

**BOROUGH OF SHOEMAKERSVILLE
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 454-2019

BOROUGH OF SHOEMAKERSVILLE ZONING ORDINANCE OF 2019

TABLE OF CONTENTS

		<u>Page</u>
ARTICLE I	TITLE, PURPOSE, INTERPRETATION, AND APPLICATION	1
ARTICLE II	DEFINITIONS	3
ARTICLE III	ZONING DISTRICTS	29
Section 300	Types of Zoning Districts	29
Section 301	Official Zoning Map	29
Section 302	District Boundaries – Rules for Interpretation	30
Section 303	Application of District Regulations	31
ARTICLE IV	RESIDENTIAL DISTRICT REGULATIONS	34
Section 400	R-1 Low Density Residential District	34
Section 410	R-2 Suburban Density Residential District	37
Section 420	R-3 Medium Density Residential District	40
Section 430	R-4 Planned Development Residential District	45
ARTICLE V	COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS	50
Section 500	C-1 Town Center District	50
Section 510	C-2 Highway Commercial District	52
Section 520	C-3 Business Development District	57
Section 530	I-1 Light Industrial District	63
Section 540	I-2 General Industrial District	66
ARTICLE VI	GENERAL REGULATIONS	
Section 600	Compliance with Other Borough Regulations	77
Section 601	Access to Structures	77
Section 602	Residential Accessory Buildings, Structures and Uses	78
Section 603	Non-Residential Accessory Buildings, Structures and Uses	85
Section 604	Landscaping	86
Section 605	Lighting	87
Section 606	Signs	87
Section 607	Control of Street Access	96
Section 608	Loading Areas	96
Section 609	Off-Street Parking	97
Section 610	Driveways	101

SECTION VI	GENERAL REGULATIONS (cont'd.)	
		<u>Page</u>
Section 611	Storage or Parking of Vehicles and Major Recreational Equipment	103
Section 612	Prohibited Uses	104
Section 613	Front Yard Exceptions	104
Section 614	Fences, Walls, and Hedges	105
Section 615	Corner Lot Restrictions	106
Section 616	Height Exceptions	107
Section 617	Slope Controls	107
Section 618	Standards for Public Utility Uses	108
Section 619	Environmental Performance Standards for Non-Residential Uses	108
Section 620	Floodplain Controls	111
Section 621	Home Occupation Regulations	111
Section 622	Residential Conversion Regulations	114
Section 623	Planned Development Regulations	115
Section 624	Retirement Community Regulations	119
Section 625	Cluster Development Regulations	122
Section 626	Removal of Natural Resources	123
Section 627	Mobile Home Requirement	123
Section 628	No-Impact Home-Based Businesses	123
Section 629	Regulations for Communication Towers and Antennas	125
Section 630	Wind Energy Conversion Systems (Personal)	134
Section 631	Solar Energy	136
ARTICLE VII	NON-CONFORMING LOTS, USES, STRUCTURES, AND BUILDINGS	141
Section 700	Statement of Intent	141
Section 701	Non-Conforming Lots of Record	142
Section 702	Abandonment	142
Section 703	Change	143
Section 704	Expansion	143
Section 705	Damage or Destruction	144
Section 706	Non-Conforming Uses of Land	145
Section 707	Non-Conforming Structures or Buildings	145
Section 708	Non-Conforming Uses of Structures or Buildings	146
Section 709	Unsafe or Unlawful Structures or Buildings	147
Section 710	Uses Under Special Exception Provisions Not Non-Conforming Uses	147
Section 711	Movement and Replacement	147
Section 712	Registration	147
Section 713	Certificate of Intention	148
Section 714	Non-Conforming Signs	148

		<u>Page</u>
ARTICLE VIII	ADMINISTRATION AND ENFORCEMENT	150
Section 800	Zoning Officer	150
Section 801	Zoning Permits	152
Section 802	Certificate of Use and Occupancy	154
Section 803	Schedule of Fees, Charges and Expenses	155
Section 804	Amendments	155
Section 805	Causes of Action	158
Section 806	Enforcement Notice	158
Section 807	Enforcement Remedies	159
Section 808	Appeals	159
Section 809	Conditional Use Procedures	160
ARTICLE IX	ZONING HEARING BOARD	162
Section 900	Creation and Organization	162
Section 901	Hearings	163
Section 902	Functions of the Zoning Hearing Board	165
Section 903	Procedures for Application to the Zoning Hearing Board	168
Section 904	Time Limitations	169
Section 905	Review of Applications for Special Exceptions and Variances by the Borough Planning Commission and the Borough Council	169
Section 906	Appeal to Court	169
ARTICLE X	ENACTMENT	170
Section 1000	Public Utilities Corporation Exempted	170
Section 1001	Severability	170
Section 1002	Repeal of Conflicting Ordinances	170
Section 1003	Savings Clause	171
Section 1004	Effective Date	171

BOROUGH OF SHOEMAKERSVILLE

ORDINANCE NO. 454

This is an Ordinance regulating the location, erection, construction, alteration, removal, size of buildings, structures, signs, and regulating the use of land. Zoning districts, with their applicable regulations, and general regulations are created to accomplish these purposes. Provision is made for the amendment, enforcement, and administration of this Zoning Ordinance.

ARTICLE I

TITLE, PURPOSE, INTERPRETATION, AND APPLICATION

Section 100. TITLE

This Ordinance shall be known as and may be cited as "The Borough of Shoemakersville Zoning Ordinance of 2019".

Section 101. PURPOSE

This Ordinance is enacted to promote the public health and safety and the general welfare of the residents and occupants of the Borough of Shoemakersville (the Borough) by securing safety from fire, panic, flood, and other dangers and accomplishing the following Community Development Objectives:

1. Encourage the most appropriate use of land and buildings.
2. Prevent the overcrowding of land.
3. Avoid undue traffic and population congestion.
4. Provide for adequate areas for vehicular parking and loading.
5. Provide for adequate light and air.
6. Conserve the value of land and buildings.

7. Provide for adequate transportation, water, sewerage, school and other public facilities.
8. Encourage the harmonious and orderly development of land.
9. Maintain the character of existing residential neighborhoods.

Section 102. INTERPRETATION

In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the Borough. Where the provisions of this Ordinance impose greater restrictions than those of any other Borough statute, ordinance or regulation, the provisions of this Ordinance shall take precedence. Where provisions of any other Borough statute, ordinance or regulations impose greater restrictions than this Ordinance, the provisions of such other Borough statute, Ordinance, or regulations shall be complied with unless otherwise stated in this Ordinance.

Section 103. APPLICATION

Except as hereinafter provided, no building, structure, land, or parts thereof in the Borough shall be used or occupied, erected, constructed, assembled, moved, enlarged, removed, reconstructed, or structurally altered unless in conformity with the provisions of this Ordinance.

ARTICLE II

DEFINITIONS

Section 200. GENERAL

For the purpose of this Ordinance, certain terms and words are defined below. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. Words in the masculine include the feminine and neuter. The word "shall" is mandatory. The word "may" is permissive. The word "person" includes "individual", "company", "unincorporated association", or other similar entities. The words "used for" include "designed for", "arranged for", "intended for", "maintained for", or "occupied for". The word "building" shall be construed as if followed by the phrase "or part thereof".

Section 201. SPECIFIC TERMS

Access Drive - A private drive providing vehicular access between a public or private street and a building or parking area within a land development.

Accessory Building or Structure - A building or structure subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

Accessory Use - A subordinate use of a portion of a lot which is customarily incidental to the main or principal use of the land or of a building on a lot.

Agriculture - (a) The cultivation of the soil and the raising and harvesting of the products of the soil, including nursery and horticulture but excluding forestry; (b) animal husbandry, poultry farming, and dairy farming, pigs, cattle, sheep, etc. excluding kennels.

Alteration, Structural - Any enlargement of a building or structure; the moving of a building or structure from one location to another; any change in or addition to the structural parts of a building or structure such as the bearing walls, supporting partitions, columns, beams, or girders; any change in the means of egress from or access to a building or structure.

Animal - A living creature having sensation and power of voluntary motion, distinct from plants.

Animal Husbandry - The raising and keeping of livestock, poultry, fowl, birds, fish, or insects for any commercial purposes or the keeping of any animals allowed under this Ordinance.

Animal Kennel — Any lot, premises or facility on which four (4) or more domesticated pets (dogs or cats or both) at least six (6) months of age are kept, boarded, trained, bred, groomed, sale, or show purposes, whether in special buildings or runways or not. A non-profit animal shelter is also classified as a kennel. For the purposes of this use, breeding shall mean the production of two (2) or more litters in any one calendar year. See Kennel.

Antenna

- (1) Amateur Radio: A device partially or wholly exterior to a building that is used for receiving and or transmitting electronic signals or shortwave or citizens band frequencies. This includes supporting structures except principal buildings.
- (2) Commercial Radio and TV: A device exterior to a building that is used for transmitting commercial radio and TV signals.
- (3) Telephone: Includes devices for the reception and transmission of telephone signals and which is exterior to a building. This includes cellular telephone towers.
- (4) Television: A device exterior to a building for the reception of TV signals.
- (5) Satellite Dish:
 - (a) Small - A TV receiving device less than three feet in diameter.
 - (b) Large - A TV receiving device more than three feet in diameter.

Approved Private Street - A right-of-way which provides the primary vehicular access to a lot, not dedicated or deeded to the Borough, but approved by the Borough Council and shown on a recorded subdivision plan.

Basement - A story partly below the finished grade but having one-half or more of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

Bed and Breakfast Inn - A single-family detached dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. This use shall only include a use renting facilities for a maximum of 14 days in any month to any person(s) and shall be restricted to transient visitors to the area.

Billboard - A Commercial Advertising Sign, upon which advertising matter of any character is printed, posted or lettered, whether freestanding or attached to a surface of a building or other structure. A billboard is used to advertise products, services or businesses at a location other than the premises on which the sign is placed. Such a billboard may also include electronic or neon signage. A billboard may also include a board, panel or tablet used for the purpose of printed or painted advertising matter which directs attention to a business, product, service, activity, or entertainment not necessarily conducted, sold or offered on the premises for which such sign is located.

Boarder, Roomer or Lodger - A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by pre-arrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without pre-arrangement or for less than a week at a time shall be classified for purposes of this ordinance not as a roomer, boarder, or lodger, but as a guest of a commercial lodging establishment (motel or hotel).

Borough - Borough of Shoemakersville, Berks County, Pennsylvania.

Borough Council - Borough Council of the Borough of Shoemakersville, Berks County, Pennsylvania.

Buffer Strip - A continuous strip of landscaped land which is clear of all buildings and paved areas.

Building - A structure used, intended, or designed for the housing or shelter of persons, animals, or property of any kind.

Building Area - The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions.

Building Coverage - The percentage of a lot covered by principal and accessory buildings.

Building Front - The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

Building Height - The vertical distance from the level of the ground adjacent to a building to the highest point of the roof.

Building Setback - The minimum distance a building or structure must be set back from a street right-of-way line (except the right-of-way of a service street).

Building Setback Line - The line within a property establishing the minimum required distance between any building or structure or portions thereof to be erected or altered and a street right-of-way (except the right-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line which abuts the property and the building setback line shall be parallel to said right-of-way line.

Business Services - Any business activity that renders service and repair to other commercial or industrial enterprises, including banks, credit unions, commercial printing enterprises, service and repair of furniture, office equipment, medical supplies and equipment and commercial appliances; the supply and servicing of vending machines; frozen food lockers; the painting and assembly of signs; printing, copy and photocopying services; arts, crafts, drafting and stationery supplies; interior decorating; upholstery; and personal dry cleaning services. Uses which shall not be interpreted to be business service establishments are retail shops and stores; gasoline and motor vehicle stations; vehicular sales, service, and repair.

Carport - A non-accessory free standing open space for the storage of one or more motorized vehicles, camping trailers, or boats which may be covered by a roof supported by columns or posts, not in the same manner as a private garage, except if one or more walls may be the walls of the main building, the carport is then considered an accessory building or extension.

Cartway - The portion of a street right-of-way, whether paved or unpaved, intended for vehicular use.

Cellar - A story partly below the finished grade, having more than one-half of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building.

Certificate of Use and Occupancy - A statement, based on an inspection signed by the Zoning Officer, setting forth that a building, structure, sign and/or land complies with the Zoning Ordinance, and that a building, structure, sign, and/or land may be lawfully employed for a specific use, as provided in this Ordinance.

Clear Sight Triangle - An area of unobstructed vision above two and one-half feet and below a height of ten feet at highway access points and street intersections defined by lines of sight between points at a given distance from the intersection of the center lines. See sight triangle.

Club or Lodge - An association of persons for some common non-profit activity, not including groups organized primarily to render a service which is customarily carried on as a business.

Commercial School - A school for the teaching of a trade or skill, carried on as a business.

Common Open Space - A parcel or parcels of land or an area of water (excluding stormwater detention facilities), or a combination of land and water within a development site, designed and intended for use or enjoyment of all residents of the development in which it is located. Land included within the right-of-way lines of streets shall not be classified as common open space. Common open spaces shall not include required open areas between buildings; required open areas between buildings and street rights-of-way, driveways, parking areas and property lines of the parcel; off-street parking areas; and stormwater management facilities.

Common Parking Area - A parking facility other than those serving one single family detached dwelling, one single-family semi-detached dwelling, one townhouse, or one two-family detached dwelling.

Communications Antenna - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including without limitation ham or citizen band radio antennas.

Communications Equipment Building - An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty (250) square feet.

Communications Tower - A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antenna.

Communications Transmitting and Receiving Facility - A communications tower or other facility which transmits or receives a radio, television or other communications signal.

Conditional Use - A use permitted in a particular zoning district pursuant to the provisions of Section 809.

Condominium - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Corner Lot - A lot abutting two or more intersecting public or private streets, or at the point of abrupt change of direction of a single street (an interior angle of less than 135 degrees).

Curative Amendment - A proposed zoning amendment made to the Borough by any landowner/applicant who desires to challenge on substantial grounds the validity of an ordinance, which prohibits or restricts the use of the development of land in which the landowner/applicant has an interest.

Customary Household Pets - Such pets which are normally found inside the home such as dogs, cats, hamsters, rabbits, fowl or birds. See Domestic Pets.

Day Care

a. Child Day Care Center. A Day Care Center is a State licensed facility in which care is provided for 7 or more children, at any one time, where the child care areas are not being used as a family residence.

b. Group Day Care Home. A State licensed facility in which care is provided for more than 6 but less than 12 children, at any one time, if care is provided in a facility where the child care areas are being used as a family residence.

c. Private Day Care Home. Any premises, operated for profit or not for profit, in which child day care is provided at any one time to no more than three children, including the caregiver's children.

Deck - An elevated platform structure with railings but without a roof, projecting out from the main wall of a dwelling and intended to be used as an area for seating, dining, or recreation outdoors.

Density - A term used to express the allowable number of dwelling units per acre of land.

