence or wall exceeding six (6) feet in height shall contain openings therein equal to fifty (50) percent of the area of that portion of the wall or fence exceeding six (6) feet.
 3. Structural posts of a fence may extend above the height of the fence.
 4. All fence heights shall be measured from the average surrounding ground level.
 5. Unless required for security purposes, no fence shall be constructed of barbed wire, razor, or other sharp components capable of causing injury, and only then if the barbed wire, razor, or other sharp components capable of causing injury portion is not lower than six (6) feet above the average surrounding ground level.
 6. No fence shall be constructed out of fabric, junk, abandoned vehicles, appliances, tanks or barrels.
 7. If one side of a fence includes posts and supports creating a framework, the framework shall be placed on the inside of the fence (the side facing toward the interior of the lot upon which is located), as opposed to facing onto a street or abutting lots, unless the fence is so designed as to provide equal frame and cover area toward the street or abutting lots.
 8. If a fence is “finished” only on one side, the “finished” side shall be placed and face outward away from or to toward the exterior of the lot or parcel upon which it is located, as opposed toward the interior of the lot.
 9. Brick may be used for posts or as a base for a fence, provided the maximum fence height for the fence portion is not exceeded.
- G. Walls, in addition to the applicable standards provided herein subsection F above, shall also comply with the following standards:
1. Engineered retaining walls necessary to hold back slopes are exempted from the regulations of this Section and are permitted by right as needed in all zoning districts.
 2. Walls that are structurally part of a building shall be regulated as part of that building.

Section 405. Frontage onto Improved Streets

- A. Frontage required on improved streets shall comply with the following:
1. Each proposed new lot and principal building shall directly abut one of the following:
 - a. a public street right-of-way (excluding alleys);
 - b. a street proposed to be dedicated to the Borough of Highspire by the subdivision plan which created such lot; or
 - c. an existing (at date of adoption of this Chapter) private street which meets all of the requirements of a public street.
 2. The erection of a principal building on any lot which existed at the time of the enactment of this Chapter and does not have frontage on a public street right-of-way (excluding alleys) shall be permitted if the applicant provides proof of access to the property in the form of a legal document

recorded at the Dauphin County courthouse. If the existing document does not address access rights and maintenance responsibilities between the landowner and effected parties, or if no such document exists, a new document shall be recorded that does address these issues. In addition, the landowner shall enter into a binding legal agreement with the Borough of Highspire prepared by the Borough of Highspire Solicitor outlining the responsibility of each party as it pertains to the private right-of-way.

3. Access to lots and principal buildings shall comply with Part 19 of this Chapter and Chapter 22 Codified Ordinances of the Borough of Highspire relating to subdivision and land development.

Section 406. Garage and Yard Sales

- A. In any zoning district, a landowner and/or occupant, may conduct a maximum of two (2) garage or yard sales per year. The total number of garage or yard sales permitted per calendar year shall not exceed two (2) per unit of occupancy.
- B. No garage or yard sale shall be conducted for a period longer than two (2) consecutive days.
- C. Sales shall be limited to personal items.
- D. Only two (2), six (6) square foot signs shall be permitted advertising the garage or yard sale located upon the premises where the sale occurs, and shall be removed promptly upon the completion of the sale. No signs shall be permitted within any public right-of-way.
- E. In no case shall any aspect of the garage or yard sale interfere with or otherwise obstruct pedestrian and vehicular traffic, and shall not be conducted in a public right-of-way including sidewalks and streets, except that parking may occur where permitted.
- F. The conduct of a garage or yard sale beyond the extent herein represents a commercial business and requires appropriate zoning authorization.

Section 407. Habitable Floor Area

Unless otherwise provided herein this Chapter, the minimum residential dwelling and room sizes shall be in accordance with the Chapter 5 relating to buildings and/or Chapter 10 relating to health and sanitation (property maintenance) of the Codified Ordinances of the Borough of Highspire.

Section 408. Height Regulations

- A. In all zoning districts, height regulations shall not apply to the following structures, provided they do not exceed the height limitations of the zoning district for which they are located by more than fifteen (15) feet:
 1. penthouses including those not intended for human occupancy; nor
 2. skylights, steeples of places of worship, antennas, flagpoles, spires, belfries, windmills, cupolas, domes, chimneys, ventilators, water tanks, bulkheads, utility poles or towers, silos, clock or bell towers, elevator shafts, mechanical equipment or other appurtenances usually required to be and customarily placed above roof level and not intended for human occupancy.
- B. Otherwise, the height of any building may exceed the maximum permitted height requirements by one (1) additional foot for each one (1) additional foot by which the width of each yard exceeds the required setback regulations for the zoning district in which the building or structure is located.
- C. Unless otherwise provided herein this Chapter, the minimum principal building height shall not be less than one (1) story in height

Section 409. Landscaping & Vegetation Preservation

- A. Any part of a non-residential, multi-family dwelling/apartment, single family attached, or mixed use lot which is not used for structures, access drives, driveways, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

- B. In order to aid surveillance and minimize the potential for crime, planting shall also be sited, massed, and scaled to maintain visibility of doors and first (1st) or ground floor windows from the street and from within the development to the greatest extent possible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear sight triangle shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.

