

ORDINANCE NO. 428-2012

ORDINANCE OF THE BOROUGH OF SHOEMAKERSVILLE, BERKS
COUNTY, PENNSYLVANIA, AMENDING THE SHOEMAKERSVILLE
ZONING ORDINANCE OF 1992, AS AMENDED, TO PERMIT PUBLIC
SCHOOL FACILITIES WITHIN THE R-1 ZONING
"DRAFT"

Whereas, the Borough Council of the Borough of Shoemakersville, Berks County, Pennsylvania, believes that in the need to retain and provide for Public School facilities within the Borough; and

Whereas, the Borough Council believes it to be in the interest of good community planning and in the interest of all citizens of the Borough, that provision be made within the Borough for Institutions of Public Education to meet the needs of school-aged children of the Borough residents; and

Whereas, the Borough Council desires to encourage innovation in the design and development of Public School Facilities so that the demand for such facilities is achieved; and

WHEREAS, the Borough Council of the Borough of Shoemakersville desires to permit the establishment of Public Schools upon large tracts of land within the R-1 Zoning District; and

WHEREAS, the Borough Council of the Borough of Shoemakersville believes that permitting establishment of Public Schools upon large tracts of land within the R-1 Zoning District is the appropriate usage of said property; and

WHEREAS, the Borough Council of Shoemakersville Borough find that it is in the best interest of the Township and its citizens to amend the Zoning Ordinance to make provisions for the establishment of Public Schools upon large tracts of land within the R-1 Zoning District.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Shoemakersville, Berks County, Pennsylvania, and it is hereby ordained and enacted by the same as follows:

Section 1. DEFINITIONS

Article II, Section 201 of the Shoemakersville Zoning Ordinance shall be amended to include and insert in alphabetical order the following definition:

Public School – A school licensed by the Pennsylvania Department of Education for the purpose of providing elementary, secondary, post-secondary and adult education, and created by the school district (or local community college), in which supervised education or instruction is offered.

Section 2. Article IV, Section 404(2) of the Borough of Shoemakersville Zoning Ordinance is hereby enacted and created and shall read as follows:

Section 404. USES PERMITTED BY CONDITION

2. Public Schools as defined in the Zoning Ordinance shall be are permitted as a Conditional Use in the R-1 Zoning District subject to all the following conditions being met:

- a. All procedures set forth in Section 809 of the Zoning Ordinance shall be met and complied with by the Applicant desiring to establish a Public School.
- b. the following Area, Height and Yard Regulations shall be met:

Area, Height and Yard Regulations.

Maximum Permitted

Building Height	50 feet for schools
Building Coverage	30 Percent
Paved Area	35 Percent

Minimum Requirements

Lot Size	1 Acre**
Lot Width	
At Street Line	100 feet
At building setback line	
*Building Setback	30 feet
Rear Yard	30 feet
Side Yard	
Total	30 feet
One Side	30 feet

*Note: Setbacks shall be measured from the right-of-way line of all dedicated streets. Setbacks shall be measured from non-dedicated streets including alley from the center of these streets or alleys.

**Note: This Overlay shall apply to all lands owned by applicant even if the parcels are not contiguous.

c. Screening – adequate visual screening by either landscaper or fencing shall be provided along any lot line adjacent to a residential use or residential zoning district. Additional screening should be provided along parking lots to reduce glare onto adjoining residents.

d. Storage – all storage shall be completely screened from view from any public right-of-way and any residential use. All organic rubbish or storage shall be contained in vermin-proof containers.

e. Landscaping – any part or portion of a site which is not used for building area or parking area shall be landscaped according to an overall plan in keeping with the natural surroundings. Any single parking area with twenty-five (25) or more spaces shall include parking area landscaping of an

area that is equal to at least ten percent (10%) of the area covered by parking spaces and aisle ways; said landscaped area shall be in addition to the open area requirements of the applicable zoning district. The overall parking area design and associated landscaping shall be subject to approval by the Township in accordance with the provisions of the Shoemakersville Borough Subdivision and Land Development Ordinance.

f. Access and Traffic Control – No driveway or street to service this use shall be located within fifty feet (50) from the intersection of any street lines. When any driveway or street shall provide access for more than fifty (50) parking spaces, the approval of the design shall be subject to review by the Borough Planning Commission. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements, which may be imposed in such a review, shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and land markings and signs.

g. Driveway width should comply with the applicable design standards of the Shoemakersville Borough ordinances. However, if additional driveway widths are necessary to facilitate the safe movement of buses or delivery vehicles then the maximum width should not exceed the following:

- 80 feet for one way bus vehicles drop off areas
- 30 feet one way vehicles to parking
- 80 feet for loading areas

h. Interior Circulation – the interior circulation of traffic shall be designed so that no driveway providing parking spaces shall be used as a public through-street. If parking spaces are indicated by lines with angles other than ninety (90°) degrees, then traffic lanes shall be restricted to one-way permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ten feet (10) in width. Areas for loading shall be separate from customer parking areas. Area for buses should be provided with a separate driveway and circulation.

i. Parking Design - All pedestrian entrances shall be paved with an all-weather surface. Curbing shall be provided to separate parking areas, streets and driveways. The parking calculation shall be based on the following:

Minimum off-street parking requirements shall be as follows:

1. Elementary School

One space per each full-time administrative staff member plus a half space per each part-time staff member

2. Middle, Junior & Senior High Schools

One space per each full-time administrative staff member, plus a half space per each part-time administrative staff member, plus one-quarter (.25) space per seat in gymnasium

Area of off-site parking on parking lots that confirm to the Borough standards and are

owned or leased by the School District can be applied to complying with the required parking counts.

j. Except as otherwise provided for herein, The Public School shall comply with any additional regulations of this Ordinance which are applicable to the R-1 District.

k. The minimum tract size, prior to application for conditional use approval, subdivision and/or land development shall be Fifteen (15) gross acres.

l. Utilities – The overlay would include all land owned by the applicant even if they are not contiguous. All buildings shall be served by a public or community water and public sanitary sewer system.

m. Lighting Fixtures – External illumination of any Public Schools as well as the parking lots, driveways, walkways, and entrances thereto shall be arranged so as to protect the adjacent highways and neighboring properties, whether or not contiguous thereto, from unreasonable direct glare or hazardous visual interference. No freestanding light fixture shall exceed a height of thirty (30) feet, and all such lighting fixtures shall comply with the general lighting requirements of any Borough ordinances and regulations which may be applicable.

n. Signs -

1. Fully programmable signs with dimming capabilities shall be permitted subject to the following:

a. No signs shall be erected within the right-of-way lines of any street or extend over any street right-of-way.

b. Every sign shall be kept in good condition. Peeling paint shall be repaired and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced, and similar maintenance tasks shall be performed when necessary.

c. No sign shall be utilized in a manner which produces a noxious glare or a light intensity greater than one (1) footcandle beyond the lot boundaries.

d. The distance from the ground to the highest part of any freestanding sign shall not exceed nine feet (9'). No portion of a sign which is attached to a building, supported by a building or which projects from a building shall extend above the height of the building.

e. No portion of any sign shall project over any lot line.

f. Signs shall be erected on any property owned by the applicant.

g. No sign should exceed a surface area of 75 square feet per side.

Area, Height and Yard Regulations.

<u>Maximum Permitted</u>	<u>Current R1</u>	<u>Proposed w/this Ordinance</u>
Building Height	35 feet	50 feet for schools
Building Coverage	25 Percent	30 Percent
Paved Area	20 Percent	35 Percent
<u>Minimum Requirements</u>		
Lot Size	10,000 square feet	1 Acre**
Lot Width		
At Street Line	100 feet	
At building setback line		
*Building Setback	30 feet	30 feet
Rear Yard	40 feet	30 feet
Side Yard		
Total	30 feet	30 feet
One Side	15 feet	30 feet

Note: Setbacks shall be measured from the right-of-way line of all dedicated streets. Setbacks shall be measured from non-dedicated streets including alley from the center of these streets or alleys.

**Note: This Overlay shall apply to all lands owned by applicant even if the parcels are not contiguous.

Section 3. Conflicts. In the event a requirement, term, or provision of this Ordinance conflicts with any requirement, term, or provision set forth in the Borough of Shoemakersville's Subdivision and Land Development Ordinance or other Borough ordinance regulation the development of land within the borough, or is otherwise in conflict with another requirement, term, or provision of the Borough of Shoemakersville's Zoning Ordinance, it is the intent of the Council of the Borough of Shoemakersville that the requirements, terms, and provisions of this Ordinance shall control on the case of a development subject to the terms of this Ordinance.

Section 4. Repealer. All Ordinances or parts thereof that are inconsistent herewith are hereby repealed.

Section 5. Severability. The provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such

unconstitutionality, illegality, or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of Shoemakersville that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section had not been included herein.

Section 6. Effective Date: This Ordinance and all of its terms and provisions shall become effective at the earliest date permitted by law.

ENACTED AND ORDAINED THIS 4th day of December, 2012.

BOROUGH OF SHOEMAKERSVILLE

By: John M Zesku
President (Vice)

Attest: Melissa Wagner
Secretary

Approved as an Ordinance this 4th day of December, 2012

Mayor Richard J. Kypner Sr.
Mayor