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

Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. The term also includes any activities defined as “land development” under the Borough Subdivision and Land Development Ordinance.

Development Plan - The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this act shall mean the written and graphic materials referred to in this definition.

D.E.P. - The Pennsylvania Department of Environmental Protection or its successor.

D.E.R. - The Pennsylvania Department of Environmental Resources or its successor.

Distance Between Buildings - This measurement shall be made at the closest point.

Domestic Pets - Animals under 150 pounds in weight, that are locally available for purchase and/or ownership as household pets for the company or enjoyment of the owner, and that is normally or can generally be kept within the immediate living quarters of a residential structure. Domestic pets shall not include livestock, farm animals, horses, pigs or any exotic animal or exotic wildlife.

Drug Treatment Facility - A facility operated for the purpose of providing education, counseling, therapy treatment and/or rehabilitation of drug and/or alcohol addiction for adolescents or adults. This includes a facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

Dwelling - A building or structure or portion thereof arranged, intended, designed or used as the living quarters for one or more families living independently of each other. Such buildings as hospitals, hotels, boarding, rooming, lodging houses, nursing homes, motels, and institutional residences are not included in the definition of dwelling.

Apartment Building - A building on a single lot arranged, intended, or designed to contain three or more apartment units, and in which the apartment units may be separated horizontally and/or vertically.

Apartment Unit - A dwelling unit within an apartment building, building converted to apartment use in accordance with this Ordinance, or in combination with a commercial use as permitted in this Ordinance.

Single-Family Detached Dwelling - A building arranged, intended or designed to be occupied exclusively as a residence for one family and having no party wall with an adjacent building. It does not include an individual mobile home.

Single-Family Semi-Detached Dwelling - A building arranged, intended or designed to be occupied exclusively as a residence for one family, which is one of two such buildings placed side by side and separated by an unpierced party wall.

Townhouse - A building arranged, intended, or designed to be occupied exclusively as a residence for one family which is one of a group of three or more such buildings, placed side by side and separated by unpierced party walls, each dwelling having not less than two (2) independent exterior to interior accessways.

Dwelling Unit - A building or structure or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit.

Family

- a. One or more persons, related by blood, marriage, adoption, or guardianship, with not more than two boarders, roomers or lodgers, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.
- b. Not more than four unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

Family Day Care Home - Any premises other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time to four, five, or six children, who are not relatives of the caregiver; provided that such facility is registered by the Pennsylvania Department of Public Welfare.

Farm - Any parcel of agricultural land which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits, one single-family detached principal dwelling and the storage of equipment used; all used for agriculture and where the primary source of income is derived from property. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, and kennels.

Farm Animals - Those animals which are commonly associated with agriculture purposes or uses and are not generally housed within the living quarters of a residence.

Farm Building - A barn, silo, or any building used for the storage of agricultural equipment or farm produce, or housing livestock or poultry. The term "farm building" shall not include dwellings.

Financial Institution - Bank, savings and loan association, savings bank, investment company, investment manager, investment banker, securities broker/dealer, philanthropic foundation.

Fence - A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall". The term "wall" does not include engineering retaining walls which are permitted uses as needed in all districts. The term "fence" and "wall" do not include hedges, trees or shrubs.

Flea Market - An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include garage sales.

Floor Area - (Gross Floor Area) The sum of the gross horizontal areas of every floor of a building measured to the exterior faces of exterior walls and to the center line of party walls, including basement space and roofed porches, roofed breezeways, roofed terraces, roofed garages and carports, and accessory buildings. Cellar area is excluded.

Foot-Candle - A unit of incident light on a surface, stated in lumens per square foot and measurable with an illuminance meter, a.k.a. foot-candle or light meter. One (1) foot-candle is equal to one (1) lumen per square foot.

Garage, Private - A building, structure or part thereof which is accessory to a residential dwelling and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and in which no commercial activities, use, or service is rendered, provided or conducted, for the benefit of the general public.

Garage Sale - The accessory use of any lot for the occasional sale or auction of only personal common household goods, furniture, and items of a similar nature often held in the garage of the dwelling.

Grade - The level of the ground adjacent to a building, structure, exposed storage, or sign.

Group Home - A household of two (2) or three (3) members, not necessarily related by blood, marriage, adoption, or legal guardianship, who, because their physical, emotional or behavioral condition or their social or interpersonal skills otherwise would limit, inhibit, or prevent their ability to function as useful or productive members of society, are provided supportive services through a non-profit social service agency.

Group Lodge - A household of more than three (3), but not more than six (6) members, not necessarily related by blood, marriage, adoption or legal guardianship, who, because their physical, emotional or behavioral condition or their social or interpersonal skills otherwise would limit, inhibit or prevent their ability to function as useful or productive members of society, are provided supportive services through a non-profit social service agency.

Halfway House - A licensed house for inmates on release from more restrictive custodial confinement or initially placed, in lieu of such more restrictive custodial refinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

Highway Access Point - A place of egress from or access to a street or highway created by a driveway or another street or highway.

Highway Frontage - The lot dimension measured along the right-of-way line of any one street or highway abutting a lot.

Home Occupation - An occupation customarily conducted within a dwelling unit, clearly incidental and secondary to the use of the dwelling for residential purposes, such as but not limited to the studio of an artist; the professional office of a physician, dentist, lawyer, engineer, architect, writer, or accountant; teaching of not more than six (6) pupils simultaneously, or in the case of musical instruction, not more than two (2) pupils at a time; a beauty shop or barber shop.

Among the uses that shall not be interpreted as a home occupation are an animal hospital, commercial stables and kennels, funeral parlor, tourist home, restaurant, wholesaling, retailing, storage or mail order activities in which goods are distributed on the residential property, the dispensing of food or drink, the repair, servicing, storage or rental of motor vehicles, clinics and hospitals, and machine and welding shops.

Hotel - A building or group of buildings containing individual rooms for rental, primarily for transients, with common hallways for all rooms on the same floor, and where no provision is made for cooking in any individual room or suite. "Hotel" does not include institutional or educational uses and buildings where human beings are housed under legal constraint.

Impervious - Materials, such as buildings, paved parking areas, paved, walks, terraces, and similar surfaces which do not normally absorb rainfall.

Impervious Surface - A surface which prevents the percolation of water into the ground (i.e., roads, buildings, sidewalks, access drives, loading areas, parking areas, and paved recreation courts).

Impervious Coverage - The percentage of a lot covered by impervious surfaces.

Improvement (or Improved) - Any type of structure or paved section.

Improvement Setback - The minimum distance an improvement must be set back from a street right-of-way line and/or property line.

Improvement Setback Line - A line parallel to and measured at right angles from a street line and/or property line. No improvements are permitted between the street line and the improvement setback line.

Junk - Any discarded material or article including, but not limited to, scrap metal; scrapped, abandoned or junked machinery, equipment, furniture, electrical appliances, rags, paper, glass containers, tires or other automotive equipment and parts, buildings and structures of parts thereof; and two (2) or more scrapped, abandoned or junked motor vehicles without current license plates and inspection stickers. It shall not include garbage or rubbish kept in a proper container for the purpose of prompt disposal, nor usable farm machinery located on a farm, nor metal used in conjunction with a welding shop or similar business using metal.

Junkyard - Any place or establishment where junk is disposed of, stored or accumulated on the outside of any building, edifice or structure that is enclosed on all sides; or, where the business of selling, buying, or dealing in junk is carried on; or where two (2) or more motor vehicles are stored which are unlicensed, inoperable and do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania.

Kennel - A commercial establishment wherein domesticated pets are kept for the purpose of breeding, boarding, grooming, sale, or show purposes. A non-profit animal shelter is a type of kennel. For the purposes of this use, breeding shall mean the production of two (2) or more litters in any one calendar year.

Land Development

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purposes involving:
 - a. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. The division or location of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
3. A subdivision of land.
4. Development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code, Act 247 as amended.

Livestock - Farm Animals exceeding 150 pounds in weight, which are kept or raised for use, pleasure and/or profit.

Living Unit for the Elderly - A dwelling unit in which at least one resident shall be at least 60 years of age.

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. The area and depth of a lot abutting a street shall be determined by measurements to the street line.

Lot, Corner - A lot abutting two or more intersecting public or private streets, or at the point of abrupt change of direction of a single street (an interior angle of less than 135 degrees). Lots within all Zoning Districts shall have only one (1) front yard. Upon presentation of any application for establishment of a use on a corner lot, the property owner shall designate to the Zoning Officer which yard abutting a street will be considered the front yard. The yard opposite that yard shall meet the rear yard requirements of the applicable zoning district. Any yard adjoining a street which was not designated the front yard must meet the side yard requirements of the applicable zoning district, and the yard opposite that yard shall meet the side yard requirements of the applicable zoning district.

Lot Line - A line forming the front, rear or side boundary of a lot.

Front Lot Line - The line separating a lot from a street right-of-way. The front lot line is also the street line.

Rear Lot Line - The lot line which is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least ten feet long.

Side Lot Line - Any lot line that is not a front or rear lot line.

Lot of Record - A lot or parcel recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania.

Lot Size - The area of a lot, excluding land contained within street right-of-way lines.

Lot Width - The distance between side lot lines, determined by establishing the shortest straight line distance. It shall not be measured along an arc.

Luminance - An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft²).

Medical Center - A facility for the examination and treatment of ill and afflicted human outpatients, including doctor and dental offices.

Mobile Home - A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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.

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 Park - A parcel or contiguous parcels of land which has been so designated and improved that it contain two or more mobile home lots for the placement thereon of mobile homes.

Motel - A group of attached or detached buildings containing individual living or sleeping units designed for temporary use by tourists or transients generally traveling by motor vehicle.

Motor Vehicle Service Station - A building designed or used for supply to the public of motor fuel, oil and accessories to motor vehicles, at retail. Motor vehicle repairs may be performed as an accessory use to such retail sales.

Municipal Use - Buildings, structures, or land owned and maintained by the Borough.

Municipal Planning Code (MPC) or State Planning Code - The Pennsylvania Municipalities Planning Code of July 31, 1968, 53 PS 10101, et. Seq. (Act No. 247) as amended.

No-Impact Home-Based Business - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

Non-Conforming Lot - A lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Non-Conforming Sign - A sign which does not conform to the regulations of the district in which it is located but was lawfully in existence prior to the adoption or amendment of this ordinance or is legally established through the granting of a variance by the Zoning Hearing Board.

Non-Conforming Structure - A structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

Non-Conforming Use - A use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation.

Nursing Home - Establishment providing nursing, dietary, and other similar personal services to convalescents, invalids, or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery, or other treatments which are customarily provided in sanitariums and hospitals.

Office - A place where the primary use is conducting the affairs of a business, profession, financial, governmental, or similar activities, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods or products which are physically located on the premises. This facility is not used for retail or industrial activities.

Open Area - Ground upon which no principal or accessory buildings, structures or uses and paved areas are permitted.

Parking Space - A space within a building or on a lot, used for the parking of a motor vehicle.

Party Wall - A wall used or adopted for joint service between two buildings or parts thereof.

Patio - An at grade surfaced outdoor area or courtyard designed for outdoor living purposes which shall be completely unenclosed except for any side which may abut a structure or any fence, wall, shrubs, or hedges. A patio is not considered an accessory use and does not need to meet setback requirements. A patio enclosed by a roof or stationary awning shall be considered to be an accessory structure.

Paved Area - The percentage of a lot covered by paving.

Paving - Hard material such as concrete, asphalt, brick, or stone applied to a lot in order to smooth or firm the surface of the lot.

Personal Service - Service not involving retail or wholesale sales which is oriented to the needs of the general public and includes the activities of barber, beauty, shoe repair, and appliance repair shops. Massage parlors are not included.

Planning Commission (Borough Planning Commission) - The Planning Commission of the Borough of Shoemakersville, Berks County, Pennsylvania.

Planning Committee (Borough Planning Committee) - The Planning Committee of the Borough of Shoemakersville, Berks County, Pennsylvania.

Porch - A structure which is an extension of a building intended for pedestrian use, and intended to be used as an entrance to the dwelling or as an area for seating, dining, or recreation outdoors and which is not structurally enclosed, but which may be covered by a roof.

Premises - A descriptive word to include all improvements, buildings, structures and land on or within a lot.

Principal Building - A building in which a principal use on a lot is conducted.

Principal Use - The main or primary purpose for which any land, structure, or building is designed, arranged, or intended, and for which they may be occupied or maintained under the terms of this Zoning Ordinance.

Professional - Doctor, surgeon, dentist, psychiatrist, psychologist, chiropractor and licensed professional persons offering similar medical care, optician, architect, artist, accountant, insurance agent, real estate broker, teacher, engineer, lawyer, musician, surveyor, landscape architect, land planner, systems analyst, or computer programmer.

Professional Offices - The office, studio and related space of a member of a recognized profession used for such professional services offered to the client/patron. When conducted in a residential district, a professional office shall be incidental to the residential occupancy, shall be conducted by a member of the residential family entirely within a residential building, and shall include only the offices of doctors, or physicians, dentists, optometrists, opticians, psychiatrist, psychologists, chiropractor, other similar medical personnel and vocations; real estate, stock and bond brokers, accountants, adjusters, appraisers, artist, authors, lawyers, architects, engineers, teacher, musician, surveyor, planners, systems analyst, computer programmer, salesman, ordained ministry, insurance agents; and. similar professional vocations; entitled to practice a profession under the laws of the Commonwealth of Pennsylvania. Such uses shall not involve the retail purchase of goods, and personal service businesses are specifically excluded.

Public Hearing - A formal meeting held pursuant to Public Notice by the Borough Council or Planning Commission, intended to inform and obtain public comments, prior to taking action in accordance with this Ordinance.

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 successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and 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 seven days from the date of the hearing.

Public Road - A public thoroughfare, including a street, road, lane, alley, court, or similar terms, which has been dedicated or deeded to the Borough and accepted by it.

Recycling & Collection Center - A place for the collection and storage of materials suitable for recycling into usable products of like kind and quality as the materials collected.

Residential Conversion - The alteration of a single-family detached dwelling or non-residential dwelling into two or more dwelling units.

Restaurant

Standard Restaurant - Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, not containing drive-thru service and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
2. A cafeteria-type operation where foods, frozen desserts, or beverages are consumed within the restaurant building.

Carry-Out Restaurant - Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, not containing drive-thru service, and whose design or method of operation includes both of the following characteristics:

1. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

Fast-Food Restaurant - Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, not containing drive-thru service, and whose design or principal method of operation includes both of the following characteristics:

1. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

Drive-In Restaurant - Any establishment whose business includes the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics, regardless of whether or not, in addition thereto, seats or other indoor accommodations are provided for the patrons.

1. Foods, frozen desserts, or beverages are served directly to the customer through an exterior window in the establishment, or by other means which eliminate the need for the customer to enter the establishment.
2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

Retaining Wall - A wall for holding in place a mass of earth, typically at the edge of an excavation.

Retirement Community - A development of individual or multiple dwelling units which is designed for adults and, which meets the definition of “housing for older persons” as set forth in the Fair Housing Amendments Act of 1988, as amended.