- C. Vegetation preservation
 - 1. Vegetation preservation is governed by the standards in this Section and the provisions of the PA MPC. The removal of trees, shrubbery, foliage, grass or other natural growth shall be permitted when in conformance with the provisions of this Chapter or any other Chapters of the Codified Ordinances of the Borough of Highspire regulating land use and subdivision/development. The grubbing activity shall be permissible, upon zoning officer review and approval of the application as required by the Borough. A permit shall be prepared and issued for an approved application. Violations and penalties associated with cutting and clearing of vegetation include:
 - a. Forestry activities of timber harvesting and/or logging shall comply with Part 14 of this Chapter.
 - b. The cutting of trees and/or clearing of vegetation within a buffer yard applicable to the lot as required by this Chapter, or within the minimum building setback as required by this Chapter, whichever is greater, is prohibited. Only the removal and replacement of damaged/deceased trees and/or vegetation is permitted. Grubbing activity is permitted where the purpose is to improve the appearance of the lot.

- D. Shade Trees
 - 1. As part of the construction of any new street or any new principal non-residential, multi-family dwelling/apartment, single family attached, or mixed use building, shade trees shall be required to be planted in accordance with Chapter 22 relating to subdivision and land development and 25 relating to trees of the Codified Ordinances of the Borough of Highspire..

Section 410. Non-Residential Waste Handling Requirements

- A. All non-residential uses shall be required to provide detailed information regarding materials and waste handling, including:
 - 1. Listing of all materials to be both used or produced on the site;
 - 2. Listing of all wastes generated on the site; and
 - 3. Evidence shall be provided indicating that the disposal of all materials and wastes shall be accomplished in a manner that complies with state and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within the Borough and/or County which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall

remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either by type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

Section 411. Number of Principal Uses and Principal Buildings Per Lot

- A. A lot in the MN/C, CBD, C-G and I zoning may include more than one permitted principal use and/or building provided all other requirements of this Chapter are met. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
 - 1. For example, if “use A” requires twenty thousand (20,000) square feet of lot area and “use B” on the same lot requires ten thousand (10,000) square foot lot area, then the lot shall have a minimum lot area of twenty thousand (20,000) square feet.
 - 2. The lot may include a condominium form of ownership of individual buildings, with a legally binding property owner or other similar type association, if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.
- B. A lot within the R-L and R-M zoning districts shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Chapter.
 - 1. A mobile home park, condominium residential development, single family attached, or multi-family dwelling/apartment development may include more than one principal building per lot, provided all other requirements of this Chapter are met.
 - 2. A condominium form of ownership of individual dwelling units, with a legally binding homeowners or other association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

Section 412. Ornamental Ponds

- A. Ornamental ponds and wading pools shall comply with all accessory use and structure setbacks for the zoning district which they are located.
- B. All such ponds or pools shall be maintained so as not to pose a nuisance by reason of odor, or the harboring of insect, vermin, or both.
- C. Water may not be discharged from an ornamental pond or wading pool directly onto any public right-of-way or within ten (10) feet of any adjacent property without the applicable owner’s consent.
- D. No such pond shall be used for the commercial hatching of fish or other species.

Section 413. Outdoor Storage and Outdoor Stockpiling

- A. Unless otherwise permitted elsewhere in herein this Section and/or Part 14 of this Chapter, the outdoor storage and outdoor stockpiling (including personal material, but excluding firewood) shall not be located between the principal building and the public street (excluding alleys) nor within any required front, side, or rear setback area.
- B. Outdoor storage and outdoor stockpiling shall not include the sale of any bulk materials such as goods, material, and merchandise offered for sale to customers as a principal use or as accessory use to a permitted

principal use. Otherwise, it shall be considered outside sales and display and must comply with provisions set forth elsewhere herein Part 4 and Part 14 of this Chapter

- C. In the R-L, R-M, and MN/C zoning districts, on lots used for single and two-family residential purposes:
1. The outdoor stockpiling of personal material, except firewood, for more than one (1) year is prohibited. In all instances, outdoor stockpiling of personal material shall not be located between the principal building and the public street (excluding alleys) or within any required front setback area. All such stockpiling shall comply with accessory use and structure setback requirements for the underlying zoning district.
 2. The outdoor stockpiling of non-personal including goods, junk, material, or merchandise associated with and generated by an off-site business or non-residential establishment shall be considered outdoor storage and shall not be permitted.
- D. In the R-L, R-M, MN/C, and CBD zoning districts, the outdoor storage of bulk materials for non-residential, multi-family dwelling/apartment, single family attached, and mixed uses, including but not limited to goods, material, and merchandise; but also including junk, waste, discarded or salvaged material, machinery, or equipment, including automobile, truck, or other vehicle parts shall not be permitted. All related storage must be within a completely enclosed building.
- E. Unless otherwise specified Part 14 of this Chapter, in the C-G zoning district, permitted outdoor storage of bulk materials whether or not intended for sale to customers including but not limited to goods, material, or merchandise shall not be located between the principal building and the public street (excluding alleys) nor within any required front setback area. The related storage of junk, waste, discarded or salvaged material, machinery, or equipment, including automobile, truck, or other vehicle parts must be within a completely enclosed building.
- F. In the I zoning district:
1. The outdoor storage and outdoor stockpiling in may be located between the principal building and the public street (excluding alleys), but shall not be within any required setback area.
 2. All materials and activities not within completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height. Such fence shall be completely sight obscuring and maintained in good condition. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
- G. Compost
1. The placement of compost as an accessory use to a residential use of a lot is permitted, subject to all accessory use, building, and structure setback setbacks of the underlying zoning district. Only waste materials from the residential use of the lot shall be deposited within the compost, and in no case shall meat, or meat by-products, dairy products or bones be composted. All compost shall be properly maintained so as not to become a nuisance to nearby properties.

Section 414. Outside Sales and Display

- A. Outside sale and display of goods, material, and merchandise offered for sale shall be permitted in the CBD, C-G, and I zoning districts.
- B. To be considered outside sales and display, the goods, material, and merchandise which are being displayed, must be offered for sale to customers. Otherwise, it shall be considered Outdoor Storage or stockpiling must comply with Outdoor Storage and Outdoor Stockpile provisions set forth elsewhere herein Part 4 of this Chapter.

- C. Except that within the CBD zoning district, outside sales and display may encroach upon the required front setback, all outside sales and display of goods, material, and merchandise offered for sale shall not occupy any public right-of-way (including public sidewalk areas), required set back areas, buffer yards, or required parking and loading areas. In no case shall the location of such outside sales and display areas occur within any area used for pedestrian or vehicular circulation, parking or loading, or emergency vehicle access (e.g., fire lanes).
 - 1. Additionally, the location of the outside sales and displays shall not interfere with or otherwise obstruct pedestrian and vehicular traffic:
 - a. traveling within a public right-of-way including sidewalks and streets (including alleys);
 - b. entering or leaving the lot or adjacent lots (including access drives and driveways); and
 - c. shall be not located within a clear-sight triangle.
- D. No outside sales and display shall occur on areas with a slope in excess of twenty five (25) percent or within any area designated as the floodway as provided for in Part 15 "FP" Floodplain Overlay District.
- E. Outside sales and display areas shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as brick, concrete or bituminous concrete surface.
- F. Outside sales and display areas shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- G. No signage, except as authorized by this Chapter, shall be permitted;
- H. Intended outside sale and display areas shall be graphically depicted and other indicated upon any permits and/or plans required by the Borough.

Section 415. Parking and Storage of Unlicensed or Uninspected Motor Vehicles

- A. Unless provided in elsewhere in another Chapter of the Codified Ordinances of Highspire Borough, motor vehicles without current, valid license plates or inspection stickers which are more than sixty (60) days beyond their expiration dates, shall not be parked or stored in any zoning district, unless stored within a completely enclosed building or completely covered.
- B. Nothing in this section shall be interpreted to prevent the unenclosed storage of motor vehicles without current, valid license plates and current valid inspection stickers if such storage is performed in conjunction with the legal operation of a permitted motor vehicle sales establishment, a motor vehicle service or repair establishment, or automobile wrecking, junk and scrap storage and sales.

Section 416. Performance Standards for all Uses

- A. Compliance Required.
 - 1. All uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this Chapter, Highspire Borough may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.
 - 2. All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. No availability of essential services shall be permitted to be grounds for denying permits for

additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full conformance with the jurisdiction's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.