Right-of-Way - The total width of any land reserved or dedicated as a street, road, lane, alley, crosswalk, or for other public or semi-public uses.

Sanitary Sewage System, Public - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Satellite Antenna - (See Antenna)

Satellite Dish - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

Screen - Vegetative material, fence, etc. planted or constructed to screen the buildings, structures and uses on the lot on which the screen is located from the view of people on adjoining properties.

Setback - The required horizontal distance between a setback line and a property line or ultimate right-of-way as defined by the Subdivision and Land Development Ordinance.

- a. Setback, Front - The distance between the ultimate right-of-way line as defined by the SALDO and the front setback line projected the full width of the lot. Commonly called “required front yard.”
- b. Setback, Rear - The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called “required back yard”.
- c. Setback, Side - The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called “required side yard”.

Setback Line - A line within a property and parallel to a property or street line which delineates the required minimum distance between some particular use of property and that property or ultimate right-of-way line as defined by the Subdivision and Land Development Ordinance.

Single and Separate Ownership - The ownership of a lot by one or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot.

Service Street (Alley) - A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties, which is not the primary means of access to the properties.

Sight Triangle - An area within which no vision obstructing object is permitted higher than two and one-half feet above the centerline grades of intersecting streets, as provided for in Section 615 of this Ordinance.

Sign - Any structure, wall, or other outdoor surface, fabric, or any device or part thereof, which displays or includes any letter, word, pictorial, sculpture, model, banner, flag, pennant, insignia, device, or other representations used for visual communication, announcement, direction, information, attraction, or advertisement bringing the subject thereof to the attention of public. The word "sign" includes the word "billboard", but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs. In instances where a sign may serve two (2) or more purposes, for example, directional and advertising, the most restrictive regulations shall apply.

Advertising Sign - A sign whose major purpose is for directing attention to a business commodity, service, or entertainment that is conducted, sold, or offered elsewhere than upon the same lot, such as billboards.

Animated Sign - A sign with action or motion, flashing, starbursts, simulated explosions, or similar displays, color changes requiring electrical energy, but not including wind-actuated elements such as flags, banners, or specialty items.

Area of Sign- The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or closed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols.

In calculating the area of a double-faced sign, only one side shall be considered, provided both faces are identical.

Banner - A temporary sign consisting of lightweight, flexible material, which is supported by frame, rope, wires or other anchoring devices, and may or may not include copy, a logo, or graphic symbols.

Beacon - Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

Business Sign - A sign directing attention to a business or profession conducted on the same lot or, as incidental to a business, to products sold upon the same lot. Signs offering premises for sale, rent or development, or advertising the services of professionals or building trades during construction or alteration shall be deemed a “business sign”.

Directional Sign - A sign that directs people to a community, an event of public interest, public uses and buildings, uses and buildings of service and charitable organizations, and uses and buildings of a commercial nature and containing no advertising matter other than an identifying name or symbol.

Electronic Graphic Displays (Digital Signs) - A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade. Electronic graphic display signs shall include computer programmable, microprocessor-controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

Flashing Sign - A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation.

Freestanding Sign - A sign supported by uprights or braces placed upon or in the ground and not attached to a building.

Height of Sign - The vertical distance measured from the average grade at the lowest point of the sign to its highest point. A supporting structure shall be used in determining the lowest or highest point of a sign.

Off-Premises Sign - A sign which directs attention to a non-profit organization or event of a non-profit organization not located or conducted on the property on which the sign is located.

Parallel Sign - A sign attached, painted, or otherwise mounted parallel to the surface of that portion of the building or structure to which it is affixed.

Permanent Sign - A sign permanently attached or applied to a building or structure, or permanently anchored into the ground and that cannot easily be moved. Permanent signs may have either permanent or replaceable lettering.

Portable Sign - A temporary sign, with or without changeable lettering, illuminated or unilluminated, mounted or transported on a vehicle, trailer or similar structure, with or without wheels, and not permanently attached to the ground. Such signs are often referred to as mobile signs.

Projecting Sign - A sign that is attached to a building or other structure and extends beyond the line of a building or structure, or beyond the surface of that portion of the building or structure to which it is attached.

Roof Sign - Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and/or extending vertically above the highest portion of the roof.

Temporary Sign - A sign that is anchored to the ground or attached to a building or structure with weights, cables, pins, braces, or stakes, and that can easily be moved. Temporary signs are displayed for a limited period of time and with the permission of the owner of the property that the sign will reside.

Vehicular Sign - Any vehicle used as a sign or vehicle to which a sign is affixed in such a manner that the carrying of the sign is used primarily as a stationary advertisement for the business or another business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

Video Sign - A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which mimic the illusion of motion, including but not limited to moving objects, moving patterns or bands of light, or expanding and contracting shapes and/or fade, dissolve, travel or scrolling features. Video signs include projected images or messages with these characteristics onto buildings or other objects.

Solar Energy System - Any solar collector, solar thermal or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for electricity that may be mounted on a building or on the ground and is not the primary use of the property.

Solar Energy - Radiant energy (direct, diffuse, and reflected) received from the sun.

Solar Energy Farms - Systems which exist solely to generate energy for sale back into the energy grid system, rather than being consumed on site.

Solar Panels - A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a Solar Energy System.

Special Exception - Permission granted by the Zoning Hearing Board, with appropriate restrictions, to undertake certain activities specified in this Ordinance or to occupy or use land, buildings or structures for a specific purpose or in a certain manner specified in this Ordinance .

Story - The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street - A public or private right-of-way, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway and similar terms.

Street Frontage - The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

Street Line - The dividing line between a lot and the outside boundary of a public street, road, or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan, or between a lot and a private street, road, or way over which the owners or tenants of one or more lots held in single and separate ownership have a right-of-way.

Structure - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Structures shall not include such things as fences, sand boxes, decorative fountains, utility box, storage shed, swing sets, birdhouses, animal shelter, bird feeders, mailboxes, and any other similar non-permanent improvements under one hundred (100) square feet.

Structure, Accessory - A structure associated with an accessory use (e.g. swimming pools, porch, deck, antennas, tennis courts, garages, utility sheds, etc.) However, for the purpose of establishing setbacks, any accessory building larger than one hundred-twenty (120) square feet shall comply with principal structure setbacks.

Structure, Principal - A structure associated with a primary use.

Studio - The working place of a painter, sculptor, or such other similar artistic endeavor; a place for the study of an art such as dancing, singing, or acting, or such other similar artistic endeavor.

Subdivision - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, 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 agriculture purposes into parcels of more than eleven acres not involving any new street or easement of access or any residential dwelling shall be exempted. The term subdivision shall refer, as appropriate in this ordinance, to the process of subdividing land or to the land proposed to be subdivided. The term subdivision includes re-subdivision. Also see definition in the Subdivision and Land Development Ordinance.

Swimming Pool - A pool used for swimming which has a depth in any part of twenty-four (24) inches or more, which is primarily used or intended to be used for swimming or bathing.

Trash Transfer Station - A facility where route collection vehicles bring trash which is then compacted and/or reloaded onto larger vehicles for transfer to an approved disposal site.

Use - The specific purpose for which land, a sign, or a structure or building is designed, arranged, intended, or for which it may be occupied or maintained, or any activity, occupation, business, or operation which may be carried on, thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Use, Accessory - A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.

Use, Principal - The main or primary use of property or structure(s).

Variance - Relief, granted by the Zoning Hearing Board, from the terms and conditions of this ordinance where literal enforcement would create unnecessary hardship as a result of peculiar or unique conditions or circumstances pertaining only to the lot in question and when granting of the relief would not be contrary to the public interest and meeting the requirements of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

Veterinarian's Office - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. No outdoor boarding of animals is permitted.

Water Distribution System, Public - A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

Wind Turbine (Personal Wind Turbine) - A single wind energy conversion system that converts wind energy into electricity through the use of a wind-driven turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, which turbine does not exceed power generation in the amount of 7 KW. This use is intended to be utilized for personal use as opposed to a commercial use and may also be referred to as a windmill.

Wooded Area - An area of planted material, consisting of thirty percent (30%) or more canopy trees having a six inch (6") or greater caliper at breast height.

Yard - The open space on the same lot with a building or structure. The space shall be open and unobstructed from the ground upward, except as otherwise provided in this Ordinance, and not less in depth or width than the minimum required in each zoning district.

Yard, Front - An open space between an adjacent street right-of-way and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

Yard, Rear - An open space between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot, except that in the case where the rear lot line is included within a service street, the rear yard shall be between the right-of-way line of the service street nearest the front yard of the lot and a line drawn parallel to such right-of-way line of the service street.

Yard, Side - An open space between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending from the front yard to the rear yard, except that in the case where the side lot line is included within a service street, the side yard shall be between the right-of-way line of the service street nearest the principal use or building on the lot and a line drawn parallel to such right-of-way line of the service street.

Zoning - Division of all of the land of an entire political subdivision into districts having different regulations pertaining to use of land, and height, area, bulk, and use of buildings, and yard requirements, and in some states density of population. Zoning is affected by local ordinance under the police power of the state granted by specific legislation generally termed an "Enabling Act".

Zoning Hearing Board - Borough of Shoemakersville Zoning Hearing Board. A board created by the governing body to hear matters as provided for in this ordinance.

Zoning Map - Borough Official Zoning Map.

Zoning Officer - Borough of Shoemakersville Zoning Officer. The agent or official designated by the governing body to administrate and enforce the zoning ordinance of the municipality.

Zoning Ordinance - Borough of Shoemakersville Zoning Ordinance.

Zoning Permit - A Permit stating 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 zone in which it is located or to be located.

ARTICLE III

ZONING DISTRICTS

Section 300. TYPES OF ZONING DISTRICTS

In order to carry out the objectives of this Zoning Ordinance, the Borough of Shoemakersville has been divided into the following zoning districts:

- R-1 Low Density Residential District
- R-2 Suburban Density Residential District
- R-3 Medium Density Residential District
- R-4 Planned Development Residential District
- C-1 Town Center District
- C-2 Highway Commercial District
- C-3 Business Development District
- I-1 Light Industrial District
- I-2 General Industrial District

Section 301. OFFICIAL ZONING MAP

1. The boundaries of the Zoning Districts shall be as shown on the Zoning Map of the Borough. The zoning map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance.
2. The Official copy of the Zoning Map shall be so labeled and identified by the signature of the President of the Borough Council, attested by the Secretary of the Borough, and bear the seal of the Borough under the following words:

“This is to certify that this is the Official Zoning Map of the Borough of Shoemakersville adopted May 19, 1992.”
3. If the Official Zoning Map is amended, an entry indicating the change and the date of the change shall be made on the map and the entry shall include the signatures of the President of Borough Council and the Borough Secretary.

4. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature and number of changes and additions made thereon, the Borough Council may by resolution adopt a new Official Zoning Map which shall supersede such prior map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the President of the Borough Council, attested by the Secretary of the Borough, and bear the seal of the Borough under the following words:

“This is to certify that this is the Official Zoning Map of the Borough of Shoemakersville adopted _____.”

Section 302. DISTRICT BOUNDARIES - RULES FOR INTERPRETATION

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately coinciding with the center lines of streets or alleys, such center lines shall be construed to be such boundaries.
2. Where district boundaries are indicated as approximately coinciding with lot lines or right-of-way lines, such lot lines or right-of-way lines shall be construed to be such boundaries.
3. Where district boundaries are indicated as being approximately parallel to the right-of-way lines of streets or alleys, such district boundaries shall be construed as being parallel to the right-of-way lines at such distance as is indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
4. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or alleys, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
5. Boundaries indicated as approximately following Borough limits shall be construed as following such limits.
6. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

7. Boundaries indicated as extensions of features indicated in Sections 1 through 6 above shall be so construed.
8. Where physical or contour features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Sections 1 through 7 above, the Zoning Officer shall interpret the district boundaries.
9. Where setback, screening, or buffering requirements from zoning districts are imposed, zoning districts in adjacent municipalities shall be considered in addition to those in the Borough.
10. Where a district boundary line divides a lot which was in single ownership at the effective date of this Ordinance, when permitted as a Conditional Use by the Borough Council, the regulations of either zoning district may be extended a distance of not more than fifty feet beyond the district boundary line into the remaining portion of the lot.

Section 303. APPLICATION OF DISTRICT REGULATIONS

1. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, assembled, moved, enlarged, reconstructed, removed, or structurally altered without the issuance of a Permit by the Zoning Officer.

Compliance with this Ordinance in no way relieves the responsibility of complying with other Borough Ordinances.

2. No part of a yard, common open space, other open space, or off-street parking or loading space required in connection with one structure, building, or use of the land shall be included as part of a yard, common open space, open space, or off-street parking or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Ordinance or other Borough Ordinance or regulations.
3. No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. A yard or lot existing at the time of passage of this Ordinance shall not be further reduced below the minimum requirements of this Ordinance.

4. Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be provided contiguous along the street line of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one street, but does not have to be provided along the street line of each street on which the lot fronts, unless otherwise required by this Ordinance.
5. Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be provided contiguous along the building setback line established from one street. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two or more streets. In the case of a corner lot, the minimum lot width must be provided along the building setback line established from one street, but does not have to be provided along the building setback line established from each street on which the lot fronts, unless otherwise required by this Ordinance.
6. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirements of the applicable zoning district shall be used in establishing such building setback line.
7. Buildings and/or lots may be owned in condominium ownership. Such buildings and/or lots shall comply with all applicable zoning requirements; furthermore, each unit of occupancy shall comply with the requirements of the Borough Building Code as a separate unit of occupancy.

Condominium declarations shall be submitted to and approved by the Borough prior to issuance of any Zoning Permit for a building or lot in condominium ownership, and after such approval shall be filed with the Recorder of Deeds of the County of Berks and the Borough.

Condominium declarations shall be in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, as amended. In the case of a building in condominium ownership situated on a parcel of land, the building coverage and paved area regulations of the applicable zoning district shall apply to the entire building as it is situated on the entire parcel, and shall not be applied to each unit of occupancy within the building.

8. When minimum requirements are established for lot size and/or common open space, such minimum requirements shall be met within Shoemakersville Borough.
9. When calculating the permissible number of dwelling units within a subdivision or land development in Shoemakersville Borough, only land located within Shoemakersville shall be used.
10. The minimum lot width at the building setback line established in the Area, Height and Yard Regulations of the Zoning Districts listed in this Zoning Ordinance shall be measured at the minimum building setback established in said area, Height and Yard Regulations.
11. A canopy, such as that over gasoline pumps at a motor vehicle service station, shall not be located within any required front, rear, or side yard established in the applicable zoning district.
12. Steps within yards for the purpose of walking from one level of the yard to another may be located anywhere within yards.

ARTICLE IV

RESIDENTIAL DISTRICT REGULATIONS

Section 400. R-1 LOW DENSITY RESIDENTIAL DISTRICT

Section 401. SPECIFIC INTENT

It is the purpose of this District to provide for the maintenance and expansion of single-family detached residential areas at low densities of development.