B. All uses shall be subject to and comply with the following regulations, or as amended, where applicable.

1. Vibration: Ground vibration inherently and recurrently generated on the lot and detectable without instruments on any adjacent lot in any zoning district shall be prohibited, except that temporary vibration as a result of construction or vehicles which leave the lot (such as trucks, trains, airplanes and helicopters) shall be permitted. Otherwise all of the applicable "Rules and Regulations" of the Pennsylvania Department of Environmental Protection shall be complied with.
2. Noise: Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled in accordance with Chapter 10 of the Codified Ordinances of the Borough of Highspire relating to health and sanitation (noise control). For purposes of this standard, the zoning districts listed in this Chapter shall correspond with the following districts in Chapter 10:

<u>Zoning Districts This Chapter</u>		<u>Chapter 10</u>
R-L, R-M, and PR/OS	=	Residential
MN/C, CBD, and C-G	=	Commercial
I	=	Manufacturing

3. Air Pollution. Airborne Emissions and Odor: No pollution of air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling of property. Otherwise all of the applicable "Rules and Regulations" of the Pennsylvania Department of Environmental Protection shall be complied with.
4. Odors. A. No malodorous gas or matter shall be permitted which is discernible on any adjacent lot or property.
5. Water Pollution: Water pollution shall be subject to the standards established by the Pennsylvania Fish and Boat Commission, Department of Environmental Protection, and The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691, or as amended.
6. Mine Reclamation and Open Pit Setback: Pennsylvania Act 147, the "Surface Mining Conservation and Reclamation Act" of 1971, or as amended.
7. Glare and Heat: Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line. No heat from any use shall be sensed at any property line to the extent of raising the ambient temperature of air or materials more than five (5) degrees Fahrenheit. Any operation or activity that produces glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (0.5) footcandles measured at the property line. Otherwise all of the applicable "Rules and Regulations" of the Pennsylvania Department of Environmental Protection shall be complied with.
8. No use or operations shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause. Additionally, all uses and operations shall comply with the following:

- a. Electromagnetic interference
 - (1). In all zoning districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including but not limited to interference with normal radio, telephone or television reception and/or transmission off the premises where the activity is conducted.
 - b. Fire and explosive hazards
 - (1). Chapter 9 of the Codified Ordinances of the Borough of Highspire shall regulate hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the occupancy of a structure or premises.
 - c. Toxic and hazardous substance storage
 - (1). Storage of toxic and hazardous substance shall meet the requirements of the Pennsylvania Department of Environmental Protection, Pennsylvania Labor and Industry, and/or the United States Environmental Protection Agency.
9. Outdoor Lighting: Where on-site outdoor light fixtures are installed to provide exterior illumination of buildings, parking areas, and other on-site facilities for non-residential, multi-family dwelling/apartment, single family attached, and mixed uses, at a minimum all on-site, outdoor lighting shall be designed to prevent glare to adjoining properties by employing hooded, shielded, or screened fixtures that confine glare to the site, and security lighting should be directed toward the building, rather than the area around it. Otherwise, the standards of Chapter 22 of the Codified Ordinances of the Borough of Highspire, relating to subdivision and land development, restrictions shall apply. Outdoor lighting provisions herein do not include overhead street lighting and warning, emergency, or traffic signals.

Section 417. Pets, Keeping Of

- A. Keeping of pets is permitted by right accessory use in all zoning districts.
- B. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or order), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets.
- C. Keeping pets outdoors shall not permitted in the front of the principal building or front yard area, and shall comply with the Chapter 2 of the Codified Ordinances of the Borough of Highspire relating to animals, and other applicable health and safety codes, as well as any applicable State regulations.
- D. It shall be unlawful on a residential lot to maintain any “exotic wildlife” as defined by the Pennsylvania Game & Wildlife Code, whether or not an exotic wildlife possession permit has been issued.

Section 418. Public Water and Sewage Required

- A. Every principal building shall be served by public water and sewage services. However, if the Borough would allow a dwelling unit without both public water and sewage services, then a minimum lot area of one acre shall apply.

Section 419. Projections into Required Setbacks

- A. Patios, terraces, and decks and other similar uncovered structures without enclosed habitable foundations, may extend into required setback areas not more than five (5) feet so long there is a minimum of five (5) feet remaining between the structure and the lot line.
- B. Cornices, eaves, sills or other similar architectural features, gutters, bay windows, chimneys, or similar structures, may project into the front, side, or rear setback of a lot, not more than three (3) feet.
- C. Exterior stairways, fire escapes or other required means of egress, ground-mounted doors for basement access, window awnings, chase for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required setback area, except as may be required within a drainage or utility easement.
- D. Covered porches and those porches with enclosed habitable spaces, shall be considered as part of the principal building and shall not project into any required setback area.
- E. Walks, and window wells, and such other structures customarily incidental to the principal or accessory building may project into the front, side or rear setback area of a lot providing the structure elevation shall be not more than twelve (12) inches above the yard grade.
- F. Handicapped ramps, and landings necessary to provide entrance to building may be located within a required setback area. Handicapped ramps serving an existing building may extend into a right-of-way where necessary, if granted written approval by the Zoning Officer, as long as a minimum of thirty six (36) inch clear width of walkway is maintained when such ramp would encroach on an existing walkway. But in no case shall ramps or landings extend into the cartway or any area of the street serving as a vehicle travel or parking lane.