Section 402. USES PERMITTED BY RIGHT

Land and buildings in an R-1 District shall be used for the following purposes and no others, unless a Special Exception or Conditional Use as provided for herein is granted:

1. Single-family detached dwelling.
2. Municipal use, provided that prior to applying for a zoning permit the Borough shall post its intent to apply for such permit on the lot to be used and give public notice of such intent.
3. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use.

Section 403. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Ordinance:

1. Playground or similar non-commercial recreation area owned and operated by a public or private non-profit agency.
2. Home occupation, subject to Section 621 of this Ordinance.
3. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use.

Section 404. USES PERMITTED BY CONDITION

The following uses are permitted when approved as a Conditional Use by the Borough Council pursuant to the applicable provisions of this ordinance:

1. Cluster development, subject to Section 625 of this Ordinance.
2. Bed and Breakfast, Rooming or Boarding Houses

Bed and Breakfast, Rooming or Boarding Houses are subject to the following criteria:

- (a) A Bed and Breakfast, Rooming or Boarding House shall be permitted only in a single family detached, owner—occupant who actually lives and sleeps at the dwelling unit. The principal use shall remain that of a single family detached residential dwelling unit.
- (b) A Bed and Breakfast, Rooming or Boarding House shall not have more than eight (8) rental units and shall not house more than sixteen (16) guests.
- (c) Each house shall contain complete washing and bathing facilities and a central kitchen with complete cooking facilities. No cooking facilities of any kind shall be permitted in any rental unit.
- (d) A minimum of one (1) off—street parking space shall be required for each rental unit plus one (1) off—street parking space for each employee.
- (e) The applicant shall provide documentation that all plumbing, heating, electrical, sanitary sewer, storm sewer, and similar facilities comply with all applicable ordinances, regulations, and laws of the Borough and/or the Commonwealth of Pennsylvania.
- (f) No commercial or institutional operations (i.e., sale of food, liquor, or goods to the public, other than guests) are allowed.
- (g) Bed and Breakfast, Rooming or Boarding houses shall be limited to the employment, on the premises, of not more than two (2) paid or unpaid employees or assistants at any one time including the property owner.
- (h) The residential character of the front facade of the dwelling shall be maintained.

- (i) There shall be no outside advertising other than a one (1) or two (2) sided sign, not more than two (2) square feet on each side. If illuminated, lights shall not glare towards other properties.
- (j) Meals shall be offered only to registered tenants.
- (k) The maximum uninterrupted length of stay shall be fourteen (14) days.
- (l) The use of amenities such as pools or tennis courts shall be restricted in use to the owners and guests.

Section 405. AREA HEIGHT AND YARD REGULATIONS

Maximum Permitted

Building Height	35 feet
Building Coverage	25 percent
Paved Area	20 percent

Minimum Requirements

Lot Size	10,000 square feet
Lot Width	
at Street Line	60 feet
at Building Setback Line	80 feet
Building Setback	30 feet
Rear Yard	40 feet
Side Yard	
Total	30 feet
One Side	15 feet

Section 406. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this district, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

Section 410. R-2 SUBURBAN DENSITY RESIDENTIAL DISTRICT

Section 411. SPECIFIC INTENT

It is the purpose of this District to maintain existing single-family detached and semi-detached residential areas and to allow for their expansion.

Section 412. USES PERMITTED BY RIGHT

Land and buildings in an R-2 District shall be used for the following purposes and no others, unless a Special Exception or Conditional Use as provided for herein is granted:

1. Single-family detached dwelling.
2. Single-family semi-detached dwelling.
3. Municipal use, provided that prior to applying for a zoning permit the Borough shall post its intent to apply for such permit on the lot to be used and give public notice of such intent.
4. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use.

Section 413. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Ordinance.

1. State licensed elementary, middle, junior high or senior high school, subject to:
 - a. Minimum lot size shall be one (1) acre.
 - b. Minimum front, side, and rear yards shall be fifty (50) feet.
 - c. The minimum distance between buildings on the same lot shall be twenty feet (20').

2. Church or similar place of worship, and cemetery accessory thereto, subject to:
 - a. Minimum lot size shall be one (1) acre.
 - b. Minimum front, side, and rear yards shall be fifty (50) feet.
 - c. The minimum distance between buildings on the same lot shall be twenty feet (20').
3. Playground or similar non-commercial recreation area owned and operated by a public or private non-profit agency.
4. Home occupation subject to Section 621 of this Ordinance.
5. Library or post office.
6. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use.

Section 414. USES PERMITTED BY CONDITION

The following uses are permitted when approved as a Conditional Use by the Borough Council pursuant to the applicable provisions of this Ordinance:

1. State licensed Family Day Care Home in a single-family detached dwelling, subject to:
 - a. All State licensing requirements shall be met.
 - b. In addition to a minimum of two off-street parking spaces for the dwelling, one off-street parking space shall be provided for each non-resident employee.
 - c. Provision shall be made for safe pickup and delivery of children, such that children do not have to cross traffic areas to reach the car waiting to pick them up.
 - d. No sign for the family day care home shall be displayed.
 - e. There shall be no alteration to the outside of the dwelling that will alter the single-family character of the dwelling, be inconsistent with the basic architecture of the dwelling, or be incompatible with surrounding dwellings.

2. Cluster development, subject to Section 625 of this Ordinance.
3. Bed and Breakfast, Rooming or Boarding Houses

Bed and Breakfast, Rooming or Boarding Houses are subject to the following criteria:

- (a) A Bed and Breakfast, Rooming or Boarding House shall be permitted only in a single family detached, owner—occupant who actually lives and sleeps at the dwelling unit. The principal use shall remain that of a single family detached residential dwelling unit.
- (b) A Bed and Breakfast, Rooming or Boarding House shall not have more than eight (8) rental units and shall not house more than sixteen (16) guests.
- (c) Each house shall contain complete washing and bathing facilities and a central kitchen with complete cooking facilities. No cooking facilities of any kind shall be permitted in any rental unit.
- (d) A minimum of one (1) off—street parking space shall be required for each rental unit plus one (1) off—street parking space for each employee.
- (e) The applicant shall provide documentation that all plumbing, heating, electrical, sanitary sewer, storm sewer, and similar facilities comply with all applicable ordinances, regulations, and laws of the Borough and/or the Commonwealth of Pennsylvania.
- (f) No commercial or institutional operations (i.e., sale of food, liquor, or goods to the public, other than guests) are allowed.
- (g) Bed and Breakfast, Rooming or Boarding houses shall be limited to the employment, on the premises, of not more than two (2) paid or unpaid employees or assistants at any one time including the property owner.
- (h) The residential character of the front facade of the dwelling shall be maintained.
- (i) There shall be no outside advertising other than a one (1) or two (2) sided sign, not more than two (2) square feet on each side. If illuminated, lights shall not glare towards other properties.
- (j) Meals shall be offered only to registered tenants.
- (k) The maximum uninterrupted length of stay shall be fourteen (14) days.
- (l) The use of amenities such as pools or tennis courts shall be restricted in use to the owners and guests.

4. Light Industrial Uses subject to the following:
 - (a) Minimum lot size of 5500 square feet.
 - (b) Minimum building size 1500 square feet.
 - (c) Hours of operation are limited to 6:00 a.m. to 8:00 p.m.
 - (d) No visible air emissions shall emanate from the property.

Section 415. AREA HEIGHT AND YARD REGULATIONS
 (Except as Otherwise Required in Section 413)

	<u>Single-Family Detached Dwelling or Non-Residential Use</u>	<u>Single-Family Semi-Detached Dwelling</u>
<u>Maximum Permitted</u>		
Building Height	35 feet	35 feet
Building Coverage	25 percent	25 percent
Paved Area	20 percent	20 percent
<u>Minimum Requirements</u>		
Lot Size	8000 square feet	5000 square feet
Lot Width		
at Street Line	60 feet	40 feet
at Building Setback Line	80 feet	40 feet
Building Setback	30 feet	30 feet
Rear Yard	20 feet	20 feet
Side Yard		
Total	20 feet	20 feet
One Side	10 feet	10 feet

Section 416. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this district, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

Section 420. R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 421. SPECIFIC INTENT

It is the purpose of this District to provide for development of single, two, and multiple family dwellings at medium densities.

Section 422. USES PERMITTED BY RIGHT

Land and buildings in R-3 Districts shall be used for the following purposes and no others, unless a Special Exception or Conditional Use as provided for herein is granted:

1. Single-family detached dwelling.
2. Single-family semi-detached dwelling.
3. Individual mobile home.
4. Development containing townhouses and/or apartment buildings, subject to:
 - a. The density of the development shall not exceed ten (10) dwelling units per acre.
 - b. A system for pedestrian circulation shall be provided throughout the development.
 - c. A landscaping plan shall be prepared in accordance with Section 604 of this Ordinance. Provisions for the landscaping of the perimeter and interior of all parking areas shall be included in such plan.
 - d. Common parking areas and access drives shall be located a minimum of ten (10) feet from the property lines of the development and ten (10) feet from buildings in the development. Common parking areas shall be screened from view of adjoining properties when those properties are zoned R-1 or R-2.
 - e. No more than 30% of the area of the development shall be covered by buildings.
 - f. Maximum building height shall be thirty-five feet (35') and three stories.
 - g. The minimum size of the lot to be developed shall be one (1) acre.
 - h. No more than 30% of the area of the development shall be paved.
 - i. The minimum distance at the closest point between any two buildings, except townhouses in the same continuous row, shall be thirty-five feet (35'). In addition, where two facing walls both contain a window, the minimum distance between buildings shall be seventy-five feet (75'); where only one of two facing walls contains a window, the minimum distance between buildings shall be fifty feet (50').

- j. Townhouses shall not be constructed in rows of more than six (6) dwelling units and all units of a row shall be constructed at the same time. No more than three (3) continuous townhouses shall have the same front setback and the variations in front setbacks shall be at least two feet (2').
- k. Minimum parcel width shall be one hundred fifty feet (150') at the building setback line and street line.
- l. An apartment building shall not be located within forty feet (40') of a property line of the development nor within forty feet (40') of a street right-of-way.

A townhouse shall not be located within thirty feet (30') of a property line of the development nor within thirty feet (30') of a street right-of-way.
- m. No less than twenty-five percent (25%) of the area of the development shall be permanently reserved for non-commercial common open space purposes. The common open space area shall be suitable for the designated purpose and contain no structure or parking facilities except as related to and incidental to open space uses.
- n. For apartment buildings, the maximum building length shall be one hundred fifty feet (150').
- o. For townhouses placed on an individual lot, the minimum lot size shall be 2,000 square feet, the maximum percentage of the lot covered by buildings shall be 50 percent, the minimum lot width at all points shall be twenty feet, the minimum rear yard shall be thirty feet, and the minimum side yard for an end townhouse shall be twenty feet.
- p. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
- q. Entrances to and exits from common parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
- r. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- s. Common parking areas shall not be designed or located to require cars to back into streets in order to leave the parking area.

- t. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in vermin-proof containers.
5. Municipal Use, provided that prior to applying for a Zoning Permit the Borough shall post its intent to apply for such permit on the lot to be used and give public notice of such intent.
6. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use.

Section 423. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Ordinance.

1. Playground or similar non-commercial recreation area owned and operated by a public or private non-profit agency.
2. Home occupation, subject to Section 621 of this Ordinance.
3. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use.

Section 424. USES PERMITTED BY CONDITION

The following uses are permitted when approved as a Conditional Use by the Borough Council pursuant to the applicable provisions of this Ordinance:

1. Mobile home park, subject to:
 - a. The minimum area of a mobile home park shall be one (1) acre.
 - b. The overall density of the mobile home park shall not exceed four (4) dwelling units per acre.
 - c. The minimum dimensions of a mobile home lot shall be forty feet (40') by one hundred feet (100').
 - d. Two off-street parking spaces shall be provided for each mobile home.

- e. Not less than twenty-five percent (25%) of the total area of the mobile home park shall be devoted to recreation areas for the use of all residents of the park. Provision shall be made by the owner of the mobile home park for the development, installation, and maintenance of such recreation areas.
- f. No mobile home shall be located closer than fifty feet (50') to any street located outside the property lines of the park nor closer than twenty-five feet (25') to any street located within the property lines of the mobile home park.
- g. The minimum allowable distance between any mobile home, service or accessory building, or parking facility and a boundary of the mobile home park shall be fifty feet (50'). The minimum allowable distance between any mobile home and another mobile home, service or accessory building on another lot, or common parking facility shall be thirty feet (30').
- h. A year-round planting screen shall be placed along all boundary lines of the mobile home park separating the mobile home park from adjacent properties and/or streets. The screen shall be maintained permanently. Plant material which does not live shall be replaced within one (1) year. The screen shall screen the structures and uses on the property on which it is located from the view of people on adjacent properties and/or streets. The distance between trees shall be such that a full screen will be provided.

2. Residential Conversion, subject to Section 622 of this Ordinance.

Section 425. AREA HEIGHT AND YARD REGULATIONS
 (Except as otherwise required by Sections 422 and 424)

	<u>Single-Family Detached Individual Mobile Home Non-Residential Use</u>	<u>Dwelling Single-Family Semi-Detached Dwelling</u>
<u>Maximum Permitted</u>		
Building Height	35 feet	35 feet
Building Coverage	40 percent	40 percent
Paved Area	25 percent	25 percent
Lot Size	5,000 square feet	5,000 square feet
Lot Width		
at Street Line	40 feet	30 feet
at Building Setback Line	50 feet	30 feet
Building Setback	30 feet	30 feet
Rear Yard	15 feet	15 feet
Side Yard		
Total	20 feet	20 feet
One Side	5 feet	5 feet

Section 426. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this District, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

Section 430. R-4 PLANNED DEVELOPMENT RESIDENTIAL DISTRICT

Section 431. SPECIFIC INTENT

It is the purpose of this District to provide for single-family detached residential areas at low densities of development, and as Conditional Uses planned developments, retirement communities, and nursing homes.

Section 432. USES PERMITTED BY RIGHT

Land and buildings in R-4 Districts shall be used for the following purposes and no others, unless a Special Exception or Conditional Use as provided for herein is granted:

1. Single-family detached dwelling.
2. Municipal use, provided that prior to applying for a zoning permit the Borough shall post its intent to apply for such permit on the lot to be used and give public notice of such intent.
3. Tilling of the soil or greenhouse, not to include animal husbandry.
4. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use.

Section 433. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Ordinance.

1. Playground or similar non-commercial recreation area owned and operated by a public or private non-profit agency.
2. Home occupation, subject to Section 621 of this Ordinance.
3. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use.

Section 434. USERS PERMITTED BY CONDITION

The following uses are permitted when approved as a Conditional Use by the Borough Council pursuant to the applicable provisions of this Ordinance:

1. Planned development, subject to Section 623 of this Ordinance.
2. Retirement community, subject to Section 624 of this Ordinance.