Section 420. Repair of Personal, Passenger, or Recreational Motor Vehicles

The routine maintenance, repair and servicing of personal, passenger, or recreational motor vehicles including go-carts and racing vehicles, owned or leased by the person performing such services when performed outside of a building, shall be permitted as an accessory use to residential use or building by the owner or occupant of the residential use or building, subject to the following:

- A. All vehicles shall be maintained with proper licensure.
- B. All work shall be performed on the vehicle owner's or lessee's property of residence.
- C. Work shall be limited to the following:
 - 1. Servicing and replacement of spark plugs, batteries, distributors and distributor parts;
 - 2. Repair and replacement of tires and wheels, excluding recapping or regrooving;
 - 3. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors and engine coolants;
 - 4. Repair and replacement of car radios, CD players, amplifiers, speakers, and similar electronic devices;
 - 5. Cleaning and flushing of radiators only when flushed into water-tight container'
 - 6. Repair and replacement of fuel pump and line repairs;

7. Minor servicing and adjustments;
 8. Minor motor adjustments, not involving the removal of the motor head or crankcase, nor the prolonged revving of the motor;
 9. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating;
 10. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, ribbing, polishing, waxing, and the application of paint sealants.
- D. All by-products or waste fuels, lubricants, chemicals, and other products shall be properly disposed of.
- E. No vehicle shall be stored in a “jacked-up” position or on blocks for more than seventy two (72) consecutive hours, unless completely covered.
- F. All exterior work or that being completed outside of a completely enclosed building shall be performed during daylight hours. Otherwise, all maintenance, repair and servicing operations occurring during times other than daylight hours shall be conducted within a completely enclosed building and completely undetectable from adjacent properties through soundproofing the building.
- G. Neither of the following shall be maintained or repaired upon residential lots in the R-L, R-M, and/or MN/C zoning districts:
1. Trucks with an aggregate gross weight of over 14,000 pounds;
 2. Vehicles not owned or leased by a resident of the lot.

Section 421 Reverse Frontage Lots, or Through or Double Frontage Lots

- A. Reverse frontage or through or double frontage lots shall follow the frontage, front and rear setback, building and development orientation, and access patterns surrounding development of the majority of the existing adjacent through or double frontage lots on the same shared block face (between two [2] intersecting streets) along the same side of the street. Therefore, the building and development orientation, frontage, location of front and rear setbacks, and access to the lot shall follow the majority of the existing adjacent through or double frontage lots on the same shared block face (between two [2] intersecting streets) along the same side of the street.
- B. Where no other reverse frontage or through or double frontage lots exist nearby, such reverse frontage or through or double frontage lots shall comply with Chapter 22 of the Codified Ordinances of the Borough of Highspire relating to subdivision and land development and have two (2) required front yard and setbacks, one front yard on each street. Building and development orientation shall face the street conveying the higher amount of daily traffic, while access to the lot shall be from the street conveying the lesser amount of daily traffic.

Section 422. Sale of Personal, Passenger, or Recreational Motor Vehicles

- A. In any zoning district, a landowner or occupant may display a maximum of two (2) personal, passenger, or recreational motor vehicles titled to the land owner or occupant of the building or lot, for sale at any time. Such displays shall be for a maximum of sixty (60) days not more than twice a calendar year. Two (2) signs a maximum of six (6) square feet each may be displayed per vehicle. All such vehicle sale activities shall be in accordance with applicable state regulations.
- B. Neither of the following shall be sold on residential lots in the R-L, R-M or MN/C zoning districts:

1. Trucks with an aggregate gross weight of over 14,000 pounds;
 2. Vehicles not owned or leased by a resident of the lot.
- C. Otherwise, it shall be considered motor or automobile vehicle sales and must comply with all applicable provisions set forth elsewhere of this Chapter.

Section 423. Satellite Dish Antennas

- A. Satellite dish antennas are subject to all accessory use and structure standards except as provided herein this section.
- B. Satellite dish antennas shall comply with the following:
1. In the R-L R-M zoning districts, and for all residential uses, the maximum diameter of any satellite dish antenna installed on any lot, building or structure shall be three (3) feet.
 2. Only one (1) satellite dish antenna shall be permitted per unit of occupancy.
 3. A satellite dish antenna shall not project above the peak of a roof, and if said satellite dish antenna is roof-mounted, no point of the satellite dish antenna shall be greater than three (3) feet from the roof's surface. A satellite dish antenna shall be permitted to be mounted on a flat roof so long as the satellite dish projects less than three (3) feet from the roof surface and is mounted in an inconspicuous location.
 4. In the R-L, R-M, MN/C, and CBD zoning districts ground-mounted satellite dish antennas shall not be permitted to be located between the principal building and the public street (excluding alleys), nor within any required front setback area, nor on front facades of buildings.
 5. All ground-mounted satellite dishes for non-residential uses shall be completely enclosed by an eight (8) foot high, non-climbable fence that includes signage warning of dangerous radiation levels. Screening shall be provided in accordance with Part 4 of this Chapter. Any gates within the fence shall be locked when unattended.