3. Nursing home, subject to:

- a. The maximum building height at any point shall be thirty (30) feet. The number of full stories exposed shall not exceed two (2).
- b. The minimum building setback from public streets shall be fifty feet (50').
- c. All structures shall be located a minimum of fifty feet (50') from the property lines of the lot.
- d. No more than twenty percent (20%) of the total area of the lot shall be covered by buildings.
- e. No more than twenty percent (20%) of the total area of the lot shall be paved surface such as streets, interior access drives, parking areas, sidewalks, and courts.
- f. Common parking areas and interior access drives shall be located a minimum of twenty-five feet (25') from the property lines of the lot.
- g. All buildings shall be set back a minimum of twenty feet (20') from all common parking areas and internal access drives and streets, except for off-street loading areas and areas at entrances to buildings where residents will enter and leave standing vehicles.
- h. All principal buildings shall be separated by a minimum horizontal distance of forty-five feet (45').
- i. No less than thirty percent (30%) of the total area of the lot shall be permanently set aside for non-commercial common open space purposes, such as parks, recreation, or conservation of natural features. The common open space areas shall be suitable for the designated purposes and contain no structure or parking facility except as related to and incidental to open space uses.
- j. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
- k. Entrances to and exits from parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
- I. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.

- m. An entrance to or exit from a common parking area shall be located a minimum of fifty (50) feet from the point of intersection of any street right-of-way lines and the point of intersection of the nearest interior access drives.
- n. A system of paved walkways a minimum of five feet (5') in width shall be provided for access between buildings and common parking areas, open space areas, and other community facilities.
- o. A landscaping plan for the nursing home prepared by a registered landscape architect shall be submitted to the Borough and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
- p. There shall be no architecturally unbroken building face of more than one hundred sixty (160) lineal feet. A building face shall be considered architecturally broken if there is a deflection in the building axis of at least thirty degrees (30°) or, where there is no deflection in the building axis of at least thirty degrees (30°), an integral architectural feature of the building projects from the building face a minimum of ten feet (10') for a minimum distance of ten feet (10') along the building face. Such architectural feature shall extend the entire height of the building included within stories.
- q. No portion of a nursing home or other structure, access drive, parking area, or other related improvement shall be located within the boundaries of the 100-year floodplain as established in the Borough's Floodplain Management Ordinance. Common open space may be located within such floodplain.

Section 435. AREA HEIGHT AND YARD REGULATIONS
(Except as noted in Section 434)

Maximum Permitted

Building Height	35 feet
Building Coverage	25 percent
Paved Area	20 percent

Minimum Requirements

Lot Size	10,000 square feet
Lot Width	
at Street Line	60 feet
at Building	
Setback Line	80 feet
Building Setback	30 feet
Rear Yard	40 feet
Side Yard	
Total	30 feet
One Side	15 feet

Section 436. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this district, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

ARTICLE V

COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS

Section 500. C-1 TOWN CENTER DISTRICT

Section 501. SPECIFIC INTENT

It is the purpose of this District to provide an area for commercial facilities which provide goods and services to and serve the daily needs of the residents of the Borough.

Section 502. USES PERMITTED BY RIGHT

Land and buildings in C-1 Districts shall be used for the following purposes and no others, unless a special exception as provided for herein is granted:

1. Retail business establishments for the sale within a building of goods such as, but not limited to, appliances, books (except adult bookstore), cards, carpeting, cassettes and compact discs, clothing, confections, drugs, dry goods, electronic equipment, flowers, food, furniture, hardware, jewelry, liquor, newspapers, notions, office equipment and supplies, personal and household supplies, photographic equipment and supplies, sporting goods, stationery, toys, and tobacco.
2. Personal or household service establishments conducted within a building such as, but not limited to barber shops, beauty shops, laundromats, laundry and dry cleaning shops, tailor and seamstress shops, medical equipment rental shops, video rental shops, and shops renting and repairing household goods and appliances.
3. Standard or fast-food restaurant.
4. Financial institution. Drive-thru service is permissible at banks and savings and loan associations provided it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the applicant and subject to approval by the Borough.
5. Professional, business or government offices.

6. Municipal use.
7. Dwelling unit on a story above a commercial use, provided that the number of dwelling units shall not exceed two.
8. Studios.
9. Library.
10. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use.

Section 503. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Ordinance.

1. Club or lodge, provided that all club and lodge activities shall be conducted within buildings or structures.
2. Home occupation.

Section 504. AREA HEIGHT AND YARD REGULATIONS

Maximum Permitted

Building Height	40 feet
Building Coverage	50 percent
Paved Area	70 percent

Minimum Requirements

Lot Size	
Per Construction Site	8,000 square feet
Per Unit of Use	4,000 square feet
Lot Width	
at Street Line	60 feet
at Building Setback Line	60 feet
Building Setback	10 feet
Rear Yard	20 feet
Side Yard	
Total	20 feet
One Side	10 feet
Open Area	20 percent

Section 505. ADDITIONAL PERFORMANCE STANDARDS

1. The horizontal distance in feet at the closest place between any two principal buildings on the same lot shall not be less than the height of the highest building, measured in feet, but in no case less than twenty (20) feet.
2. A landscaping plan for the site prepared by a registered landscape architect shall be submitted to the Borough and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.

A landscape screen shall be required along any lot line adjacent to any zoning district which permits a residential use.

Section 506. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this District, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

Section 510. C-2 HIGHWAY COMMERCIAL DISTRICT

Section 511. SPECIFIC INTENT

It is the purpose of this District to provide an area for retail development serving the daily needs of the surrounding neighborhoods and to accommodate certain commercial activities which are oriented to automobile use and traffic.

Section 512. USES PERMITTED BY RIGHT

Land and buildings in C-2 Districts shall be used for the following purposes and no others, unless a special exception as provided for herein is granted:

1. Retail sales of goods within a building such as, but not limited to antiques, appliances, auto parts, beverages, bicycles, books (except adult bookstore), cards, carpeting, cassettes and compact discs, clothing, confections, drugs, dry goods, electronic equipment, flowers, food, furniture, hardware, jewelry, liquor, newspapers, notions, office equipment, paint, personal and household supplies, photographic equipment and supplies, sporting goods, stationery, toys, and tobacco.
2. Personal or household service establishments conducted within a building such as, but not limited to, barber shops, beauty shops, laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants), tailor and seamstress shops, shops renting and repairing household goods, shoes, jewelry and appliances, medical equipment rental shops, and video rental shops.
3. Municipal use.
4. Business, professional, or governmental offices.
5. Financial institution. Drive-thru service is permissible at banks and savings and loan associations provided it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the applicant and subject to approval by the Borough.
6. Indoor theater, except adult theater.
7. Studio.
8. Motel or hotel, including meeting rooms and auditoriums.
9. Commercial school for the teaching of trades, arts, or skills.
10. Church or similar place of worship.
11. Health fitness center.
12. Library or post office.

13. Standard restaurant, carry-out restaurant, or fast-food restaurant. Drive-in restaurant; however, drive-thru service is permissible only if it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the applicant and subject to approval by the Borough.
14. Funeral home.
15. Accessory uses and structures to the above uses when on the same lot as the permitted use.

Section 513. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Ordinance:

1. Car, truck, mobile home, or recreational vehicle sales agency, provided that all items for sale and all parking areas shall be located a minimum of fifty feet (50') from lot lines and street rights-of-way.
2. Lumber and building materials sales, provided that all items for sale shall be enclosed within structures which shall be a minimum of fifty feet (50') from lot lines and street rights-of-way.
3. Motor vehicle service station, provided that:
 - a. All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.
 - b. Fuel pumps shall be at least twenty (20) feet from any street line.
 - c. All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.

4. Car wash, subject to:
 - a. A paved approach drive to accommodate a minimum of four cars per bay shall be constructed for the purpose of avoiding an accumulation of cars backing upon a public thoroughfare, except in the case of a facility where only one bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of eight cars. A traffic study shall be submitted which indicates whether the proposed number of bays will be adequate, and if it will not, the number of bays shall be increased in accordance with the results of the traffic study.

5. Repair garage, subject to:
 - a. All repair activities shall be performed within a completely enclosed building.
 - b. All outdoor storage of vehicles awaiting repair shall be screened from view by a fence or planting screen constructed of such material and in such a manner that the outdoor storage of vehicles is not visible from public streets and adjoining properties.
 - c. All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.

6. Club or lodge, provided all club or lodge activities shall be conducted within buildings or structures.

7. Bowling alley, skating rink, amusement room for the use of electronic and/or mechanical coin-operated devices, and other similar indoor uses.

8. Accessory uses and structures to the above uses when on the same lot as the permitted use.

Section 514. AREA YARD, AND HEIGHT REGULATIONS
(Except as noted in Section 513)

Maximum Requirements

Building Height	40 feet
Building Coverage	50 percent
Paved Area	70 percent

Minimum Requirements

Lot Size	
Per Construction Site	10,000 square feet
Per Unit of Use	5,000 square feet
Building Setback	30 feet
Side Yard	
Total	30 feet
Each Side	15 feet
Rear Yard	30 feet
Lot Width	
At Street Line	80 feet
At Building Setback Line	80 feet
Open Area	20 percent

Section 515. ADDITIONAL PERFORMANCE STANDARDS

1. The horizontal distance in feet at the closest place between any two principal buildings on the same lot shall not be less than the height of the highest building, measured in feet, but in no case less than twenty (20) feet.
2. A landscaping plan for the site prepared by a registered landscape architect shall be submitted to the Borough and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.

A landscape screen shall be required along any lot line adjacent to any zoning district which permits a residential use.

Section 516. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this District, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

Section 520. C-3 BUSINESS DEVELOPMENT DISTRICT

Section 521. SPECIFIC INTENT

It is the purpose of this District to permit development of both commercial and residential uses in areas which now contain a mixture of such uses.

Section 522. USES PERMITTED BY RIGHT

Land and buildings in C-3 Districts shall be used for the following purposes and no others, unless a Special Exception or Conditional Use as provided for herein is granted:

1. Business, professional or governmental office.
2. Municipal use.
3. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development.
4. Printing and publishing activities.
5. Financial institution.
6. Standard restaurant, carry-out restaurant, or fast-food restaurant.
7. Health fitness center.
8. Within office buildings, service and convenience uses including, but not limited to, eating and drinking places, specialized retail food sales, barber/beauty shop, photocopy service, pharmacy, and optician. Such uses shall not occupy more than ten (10) percent of the floor area of the building in which they are located. Entrances to such uses shall be from the interiors of the buildings. No exterior signage shall be permitted for any such service and convenience uses.

9. Retail sales of goods within a building such as, but not limited to antiques, appliances, auto parts, beverages, bicycles, books (except adult bookstore), cards, carpeting, cassettes and compact discs, clothing, confections, drugs, dry goods, electronic equipment, flowers, food, furniture, hardware, jewelry, liquor, newspapers, notions, office equipment, paint, personal and household supplies, photographic equipment and supplies, sporting goods, stationery, toys, and tobacco.
10. Personal or household service establishments conducted within a building such as, but not limited to, barber shops, beauty shops, laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants), tailor and seamstress shops, shops renting and repairing household goods, shoes, jewelry and appliances, medical equipment rental shops, and video rental shops.
11. Studio.
12. Library or post office.
13. Funeral home.
14. Indoor theater, except adult theater.
15. Motel or hotel, including meeting rooms and auditoriums.
16. Medical center.
17. Single-family detached dwelling.
18. Single-family semi-detached dwelling.
19. Development containing townhouses and/or apartment buildings, subject to:
 - a. The density of the development shall not exceed ten (10) dwelling units per acre.
 - b. A system for pedestrian circulation shall be provided throughout the development.
 - c. A landscaping plan shall be prepared in accordance with Section 604 of this Ordinance. Provisions for the landscaping of the perimeter and interior of all parking areas shall be included in such plan.

- d. Common parking areas and access drives shall be located a minimum of ten feet (10') from the property lines of the development and ten feet (10') from buildings in the development. Common parking areas shall be screened from view of adjoining properties when those properties are zoned R-1 or R-2.
- e. No more than 30% of the area of the development shall be covered by buildings.
- f. Maximum building height shall be thirty-five feet (35') and three stories.
- g. The minimum size of the lot to be developed shall be one (1) acre for a development containing just townhouses and two (2) acres for a development containing apartment buildings.
- h. No more than 30% of the area of the development shall be paved.
- i. The minimum distance at the closest point between any two buildings, except townhouses in the same continuous row, shall be thirty-five feet (35'). In addition, where two facing walls both contain a window, the minimum distance between buildings shall be seventy-five feet (75'); where only one of two facing walls contains a window, the minimum distance between buildings shall be fifty feet (50').
- j. Townhouses shall not be constructed in rows of more than six (6) dwelling units and all units of a row shall be constructed at the same time. No more than three (3) continuous townhouses shall have the same front setback and the variations in front setbacks shall be at least two feet (2').
- k. Minimum parcel width shall be one hundred fifty feet (150') at the building setback line and street line.
- l. An apartment building shall not be located within forty feet (40') of a property line of the development nor within forty feet (40') of a street right-of-way.

A townhouse shall not be located within thirty feet (30') of a property line of the development nor within thirty feet (30') of a street right-of-way.

- m. No less than twenty-five percent (25%) of the area of the development shall be permanently reserved for non-commercial common open space purposes. The common open space area shall be suitable for the designated purpose and contain no structure or parking facilities except as related to and incidental to open space uses.
 - n. For apartment buildings, the maximum building length shall be one hundred fifty feet (150').
 - o. For townhouses placed on an individual lot, the minimum lot size shall be 2,000 square feet, the maximum percentage of the lot covered by buildings shall be fifty percent (50%), the minimum lot width at all points shall be twenty feet (20'), the minimum rear yard shall be thirty feet (30'), and the minimum side yard for an end townhouse shall be twenty feet (20').
 - p. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
 - q. Entrances to and exists from common parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
 - r. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
 - s. Common parking areas shall not be designed or located to require cars to back into streets in order to leave the parking area.
 - t. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in vermin-proof containers.
20. Accessory uses and structures to the above uses when on the same lot as the permitted use.

Section 523. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Ordinance:

1. State licensed day care center, subject to:
 - a. All State licensing requirements shall be met.
 - b. Provision shall be made for safe pickup and delivery of children, such that children do not have to cross traffic areas to reach the car waiting to pick them up.

Section 524. USES PERMITTED BY CONDITION

The following uses are permitted when approved as a Conditional Use by the Borough Council pursuant to the applicable provisions of this Ordinance.