Section 424. Service Structures Screening and Location

- A. Service structures and areas such as solid waste dumpsters, refuse and recycling containers, propane tanks, air conditioning units (except window units) and condensers, electrical transformers and other equipment or elements providing essential services to a building or lot shall not be located:
1. between the principal building and the public street (excluding alleys) or within any required front setback area in the R-L, R-M, MN/C, or CBD zoning districts;
 2. in any required setback (excluding those lot lines abutting any alley) or a required buffer yard;
 3. in any area of a parking lot that causes obstructed access to designated parking spaces; or
 4. within fifteen (15) feet of the R-L and R-M zoning districts or an existing single or two family dwelling on an abutting lot.
- B. All service structures and areas shall be fully screened on all sides with a minimum of eighty (80) percent opacity.

1. A continuous planting, hedge, fence, wall or earthen mounding shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required.
 2. Fencing, if erected, shall be constructed of the same color and material as the principal building of a lot, but may be a decorative masonry wall (excluding exposed "cinder block"). If solid weather-resistant wood or material of similar appearance (such as white vinyl vertical planks) is used, vegetative screen planting shall also be provided. The fence or wall shall include a self-latching door or gate. In no case shall be "chain link" material or pattern fencing be used for screening.
 3. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height unless specified otherwise by this Chapter.
 4. When a service structure is located adjacent to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section.
 5. Although service structures are screened by plant material, such material may not count towards the fulfillment of any required landscaping.
 6. Whenever screening material is placed around any solid waste or trash disposal unit that is emptied or removed mechanically on a regular basis, a fixed barrier (e.g. mounted metal brackets) to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the screening material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.
- C. The locations of all service structures and screening shall be shown on all site plans and land development plans submitted to Highspire.
- D. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises, or for recycling containers that do not involve garbage.

Section 425. Shopping Cart Storage

- A. In the zoning districts where grocery stores, department store, variety stores, or home improvement and building supply stores are permitted, the outdoor collection of shopping carts shall be permitted under the following conditions:
1. Shopping carts may be collected and stored immediately in front of the store front (upon private sidewalks, or under a canopy) and/or within a parking lot;
 2. In no case shall such designed shopping cart storage and collection areas be located upon any facilities used for vehicle circulation, parking, loading, nor emergency vehicle access (e.g., fire lanes) or public rights-of-way;
 3. Such shopping cart storage and collection areas shall be situated so as to provide clear pedestrian access (sidewalk or other area) at least eight (8) feet wide adjoining the store front;
 4. Signage for such shopping cart storage and collection areas shall be governed by those regulations pertaining to on-site directional and informational signs as regulated by this Chapter.

5. Intended shopping cart storage and collection areas shall be graphically depicted and other indicated upon any permits and/or plans required by the Borough.

Section 426. Solar Collectors and Solar-Related Equipment.

- A. Solar collectors and solar-related equipment shall be permitted in any zoning district as an appurtenance to a building or as a detached accessory structure.
 1. No said systems or equipment shall be permitted to be located between the principal building and the public street (excluding alleys) or within any required front setback area.
 2. When a solar energy collection system is installed on a lot, accessory structures or vegetation on an adjoining lot shall not be located so as to block the solar collector's access to solar energy. This section shall not be applicable to any ground-mounted collection system and/or related equipment. This section shall not be applicable to any ground-mounted collection system and/or related equipment. The portion of the solar collector to be protected is defined by the following:
 - a. The portion located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical twelve (12) foot obstruction located on the lot line; and,
 - b. The portion which has an area of not greater than one half (1/2) of the largest floor area of the structure served.
 3. The above subsection does not apply to accessory structures or vegetation existing on an adjoining lot at the time of installation of the solar energy collection system, or on the effective date of this Part, whichever is later. The above subsection controls any accessory structure erected on, or vegetation planted in, adjoining lots after the installation of the solar energy collection system. Provisions shall not be applicable to ground-mounted systems and/or related equipment.
 4. A statement that a solar energy collection system is to be installed on a lot shall be filed with the Zoning Officer on the date the zoning permit for the solar system is issued, with the date of installation being the date of recordation. The solar facility must be completed, and the Zoning Officer notified of completion, within one (1) calendar year from the date of permit issuance.