1. Group home or group lodge, within a single-family detached dwelling, subject to:
 - a. No more than one (1) Group Home or Group Lodge shall be located in any one dwelling;
 - b. The premises where the Group Home or Group Lodge is located shall be owned or leased by the sponsoring agency sponsoring the Group Home or Group Lodge;
 - c. A licensed physician, licensed psychologist, counselor or social worker in the employ of or under contract to the sponsoring agency shall be responsible for the assignment of residents to the Group Home or Group Lodge;
 - d. By design and intent, the Group Home or Group Lodge shall provide for the long-term housing needs of its residents, not for the needs of transient individuals;
 - e. No less than one (1) and no more than two (2) live-in supervisors shall reside in the Group Home or Group Lodge and at least one (1) of those supervisors shall be on the premises during all hours in which any resident of the Group Home or Group Lodge is on the premises;

- f. No Group Home or Group Lodge shall be located within seven hundred fifty feet (750') of another Group Home or Group Lodge;
- g. The dwelling shall not be altered in any manner that would change the single-family dwelling character of the Group Home or Group Lodge;
- h. One (1) off-street parking space shall be provided for each supervisor assigned to the Group Home or Group Lodge;
- i. The sponsoring agency shall document to the Borough Council of the Borough that all plumbing, heating, electrical, sanitary sewer, storm sewer, and similar facilities meet the applicable ordinances, rules, regulations, and laws of the Borough and/or the Commonwealth of Pennsylvania.

Section 525. AREA, YARD, AND HEIGHT REGULATIONS

<u>Maximum Requirements</u>	<u>Non-Residential Uses</u>	<u>Single-Family Detached Dwelling</u>	<u>Single-Family Semi-Detached Dwelling</u>
Building Height	40 feet	35 feet	35 feet
Building Coverage	50 percent	25 percent	25 percent
Paved Area	70 percent	20 percent	20 percent
<u>Minimum Requirements</u>			
Lot Size			
Per Construction Site	10,000 square feet	10,000 square feet	5,000 square feet
Per Unit of Use	5,000 square feet		
Building Setback	30 feet	30 feet	30 feet
Side Yard			
Total	30 feet	30 feet	30 feet
Each Side	15 feet	15 feet	15 feet
Rear Yard	30 feet	30 feet	30 feet
Lot Width			
At Street Line	80 feet	60 feet	40 feet
At Building Setback Line	80 feet	80 feet	40 feet
Open Area	20 percent	55 percent	55 percent

Section 526. ADDITIONAL PERFORMANCES STANDARDS

1. The horizontal distance in feet at the closest place between any two principal buildings on the same lot shall not be less than the height of the highest building, measured in feet, but in no case less than twenty (20) feet.
2. A landscaping plan for the site prepared by a registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.

A landscape screen shall be required along any lot line adjacent to any zoning district which permits a residential use.

Section 527. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this District, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

Section 530. I-1 LIGHT INDUSTRIAL DISTRICT

Section 531. SPECIFIC INTENT

It is the purpose of this District to provide an area for light industrial and certain business uses which will not adversely affect the public health, safety, and general welfare of the residents and inhabitants of the Borough.

Section 532. USES PERMITTED BY RIGHT

Land and buildings in a I-1 District may be used for the following purposes and no others, unless a special exception as provided herein is granted:

1. Business, professional or governmental office.
2. Municipal use.
3. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development.
4. Printing and publishing activities.

5. Industrial operations involving the production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods, and materials, provided that all such activities shall be carried on within a building.
6. Warehousing, distributing and wholesale sales of manufactured foods, goods, and materials.
7. Financial institution.
8. Health fitness center.
9. Fire Company, including social quarters maintained and operated by the fire company and/or its affiliated organizations.
10. Shop of a carpenter, electrician, metal worker, cabinet maker, upholsterer, plumber, mason, painter, home builder, heating contractor, or similar skilled tradesman.
11. Accessory structures and uses to the above uses when on the same lot as the permitted use and not detrimental to the neighborhood.

Section 533. USES PERMITTED BY SPECIAL EXCEPTION

The following use is permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Ordinance:

1. State licensed Day Care Center, subject to:
 - a. All State licensing requirements shall be met.
 - b. Provision shall be made for safe pickup and delivery of children, such that children do not have to cross traffic areas to reach the car waiting to pick them up.
2. Office of veterinarian, subject to:
 - a. All buildings in which animals are housed shall be located at least one hundred feet (100') from all lot lines.
 - b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
 - c. Outdoor runs shall not be provided.

- d. No person shall cause, suffer, or permit any odor which causes annoyance or discomfort to the public from any source in such a manner that these malodors are detectable outside of the property of the person on whose land the source is being operated.

Section 534. AREA, YARD, AND HEIGHT REGULATIONS

Maximum Requirements

Building Height	40 feet
Building Coverage	35 percent
Paved Area	50 percent

Minimum Requirements

Lot Size	1 acre
Building Setback	40 feet
Side Yard	
Total	80 feet
Each Side	40 feet
Rear Yard	40 feet
Lot Width	
At Street Line	150 feet
At Building Setback Line	150 feet
Open Area	20 percent

Section 535. ADDITIONAL PERFORMANCE STANDARDS

1. The horizontal distance in feet at the closest place between any two principal buildings on the same lot shall not be less than the height of the highest building, measured in feet, but in no case less than twenty (20) feet.
2. A landscaping plan for the site prepared by a registered landscape architect shall be submitted to the Borough and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan. A landscape screen shall be required along any lot line adjacent to any zoning district which permits a residential use.

Section 536. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this District, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

Section 540. I-2 GENERAL INDUSTRIAL DISTRICT

Section 541. SPECIFIC INTENT

It is the purpose of this District to provide an area for light industrial uses and certain other specified conditional uses, provided they will not adversely affect the public health, safety, and general welfare of the residents and inhabitants of the Borough.

Section 542. USES PERMITTED BY RIGHT

Land and buildings in an I-2 District may be used for the following purposes and no others, unless a conditional use as provided herein is granted:

1. Business, professional, or governmental office.
2. Municipal use.
3. Scientific or industrial research, testing or experimental laboratory, or similar establishment for research or product development.
4. Printing and publishing activities.
5. Industrial operations involving the production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods, and materials, provided that all such activities shall be carried on within a building.
6. Warehousing, distributing and wholesale sales of manufactured foods, goods, and materials.
7. Financial institution.
8. Health fitness center.
9. Shop of a carpenter, electrician, metal worker, cabinet maker, upholsterer, plumber, mason, painter, home builder, heating contractor, or similar skilled tradesman.
10. Accessory structures and uses to the above uses when on the same lot as the permitted use and not detrimental to the neighborhood.

Section 543. USES PERMITTED BY CONDITION

The following uses are permitted when approved as a Conditional Use by the Borough Council pursuant to the applicable provisions of this Ordinance:

1. Adult bookstore, adult theater, cabaret, massage establishment, or other adult-oriented retail, commercial service, or entertainment establishment, which in addition to meeting the standards for Conditional Uses in this Ordinance meet the following specific requirements:
 - a. The lot or property line of such business shall not be located within four hundred feet (400') of the lot or property line of any religious structure, school, playground, or other recreational area, day care facility, or public library.
 - b. The lot or property line of such business shall not be located within four hundred feet (400') of the lot or property line of another such business.
 - c. There shall be no display of materials which are characterized by an emphasis on matter or activities relating to, depicting, describing, or displaying sexual activity or conduct or exposed male or female genital areas that can be seen from the exterior of the building.
 - d. Not more than one (1) such business or activity as described herein shall be permitted within any one building or lot.
 - e. The Borough Council shall review and approve all exterior signs for compatibility with adjacent uses. Such signs shall not be characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct, or exposed male or female genital areas.
 - f. No such business or activity may change to another type of such business or activity, except upon application to and approval by the Borough Council of such change as a Conditional Use subject to the criteria set forth herein.

g. The following definitions shall apply:

Adult Bath House - An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

Adult Body Painting Studio - Any establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the human body, when specified anatomical areas are exposed.

Adult Bookstore - Any establishment or place to which the public is permitted or invited: (a) which has two percent (2%) or more of its stock in trade or two percent (2%) or more of the floor area devoted to customer sales area consisting of the following items: (i) Books, magazines or other periodicals, films, or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas; and/or (ii) Instruments, devices, or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or (b) wherein coin- or slug-operated, or electronically or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas.

Adult Mini Motion Picture Theater - An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

Adult Model Studio - Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any “figure studio” or “school of art” or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.

Adult Motel - A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

Adult Motion Picture Arcade - Any place to which the public is permitted or invited wherein coin or slug-operated, or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater - An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

Adult Newsrack - Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

Adult Outcall Service Activity - Any establishment or business which provides an outcall service, which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time, for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

Adult Sexual Encounter Center - Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner, licensed by the Commonwealth, to engage in sexual therapy.

Adult Theater - Any theater, auditorium, concert hall, or other place of assembly (a) presenting any form of audio and/or visual material which is distinguished or characterized by emphases on depiction, description, or display of sexual activities or exposed male or female genital areas, or (b) featuring live performances which are distinguished or characterized by emphasis on depiction, description, or display of sexual activities or exposed male or female genital areas for observation by patrons.

Cabaret - A club, restaurant, bar, tavern, theater, hall, or similar place or establishment which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping; or persons whose performance or activities include simulated or actual sex acts.

Massage Establishment - Any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association, or corporation engages in or carries on the practice of massage; provided, however, that this definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the Commonwealth of Pennsylvania, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck, or the shoulders.

Other Adult-Oriented Retail, Commercial Service, or Entertainment Establishment - Any other business of club which offers its patrons or members retail goods, commercial services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.

- h. It shall be unlawful to establish an adult bookstore, an adult motion picture theater, cabaret, or massage parlor within one thousand (1,000) lineal feet of any other adult bookstore, adult motion picture theater, cabaret, or massage parlor.
2. Junk Yard, subject to:
- a. The premises shall be maintained so as not to constitute a nuisance or a menace to the health of the residents and inhabitants of the Borough and shall be maintained so as not to constitute a place for the breeding of rodents and vermin.
 - b. No garbage or organic waste shall be stored on the premises.
 - c. Whenever any motor vehicle or part thereof shall be received in the junkyard, all gasoline and oil shall be removed from the motor vehicle of part thereof.
 - d. The manner of storage and arrangement of materials shall be such as to provide for adequate access for firefighting purposes.
 - e. The manner of storage, arrangement of materials, and drainage facilities shall be such as to prevent the accumulation of stagnant water upon the premises.
 - f. No burning of materials shall be permitted on the premises.
 - g. All junkyards shall be completely enclosed, except at entrances, by an evergreen planting screen of a minimum height of six feet (6') which shall be backed by an opaque fence at least six feet (6') in height. The fence shall contain gates at all entrances which shall be locked except during operating hours.
 - h. No materials shall be stored less than fifty feet (50') from any street outside the lot on which the junkyard is located and no materials shall be stored less than fifty feet (50') from a lot line of the lot on which the junk yard is located.
 - i. No materials stored within the junk yard shall be stacked to a height exceeding the height of the evergreen planting screen enclosing the junkyard, provided that in no case shall materials be stacked to a height exceeding eight feet (8').

3. Trash transfer station, subject to:
 - a. The facility must conform to the regulations of and have a valid permit from Pennsylvania Department of Environmental Resources.
 - b. The entire operation must be carried out in an enclosed building.
 - c. No trash shall be stored on the premises overnight, unless it is stored in leakproof, flyproof, and rodentproof containers.
 - d. The facility is to be used by trash haulers only, and shall not be open to the public.
 - e. Trash transfer stations shall handle only solid waste of a nonhazardous nature.

4. Recycling collection center, subject to:
 - a. All materials shall be stored inside a building.
 - b. Gasoline, oil, or other flammable or toxic substances shall be removed from any recyclable materials, or other items stored on the premises. Such liquid shall be removed and disposed of in a proper manner and shall not be deposited on or into the ground.
 - c. No material shall be burned on the premises.
 - d. No garbage or other waste liable to give off a foul odor or attract vermin or insects shall be kept on the premises.

5. Sanitary landfill, subject to:
 - a. The service area shall include Shoemakersville Borough.

- b. All requirements of the Pennsylvania Solid Waste Management Act and regulations and standards of the Department of Environmental Resources relating to sanitary landfills shall be met. The applicant shall be required to submit any and all plans, applications, data, materials, studies, and information to the Borough Council as is required to be submitted to the Pennsylvania Department of Environmental Resources pursuant to said Act, regulations, and standards. All such materials shall be certified by the applicant to be true and correct copies of original materials filed with the Department. The applicant shall submit copies of all correspondence with the Department of Environmental Resources to the Borough, regularly notify the Borough of the status of his application to that Department, and notify the Borough prior to any public hearing held on his application.

Prior to the onset of operation of the landfill, a permit must be obtained from the Pennsylvania Department of Environmental Resources for operation of the landfill.

- c. The landfill shall be located so that safe and adequate access is available at all times. Any access road, as defined herein, to the proposed landfill shall be a minimum of twenty-four feet (24') paved cartway in width and paved with bituminous or concrete materials having a surface and base course of sufficient depth to withstand traffic loads, determined by the number and weight of trucks anticipated in a daily operation of the proposed landfill. The Borough Council shall require that the cost of improvement of public access roads to provide this standard of access shall be assessed against the applicant either by requiring contribution of monies sufficient to pay for the improvements to the access roads, or by assessing dumping fees on the operation of said landfill sufficient to pay for the improvements to the access roads. Applicant shall give written assurance by corporate surety bond that, within one (1) year of the termination of the landfill operation, all access roads will be restored, if necessary, to their condition existing immediately prior to the commencement of the operation, as determined by the Borough engineer.

- d. The landfill site shall be properly fenced along the interior boundary of the buffer zone to prevent blowing papers and other refuse on adjoining properties. The fence shall be galvanized metal wire mesh constructed of No. 9 gauge wire woven in a two inch (2") mesh in full conformance with the American Society of Testing Materials Specification A491-71. The surface height of the fence shall be eight feet (8'), plus an additional minimum of three (3) strands of barbed wire, installed at least six inches (6") apart onto brackets affixed to the top of the fence at an angle forty-five degrees (45 °) from vertical facing away from the landfill. The fence shall contain at all entrances gates which are locked except during business hours. In addition, temporary litter control fences shall be installed, in such a manner as to prevent litter from dispersing onto the landfill site, no more than seventy-five feet (75') downwind from the immediate operating area. The landfill site shall be adequately policed, and all litter shall be collected daily and incorporated into the landfill.
- e. The landfill shall be located a minimum of one hundred feet (100') from any street not located within the landfill site and one hundred feet (100') from any adjoining property line.
- f. A buffer yard shall be maintained along all boundaries of the landfill, except at entrances. All buffer yards shall include a planted landscape screen composed of both a low-level and high-level screen. The species and spacing of trees shall be approved by the Zoning Officer and shall be such to constitute an effective screen. The high-level screen shall consist of a combination of evergreen and deciduous trees with no deciduous specimen less than eight feet (8') in height when planted and no more than twenty-five feet (25') apart on center. Evergreen trees shall be no less than six feet (6') in height when planted. The low-level screen shall consist of evergreen trees not less than six feet (6') in height when planted and spaced at intervals of not more than ten feet (10') on center. The low-level screen shall contain two (2) staggered rows not more than ten feet (10') apart. The operator shall maintain the planted screen and replace any plant material which does not live within one (1) year of initial planting.
- g. A certified copy of all reports, data, plans, and other material or information required to be submitted to Pennsylvania Department of Environmental Resources shall be submitted to the Borough Council.
- h. The following definitions shall apply:
 - (1) "Access Road" - all roads, either public or private, within the Borough which are used by vehicles weighing over twenty thousand (20,000) pounds, loaded, to transport solid waste to a landfill.