Section 427. Swimming Pools

- A. Outdoor swimming pools, , shall be permitted in all zoning districts, subject to the following conditions, must conform to all applicable Borough and state codes and shall be subject to the following regulations.
 1. No swimming pool shall be permitted to be located between the principal building and the public street (excluding alleys) or within any required front setback area.
 2. Swimming pool setback shall be a minimum of ten (10) feet from the lot line to waters edge and seven (7) feet from impervious surface or support structure to the lot line.
 3. Water may not be discharged from a swimming pool directly onto any public right-of-way or within ten (10) feet of any adjacent property without the applicable owner's consent.
 4. Pools shall not be located over a drainage, utility, or access easement.
 5. No permanent pool structure shall be permitted without an operable filtration system, bromine or some other antibacterial agent.
 6. All swimming pools shall be completely enclosed with fencing at least four (4) feet in height. Such fence or wall shall be erected before any pool is filled with water.

- a. Above ground pools having pool walls of at least forty eight (48) inches in height and which access to the pool is removable or can be secured in a non-accessible fashion does not need to comply with the fencing requirement.
7. All on-site, outdoor lighting shall be designed to prevent glare to adjoining properties by employing hooded, shielded, or screened fixtures that confine glare to the site.
8. Otherwise, all swimming pools shall comply with the requirements of the Chapter 5 of the Codified Ordinances of the Borough of Highspire relating to buildings.
9. These standards shall not apply to “kiddie” or “wading” pools, or pools designed with pools walls not capable of holding water at a depth of more than twenty-four (24) inches of water.

Section 428. Temporary Construction Trailers or Sheds

- A. Temporary construction trailers or sheds shall be permitted in all zoning districts subject to the following conditions:
 1. Temporary construction trailers or sheds shall be permitted only during the period that the construction work is in progress. A permit for the temporary structure shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six (6) months.
 2. Temporary construction trailers or sheds shall be located on the lot on which the construction is progressing and shall not be located within ten (10) feet of any lot line abutting an existing residential use.
 3. Temporary construction trailers or sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use.
 4. A temporary construction trailer may be permitted for use as a sales center for residential lots. The maximum gross floor area of such a temporary sales center shall be five hundred (500) square feet.
 5. No combustible materials shall be stored in temporary construction trailers or sheds.

Section 429. Temporary Storage

- A. The use of temporary, non-traditional storage units, including those commercially known as “pods” or enclosed “container” of a box trailer with or without wheels, shall be permitted on a temporary basis subject to the following:
 1. Units shall be permitted for a maximum period of sixty (60) consecutive days in any one calendar year. This period may be extended upon written request to the Zoning Officer for a period not exceeding one hundred eighty (180) days.
 2. The enclosed “container” of a box trailer with wheels may be used for temporary construction storage for the period for which a valid building permit has been issued. Such units shall be licensed and located in accordance with the required accessory use setback of the zoning district in which the property is located.
 3. The “container” of a box trailer, with or without wheels, shall not be used for permanent storage in any zoning district.

- B. The temporary storage of portable dumpsters and bulk materials, including, but not limited to stone, mulch, firewood, and building materials within public right-of-way of a street under the jurisdiction of the Borough of Highspire shall be permitted in all zoning districts, subject to the following conditions:
1. The temporary storage shall not exceed forty eight (48) hours, unless otherwise approved by the Highspire Borough Police Department:
 2. The location of the storage shall not interfere with or otherwise obstruct pedestrian and vehicular traffic:
 - a. traveling within a public right-of-way including sidewalks and streets (including alleys);
 - b. entering or leaving the lot or adjacent lots (including access drives and driveways); and
 - c. shall be not located within a clear-sight triangle.
 3. The location of the storage shall be directly in front of the lot, and shall not extend in front of adjacent lots without the applicable owner's consent.

Section 430. Unenclosed Vehicle Storage

- A. Within the R-L, R-M, MN/C, and CBD zoning districts, the unenclosed storage of recreation vehicles, campers, travel trailers, boats and trailers shall be permitted only according to the following requirements:
1. For purposes of this section, recreational vehicles, campers, travel trailers, boats and trailers are divided into two separate categories, as follows:
 - a. Class I Vehicles
 - (1). Recreational vehicles, campers, travel trailers, boats and trailers used solely for the transport of residents' recreational vehicle(s) that possess no more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceeding a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall no be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console
 - b. Class II Vehicles
 - (2). Those recreational vehicles, campers, travel trailers, boats and trailers used solely for the transport of residents' recreational vehicle(s) that possess more than two hundred (200) square feet, as measured to the vehicle's outermost edges, nor exceeding a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall no be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console
 2. The temporary parking of one (1) Class I or Class II vehicle for a period not to exceed forty eight (48) hours shall be permitted on a paved or gravel surface in any yard, so long as the vehicle is set back no less than ten (10) feet from any street right-of-way (excluding alleys), and five (5) feet from abutting lot lines or alley right-of-way.