- (2) "Landfill" - a disposal facility or part of a facility where solid waste is placed in or on land.
 - (3) "Landfill Site" - a tract of land upon which is located a landfill, including all structures and other appurtenances or improvements erected thereon.
 - (4) "Sanitary Landfill" - a land site on which engineering principles are used to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation.
6. Kennel, or office of veterinarian, subject to:
- a. All buildings in which animals are housed shall be located at least one hundred feet (100') from all lot lines.
 - b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
 - c. Outdoor runs may be provided so long as a double evergreen screen is provided around the runs, and the runs are a minimum of three hundred feet (300') from all lot lines. No animal shall be permitted to use the outdoor runs between 8:00 p.m. and 8:00 a.m.
 - d. No person shall cause, suffer, or permit any odor which causes annoyance or discomfort to the public from any source in such a manner that these malodors are detectable outside of the property of the person on whose land the source is being operated.
 - e. The total number of dogs on the property shall not exceed twenty-five (25) dogs per acre, excluding dogs under six (6) months old.
7. Uses of the same general character as copy of the above conditional uses, subject to such similar standards as may be imposed by the Borough Council.

Section 544. AREA, YARD, AND HEIGHT REGULATIONS

Maximum Requirements

Building Height	40 feet
Building Coverage	35 percent
Paved Area	50 percent

Minimum Requirements

Lot Size	1 acre
Building Setback	40 feet
Side Yard	
Total	80 feet
Each Side	40 feet
Rear Yard	40 feet
Lot Width	
At Street Line	150 feet
At Building Setback Line	150 feet
Open Area	20 percent

Section 545. ADDITIONAL PERFORMANCE STANDARDS

1. The horizontal distance in feet at the closest place between any two principal buildings on the same lot shall not be less than the height of the highest building, measured in feet, but in no case less than twenty feet (20').
2. A landscaping plan for the site prepared by a registered landscape architect shall be submitted to the Borough and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.

A landscape screen shall be required along any lot line adjacent to any zoning district which permits a residential use.

Section 546. GENERAL REGULATIONS APPLICABLE

In addition to the above regulations listed for this District, the General Regulations of Article VI of this Ordinance shall apply unless specifically noted as not being applicable.

ARTICLE VI

GENERAL REGULATIONS

Section 600. COMPLIANCE WITH OTHER BOROUGH REGULATIONS

In addition to complying with the requirements of this Ordinance, the requirements of all other Borough Ordinances and regulations, including but not limited to the Borough Subdivision and Land Development Ordinance, shall be applicable.

Section 601. ACCESS TO STRUCTURES

Every building and structure hereafter erected or moved, except a structure related to the municipal sanitary sewer and water systems, shall be on a lot adjacent to a public street or a private street approved by the Borough Council, or on a lot for which a legally recorded right of access to a public street or approved private street existed prior to the effective date of this Ordinance. After the effective date of this Ordinance, no lot shall be created unless it abuts a public street or a private street approved by the Borough Council. For the purposes of this Section, a service street (alley) shall not constitute a public street or highway.

In the case of a lot to be used for a single-family or two family dwelling, no more than one principal building shall be erected on that lot.

In the case of lots used for other purposes, more than one structure housing a permitted or permissible principal use may be erected on a lot, provided that the lot size, yard and other requirements of the zoning district shall be met for each structure as though it were on an individual lot, unless otherwise permitted by this Ordinance.

Section 602. RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES,
AND USES

1. General.

The following general regulations shall apply to residential accessory structures, regardless of zoning district:

- a. No accessory building or structure shall be permitted within any required front or side yard. No accessory building greater than 120 sq. ft. in area shall be permitted within ten feet (10') of the rear lot line. No accessory building 120 sq. ft. or less in area shall be permitted within five feet (5') of the rear lot line, except that in the case where the rear lot line is included within or coincides with the right-of-way line of an alley or street, no such building or structure shall be permitted within ten feet (10') of the right-of-way line of the alley or street.

The minimum distance between an accessory building or structure greater than 120 sq. ft. in area within a rear yard and a side lot line shall be the side yard requirement of the applicable zoning district. An accessory building or structure 120 sq. ft. or less in area within a rear yard shall be located a minimum of five feet (5') from the side lot line, except that in the case where the side lot line is included within or coincides with the right-of-way line of an alley or street, no such building or structure shall be permitted within ten feet (10') of the right-of-way line of the alley or street.

In the case of a lot on which a principal building existed on the effective date of this Ordinance, an accessory building thereto may be located closer to a side lot line than permitted above, provided that the accessory building is situated to the rear of the principal building and is not located closer to the side lot line than the principal building or five feet (5'), whichever is greater.

- b. No accessory building or structure greater than 120 sq. ft. in area shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.
- c. No accessory use shall be permitted which creates a public nuisance or interferes with the use of adjoining lots.
- d. In the Residential district, not more than one (1) storage shed shall be placed on a lot.

- e. No storage shed shall be allowed in front yards.
- f. Except for decks and fences, there shall be a distance of not less than three (3) feet between a storage shed and a side or rear lot line regardless of all other provisions of this ordinance.
- g. Accessory structures shall not exceed fifteen (15) feet in height.
- h. Accessory structures shall not be used for permanent or temporary human habitation.

2. Use Regulations. The following specific use regulations shall apply to residential accessory uses, regardless of zoning district:

- a. Outdoor Swimming Pools - Every outdoor swimming pool shall conform to all applicable requirements of the UCC.

An outdoor swimming pool under 24" is permitted only in a side or rear yard area and must be at least ten feet (10') from all lot lines. This requirement applies to any part of the pool structure.

Water shall not be discharged from any swimming pool onto any adjoining property.

- b. Detached Garages and Carports. In the Residential district, not more than one (1) carport and/or garage shall be placed on a lot nor shall they be allowed in front yards. There shall be a distance of not less than five (5) feet between a carport / garage and a side or rear lot line.

1) Enclosure of Porches. No porch shall extend into any required yard except open patios and decks as provided within this ordinance. Any open patio, deck, or porch which has been constructed within any required yard prior to the date of this Ordinance shall not be enclosed, except as follows:

- a) On an interior lot where such porch is located in a front yard and the enclosure of such porch would be on a property where such enclosure would not extend beyond the front wall of the building or porch of any adjoining property.
- b) On a corner lot, the same provisions described in Section 602.2 b.1.a. shall apply. In addition, the enclosure of a front porch must also be in accordance with the clear sight triangle.

- c) The enclosure of a front porch in a required front yard of either a corner lot or an interior lot shall not be allowed if such property adjoins an undeveloped lot in separate ownership.
- d) The enclosure is in the rear yard.

2) Decks.

- a) Decks located at the rear or side of a dwelling shall be placed not less than two (2) feet from the lot line or from the edge line of a common driveway or alley at the side or rear of the dwelling.
- b) The deck shall be placed not less than one (1) foot from the party wall of a twin or row dwelling. This setback is needed for access and maintenance.
- c) Decks more than three (3) feet above ground level shall adhere to the following requirements:
 - (1) Must have a hand railing not less than thirty—six (36) inches high around the entire deck with spindles not more than four (4) inches apart.
 - (2) Must have a hand railing on any stairway.
- d) In an area where motor vehicles may park or drive, elevated decks shall have support posts constructed of concrete filled steel columns which shall be at least four (4) inches wide and are fastened into footings not less than six (6) inches wide.
- e) After a zoning permit is issued for a deck, no change in plans regarding setbacks, dimensions, or heights is permissible without first receiving written permission from the Zoning Officer.
- f) Prior to constructing a deck, a zoning permit must be obtained from the Zoning Officer, and a building permit must be obtained from the Building Inspector.
- g) All materials used in the construction of a deck shall comply with the most recently adopted Uniform Construction Code.

- c. Apartment and Townhouse Accessory Uses - Shall be restricted to uses designed solely for residents of the apartment and townhouse units. One office per project for the purposes of administering and renting dwelling units may be established. One "sample" apartment or townhouse for display purposes shall be permitted for each type of dwelling unit to be constructed.
- d. Tennis Courts - Shall have permanent fences at least ten feet (10') in height behind each baseline, extending at least the full width of the playing area.

A permanent fence at least ten feet (10') in height and a screen planting shall be established and maintained between the tennis court and lot lines within twenty feet (20') of the tennis court.

- e. Keeping of Domestic Pets: The keeping of domesticated pets shall be permitted in all districts and shall comply with the following conditions and requirements:
 - 1) In residential districts, not more than three (3) adult domestic pets shall be kept, unless otherwise allowed within this section.
 - 2) No use shall involve the keeping of domestic pet or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), 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 domestic pets.
 - 3) The keeping of pets outdoors shall not be permitted in the front of the principal building or front yard area.
 - 4) The keeping of domestic pets shall comply with all applicable borough codes and ordinances relating to animal, health and safety codes, as well as any applicable state regulations.
 - 5) It shall be unlawful on a residential lot to maintain any "exotic wildlife" as defined by the Pennsylvania Game and Wildlife Code, whether or not an exotic wildlife possession permit has been issued.
 - 6) For purposes of this ordinance, this use shall not include the keeping of livestock and related animal husbandry, or animal kennels, or keeping more than three (3) domestic animals less than six (6) months in age.

- 7) The following standards shall apply to the keeping of domestic pets on residential parcels of land containing less than one (1) acre.
- (a) Dogs and cats:
 - (1) A Maximum of three (3) dogs or (3) cats are permitted without restrictions.
 - (2) Litters of puppies or kittens up to six (6) month in age are permitted provided the following conditions are satisfied:
 - A. Maintaining dogs and cats shall be on a non-commercial basis.
 - B. The area within which a shelter and/or exercise pen is maintained must be suitably grassed and enclosed and located in the rear yard within all yard setbacks and no closer than ten (10) feet to the nearest neighbor's residential dwelling.
 - C. The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created.
 - (b) Other small domestic animals in the all Zoning Districts:
 - (1) A maximum total of eight (8) animals are permitted providing the following conditions are satisfied:
 - A. Small domestic animals shall include those animals which can be kept outdoors in pens, and could also be kept indoors. These animals shall each weigh less than 15 pounds and include rabbits, guinea pigs, domestic and exotic birds, and chinchilla, and fowl such as chickens, turkeys, geese, ducks, and pigeons
 - B. When raised or kept outdoors, small domestic animals shall be kept within the rear yard area.

- C. Maintaining small domestic animals shall be on a non-commercial basis and strictly as an incidental use.
- D. The area within which a shelter and/or exercise pen is maintained must be suitably grassed and enclosed and located in the rear yard within all yard setbacks and no closer than ten (10) feet to the nearest neighbor's residential dwelling.
- E. The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created.

(2) A maximum total of twelve (12) animals are permitted providing the following conditions are satisfied:

- A. Small domestic animals shall include those animals which can be kept exclusively indoors, and include animals such as rabbits, guinea pigs, hamsters, mice, domestic and exotic birds. Fowl such as chickens, turkeys, geese, ducks, and pigeons shall not be permitted.
- B. Maintaining small domestic animals shall be on a non-commercial basis and strictly as an incidental use.
- C. The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created.

(c) Large domestic pets

(1) Large domestic animals shall include animals of the bovine, equine, swine, and sheep families, as well as llamas, emus, ostriches, and the like.

- (2) The following standards are applicable to the keeping of large domestic animals for the purpose of recreation and/or personal enjoyment.
 - A. A minimum open lot area of two (2) acres shall be required for the first large domestic animal. Additional large domestic animals may be kept on the property at a density of one (1) animal per additional one open space acre.
 - B. Maintaining large domestic animals shall be on a non-commercial basis and strictly as an incidental use.
 - C. The open space area within which large domestic animals are kept shall be grassed and enclosed by a fence and located in the rear yard. Any structure used shall be at least sixty (60) feet from any lot line and no closer than one hundred (100) feet to the nearest neighbor's dwelling.
 - D. The owner of the large domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created.

f. Satellite Dish Antenna - Satellite dish antennas shall be permitted in all districts and shall comply with all accessory use and structure standards except as provided herein this section.

- 1) Satellite dish antennas shall comply with the following:
 - a) In the Residential Zoning Districts, the maximum diameter of any satellite dish antenna installed on any lot, building or structure shall be three (3) feet and nine (9) feet in the Commercial District.
 - b) Satellite dish antennas shall not be located between the principal building and the public street (excluding alleys) or within any required front setback areas or on front facades of buildings.

- c) 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.
- 2) In the Residential Zoning Districts, ground-mounted satellite dish antennas shall not be permitted to be located between the principal building and the public street (excluding alleys) or within any required front setback area. The satellite antenna shall be located not closer than eight (8) feet to the property line.
- 3. When separately supported, the total height of the satellite antenna in the Commercial district shall not exceed twelve (12) feet.

Section 603. NON-RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES AND USES

- 1. General. The following general regulations shall apply to non-residential accessory structures, regardless of zoning district:
 - a. No building or structure shall be located within any required front or side yard, nor within twenty feet (20') of the rear lot line unless otherwise permitted by this Zoning Ordinance.
- 2. Use Regulations. The following specific use regulations shall apply to non-residential accessory uses, regardless of zoning district:
 - a. Storage - No storage shall be permitted within front and side yards. Outdoor storage of materials shall be screened from view from adjoining properties and streets.

Tractor trailer trucks shall not be used for storage and/or sales of materials.

- b. Earth Satellite Receiving Dishes - Not more than one (1) such dish shall be placed on any one (1) lot. All such dishes shall be placed within rear yards and the base shall be screened from adjoining properties and streets in accordance with the applicable provisions of this Zoning Ordinance.

- A. Satellite dish antennas shall comply with the following:
- (1) In the Residential Zoning Districts, the maximum diameter of any satellite dish antenna installed on any lot, building or structure shall be three (3) feet and nine (9) feet in the Commercial District.
 - (2) Satellite dish antennas shall not be located between the principal building and the public street (excluding alleys) or within any required front setback areas or on front facades of buildings.
 - (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.
- B. In the Residential Zoning Districts, ground-mounted satellite dish antennas shall not be permitted to be located between the principal building and the public street (excluding alleys) or within any required front setback area. The satellite antenna shall be located not closer than eight (8) feet to the property line.
- C. When separately supported, the total height of the satellite antenna in the Commercial district shall not exceed twelve (12) feet.

Section 604. LANDSCAPING

1. Where District Regulations require buffer yards, screening, planting strips and the like, these shall be subject to approval of the Zoning Officer and Municipal Shade Tree Commission prior to planting, unless approval power is otherwise designated by this Ordinance. The type and density of planting shall adequately provide the required screening effect year-round.
2. Plant materials used in screen planting shall be at least five feet (5') in height when planted and shall be of such species and size as will produce, within three (3) years, a complete year-round visual screen of at least eight (8) feet in height.