3. The storage of Class I vehicles registered to the land owner or tenant of a property shall be permitted on the basis of one (1) vehicle per one half (1/2) acre of lot area up to a maximum of five (5) vehicles, so long as the unit is set back no less than ten (10) feet from any street right-of-way (excluding alleys) and five (5) feet from abutting lot lines or alley right-of-way
4. The storage of one (1) Class II vehicle is permitted, subject to the following requirements:
 - a. All vehicles shall be set back a horizontal distance equal to the underlying zoning district's principal use setbacks.
 - b. No vehicle shall be stored between the principal building and the public street (excluding alleys) or within any required front setback area. On vacant lots, the vehicle must be stored behind the required front setback line, as specified for principal uses.
 - c. Screening shall be provided along any side or rear lot lines in accordance Part 4 of this Chapter. Such screening shall not be required along a common side lot line when the owner resides on one lot, and stores a vehicle on an abutting vacant lot that he/she owns. One ten (10) foot wide break in required screening may be provided along one (1) rear or side lot line for vehicle access onto an adjoining alley.
 - d. All areas used for storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and shall prevent the leakage of fuels, lubricant, or both, onto the ground.
5. The storage or parking of one (1) commercial truck upon any residential lot is permitted. For the purpose of this section, commercial trucks shall include those that do not exceed a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds.
6. The parking or storage of any trailer other than those accessory to a principal residential use is prohibited.

Section 431. Wind Energy Conversion Systems.

- A. Windmills, windwheels, or wind energy conversion systems (WECS) shall be permitted in all zoning districts, subject to the following conditions:
 1. No said systems or equipment shall be erected nor located between the principal building and the public street (excluding alleys) or within any required front setback areas or on front facades of buildings.
 2. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and located a minimum distance of the tower height plus ten (10) feet from any occupied residential dwelling, and shall not be more than seventy five (75) feet in height.
 3. The minimum distance between the tower and any lot line shall be not less than twice the height of the tower.
 4. The minimum distance between grade and the lowest point of the rotor blade shall be twenty (20) feet.
 5. All electric lines/utility wires shall be buried underground.

6. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed by a six (6) foot fence. The supporting structure shall also be enclosed by a six (6) foot fence, unless the base of the tower is not climbable for a distance of twelve (12) feet.
7. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed one hundred forty four (144) square feet.
8. One (1) windmill, windwheel or WECS shall be permitted per lot.
9. The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless all applicable cogeneration requirements are met.
10. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within sixty (60) days.
11. The applicant shall demonstrate that any noise from the wind generating unit shall not exceed forty five (45) dBA measured at the property line.
 - a. A “decibel” shall mean a unit for measuring the relative intensity of sounds. More specifically, a unit for expressing the ratio of two (2) amounts of acoustic signal power equal to ten (10) times the common logarithm of this ratio.
 - b. A “weighted” sound level shall mean the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty (20) micro-pascals using the “A” weighted network (scale) at slow response. The unit of measurement shall be defined as dB(A).

Section 432. Yard and Setback Exception.

A. Front Yard and Setback Exception

1. Except as otherwise provided herein this Chapter, in any zoning district within a block containing a lot proposed for development, where the required front setback regulations for the zoning district are greater than the actual distances of the existing buildings on abutting lots are setback from the street right-of-way, the required front setback may be altered to be similar to those distances between existing principal buildings on the abutting lots and the abutting street right-of-way, in accordance with the following standard:
 - a. Identify the existing principal buildings on the lots abutting the lot proposed for development.
 - b. Using these results, calculate the average setback distance between the existing principal buildings on the abutting lots and the street rights-of-way line.
 - (1). If an abutting lot is vacant, the required setback of the abutting vacant lot shall be assumed to be the minimum front setback standard defined in the underlying zoning district in which it is situated.
 - (2). For corner lots, the standards set forth in this section above shall be calculated using each abutting lot, which includes those abutting lots having frontage on and the existing principal buildings oriented toward the intersecting street.

- c. The required front building setback for the building on the lot proposed for development shall be the average setback distance calculated in subsections a. and b. above, which may be adjusted by not more fifteen percent (15%), unless all buildings on the abutting lots have the same set back distance.
 - (1). Front building façades and/or covered front porches shall be permitted to fulfill this requirement.
- d. However, no building shall extend into any street right-of-way.
- e. Otherwise the building on the lot proposed for development shall comply with all front setback standards defined in the underlying zoning district in which it is situated.