3. The screen planting shall be maintained permanently and plant material which does not live shall be replaced within one (1) year.
4. Plantings shall be placed so they will not infringe upon street right-of-way lines and property lines upon maturity.
5. Screen plantings shall be broken only at points of vehicular or pedestrian access.
6. When required by District Regulations, a liberal and functional landscaping plan shall be prepared. In particular:
 - a. Access drives and common parking areas shall be provided with shade trees which are of an appropriate size and character.
 - b. Open space adjacent to buildings, areas between buildings and border strips along the sides of pedestrian walkways shall be graded and seeded to provide a thick stand of grass or other plant materials.
 - c. Approaches and entrance areas to buildings shall be provided with trees and attractive shrubbery.
 - d. Areas not used for buildings, drives, loading and parking space shall be seeded or landscaped and shall be kept in attractive condition.
 - e. Natural features such as wooded areas shall be preserved and incorporated into the design of the development.

Section 605. LIGHTING

When any property is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining properties and streets. No direct beams of light shall be directed toward adjacent properties or roads. No lighting shall be utilized in such a manner to produce a noxious glare or a light intensity greater than one (1) foot-candle beyond the lot boundaries (0.6 foot-candle when the property is used or zoned for residential purposes).

Section 606. SIGNS

Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations of the Borough relating to the erection, alteration, and maintenance of signs.

1. General

- a. Except in the case of school warning signs, signs giving time and temperature, traffic control signs, and similar municipal signs, signs shall not contain moving parts nor use flashing or intermittent illumination and the source of light shall be steady and stationary.

1) Electronic Graphic Displays (Digital Signs) - Must meet the following:

- a) Such signs shall only be located on non-residential parcels.
- b) Message Duration - Any portion of the message must have a minimum duration (hold time) of twenty-five (25) seconds and must be a static display. Messages may change immediately or fade in and out only, and shall completely change to the next message within one (1) second. No portion of the message may flash, pulsate, scroll, twirl, twinkle, oscillate, rotate, blink, change color, or in any manner imitate movement.
- c) Brightness (Luminance) - The illumination and/or intensity of the display shall be controlled so as to not create glare, hazards or nuisances. Such signs shall have a maximum nits level of 250 nits; provided the brightness of the digital sign does not exceed 0.2 foot candles at the property line. Such signs shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness to conform with the intent of this section.
- (1) The sign luminance specification shall be determined by a foot-candle metering device held at a height of 5 ft. and aimed toward the sign from the property line.
- (2) The metering device should be at a location perpendicular to the sign center as this angle has the highest luminance.
- (3) This check shall include the measurement of an all white image displayed by the sign to evaluate the worst case condition.

- (4) If the difference in illuminance between the sign-on and the sign-off conditions is 0.2 foot-candles or less, then the sign luminance is in compliance.
 - d) No such sign shall be erected within one hundred (100) feet of any existing residential dwelling.
 - e) Sign shall not be illuminated between the hours of 11:00 PM and 6:00 AM.
 - f) Applicant may be required to coordinate/permit message access for local, regional, state, and national emergency services during emergency situations. Emergency messages are not required to conform to message standards listed herein.
 - g) A certificate shall accompany any application for a digital sign. The certification shall indicate under seal of a professional licensed in the Commonwealth of Pennsylvania that the sign has been designed in accordance with acceptable practices.
 - h) Audio speakers and/or any form of pyrotechnics are prohibited.
 - i) Signs must be equipped with a properly functioning message default mechanism that will stop the sign in one position should a malfunction occur.
 - k) No video sign shall be permitted in the Borough.
- b. No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
 - c. No signs other than school warning signs, official traffic signs, and other municipal signs shall be erected within the right-of-way lines of any street or extend over any street right-of-way.
 - d. 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.

- e. No sign shall be utilized in a manner which produces a noxious glare or a light intensity greater than one (1) foot-candle beyond the lot boundaries (0.6 foot-candle when the property is used or zoned for residential purposes).
- f. The distance from the ground to the highest part of any freestanding sign shall not exceed eight feet (8') in R-1, R-2, R-3, and R-4 zoning districts. The distance from the ground to the highest part of any freestanding sign in a C-1, C-3, I-1, or I-2 District shall not exceed twenty feet (20'). The distance from the ground to the highest part of any freestanding sign in a C-2 District shall not exceed thirty-five feet (35'). 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.
- g. No sign shall be erected or located as to prevent free ingress to or egress from any window, door or fire escape.
- h. No sign which emits smoke, visible vapors or particulates, sound or odor shall be permitted.
- i. No portion of any sign shall project over any lot line.
- j. Red, green or amber lights, except those contained within a school warning sign, traffic control sign, or similar municipal sign, shall not be so located that they could create a danger by being construed as traffic lights.
- k. The area immediately surrounding each sign shall be kept in a clean, sanitary and healthful condition. No accumulations of loose paper, bottles, cans, garbage or similar items shall be permitted.
- l. Any sign which becomes dilapidated or which creates a hazard to the public health, safety or welfare shall be removed at the expense of the owner or lessee. The Borough Zoning Officer shall make such determination as to state of repair.
- m. No sign shall project more than twelve inches (12") from the building wall to which it is attached.
- n. Signs shall be erected on the property on which the use or event referred to in the sign is conducted, unless otherwise provided for in this Ordinance.
- o. A sign shall be removed when the use or event to which it refers is terminated.

- p. Signs on mobile stands which can be moved from place to place shall not be placed within street rights-of-way or sight triangle at street and driveway intersections and shall not interfere with sidewalks or other pedestrian ways.
- q. A sign affixed to any vehicle or other object in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or object but becomes a primary purpose in itself, shall be prohibited.
- r. Banner, inflatable, and other types of non-permanent signs may be placed for up to thirty (30) days. Such non-permanent signs shall comply with all pertinent regulations applicable to permanent signs. Such non-permanent signs shall not require a permit, but written notification of the placement of such signs shall be given to the Borough Secretary.
- s. Signs shall not be attached to trees and utility poles.

2. Signs Permitted in All Zoning Districts

The following signs are permitted in all zoning districts:

- a. Official traffic or street name signs and other official federal, state, County, or Borough government signs.
- b. Identification sign or bulletin or announcement boards for schools, churches, clubs and lodges, municipal buildings, recreation areas or similar permitted uses, provided that:
 - 1) No more than one (1) such sign shall face any one street.
 - 2) No side of any such sign, excluding signs consisting of open lettering attached to a building, shall exceed twelve (12) square feet in area. A sign consisting of open lettering attached to a building shall not have a height exceeding ten (10) feet nor an area exceeding ten percent (10%) of the building wall to which it is attached.
 - 3) No sign shall be located within five feet (5') of a front lot line or within the side yard requirement of a side lot line, except signs attached to existing buildings.

- c. Signs advertising the rental or sale of premises or the sale or development of a residential subdivision, temporary in nature, provided that:
 - 1) No side of any such sign shall exceed six (6) square feet in area.
 - 2) No more than one (1) such sign shall face any one street.
 - 3) No sign shall be closer than five feet (5') to a front lot line and no sign shall be placed closer than the side yard requirement to a side lot line, except those attached to existing buildings.
 - 4) Such signs shall be removed immediately upon final settlement or renting of a property.
- d. Signs advertising a lawful non-conforming use, provided that:
 - 1) No side of any such sign shall exceed eight (8) square feet in area.
 - 2) No more than one (1) such sign shall face any one street.
 - 3) No sign shall be located within five feet (5') of a front lot line or within the side yard requirement of a side lot line, except signs attached to existing buildings.
- e. Signs necessary for the identification and protection of public utility facilities, provided that no side of any such sign shall exceed eight (8) square feet in area.
- f. Signs within a residential development to direct persons to a rental office or sample unit within that development provided that no side of any such sign shall exceed four (4) square feet in area.
- g. Identifying signs for the purpose of indicating the name of a residential development, provided that not more than one (1) such sign shall be allowed for each entrance to the development from a public street and no such sign shall exceed eight (8) square feet in area.
- h. Trespassing signs and signs indicating the private nature of premises. No side of any such sign shall exceed two (2) square feet in area.
- i. Off-premises signs which are used for directing patrons, members or audience to service clubs, churches or other non-profit organizations may be erected subject to the following requirements:

- 1) A sign shall indicate only the name of the organization and the direction the facility.
 - 2) Only one (1) such sign shall be erected prior to each intersection turning movement necessary to reach such facility.
 - 3) No more than two (2) such signs shall be erected in the Borough for each facility.
 - 4) Signs shall not exceed two (2) square feet in area.
- j. Signs of contractors or architects, temporary in nature, provided that:
- 1) No side of any such sign shall exceed twelve (12) square feet in area.
 - 2) No more than one (1) such sign shall face any one street.
 - 3) No sign shall be closer than five (5) feet to a front lot line and no sign shall be placed closer than the side yard requirement to a side lot line, except those attached to existing buildings.
 - 4) Such signs shall be removed immediately upon completion or termination of the work or eighteen (18) months after erection of the signs, whichever shall occur first.
- k. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization or the Borough, provided that:
- 1) No side of any such sign shall exceed twelve (12) square feet in area.
 - 2) No more than one (1) such sign shall face any one street.
 - 3) No sign shall be closer than five (5) feet to a front lot line and no sign shall be placed closer than the side yard requirement to a side lot line, except those attached to existing buildings.
 - 4) Such signs shall be removed within twenty-four (24) hours after completion of the campaign, drive or event.

1. Off-premises signs directing patrons, members, or audience to a temporary event of a civic, philanthropic, education or religious organization or the Borough and signs erected in conjunction with a political election, provided that:
 - 1) No such sign shall exceed twelve (12) square feet in area.
 - 2) Signs shall be removed within two (2) weeks after the date of the event or election.
 - 3) No such sign shall be posted earlier than two weeks before the occurrence of the event to which it relates with the exception of political signs, which shall be posted not earlier than one month prior to an election.
- m. Memorial sign or tablet.
3. Requirements for Signs in C-1, C-2, C-3, I-1, and I-2 Districts
 - a. In addition to signs permitted in all zoning districts above, signs advertising a business, industry, or other permitted use are permitted provided that:
 - 1) In the case where a lot contains only one use, the total area of all signs on any one lot placed on or facing any one (1) street shall not exceed sixty (60) square feet, except that in C-2 Districts a freestanding sign shall not exceed one hundred sixty square feet (160 sq. ft.) in area and a sign attached to a building shall not exceed twenty percent (20%) of the area of the wall to which it is attached.
 - 2) In the case where a lot contains only one use, not more than two separate signs on any one lot shall face any one (1) street.
 - 3) No more than one (1) freestanding sign shall face any one (1) street.

In the case of a corner lot, the number of freestanding signs shall be limited to one (1) sign facing each street, provided that each such street frontage equals or exceeds the minimum lot width required in the applicable zoning district.

4) In the case where a lot contains more than one use, one freestanding sign no larger than thirty-six (36) square feet in area, or ten square feet (10 sq. ft.) in area for each use, whichever is greater, may be placed on the lot provided that the area of any such sign shall not exceed one hundred sixty square feet (160 sq.ft.) at any time. In addition, for each commercial use located on the lot, not more than one sign may be attached to the portion of the building housing the use. Such wall attached signs are subject to subsection (5) following.

5) A sign attached to a building wall (including open lettering) shall not have an area exceeding ten percent (10%) of the building wall to which it is attached.

A sign attached to a building wall shall not have a height dimension exceeding ten feet (10').

A sign consisting of open lettering attached to a building shall include only the name of the business or industry to which it applies. A sign attached to a building shall face a street or access drive within a land development, without there being any intervening property.

6) No sign shall be readable from the rear of any property when the rear of that property abuts a residential district, nor shall any sign be readable from the side of any property when the side of that property abuts a residential district.

7) Within C-2 Districts, no more than one sign relating to a use which is not located on the lot and which is not non-profit in nature may be placed on a lot. Such signs shall meet all standards established for signs in C-2 Districts.

Section 607. CONTROL OF STREET ACCESS

1. All areas for off-street parking, off-street unloading and loading, and the storage or movement of motor vehicles shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways for entrance to and egress from such parking, loading or storage areas.
2. Acceleration and deceleration lanes shall be provided by the developer when required by the Borough or the Pennsylvania Department of Transportation.

Section 608. LOADING AREAS

1. Paved off-street loading and unloading spaces, with proper access from a street, driveway, or alley, shall be provided on any lot on which a building for trade, business, industry, warehousing, or other use similarly involving receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel, and other service vehicles, shall be of such size, design, and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities and pedestrian ways. Loading areas shall not be located within required front yards and shall not be located within five feet (5') of any side or rear lot line. All loading and unloading shall be conducted within or adjacent to a building.
2. The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one (1) loading space shall be provided for each use. When a permit is applied for, the application shall show all provisions for off-street loading and include supporting data (data on number, frequency, and size of vehicles which will use the loading facilities) which justify the number and size of spaces provided. Number and size of spaces required shall be approved by the Zoning Officer unless otherwise indicated in this Ordinance.
3. All areas for off-street unloading and loading shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways for entrance to and egress from such loading areas.
4. All areas used for loading shall be thoroughly compacted. All unsuitable subgrade materials shall be removed and wet areas permanently drained and stabilized. Fills shall be made with suitable materials and thoroughly compacted in uniform layers. Backfill of trenches shall be thoroughly compacted. Once paved, the area shall be kept graded and maintained so that no ponding will occur and no holes will be present.

Section 609. OFF-STREET PARKING

1. In all zoning districts, off-street parking facilities shall be provided whenever:
 - a. A building is constructed or a new use established.
 - b. The use of an existing building or a lot is changed to a use requiring more parking facilities.
 - c. An existing building or use is altered so as to increase the amount of parking spaces required.
2. Each parking space shall have minimum dimensions of nine feet (9') by eighteen feet (18'). In addition, appropriate driveways, aisles, and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley, or driveway shall be provided. When parking spaces are provided parallel to a driveway or aisle, the minimum dimensions of the spaces shall be ten feet (10') by twenty-two feet (22').
3. Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in parking facilities within two hundred feet (200') of the building served, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided within the lot boundaries.
4. Joint parking facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use less the facilities can show non-concurrent usage; such as a church with only Sunday usage and commercial with weekday usage.
5. All parking spaces and means of access, other than those relating to a dwelling, shall be illuminated during night hours of use.
6. All parking spaces shall be suitably prepared for use by motor vehicles. All common parking areas and access drives shall be paved, shall have marked parking spaces, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The grade of common parking areas shall not exceed six percent (6%), and the grade of access drives shall not exceed ten percent (10%). Surface water shall not be concentrated onto public sidewalks or other lots.
7. Areas necessary to fulfill the off-street parking requirements of this ordinance shall be used solely for that purpose.

8. Off-street parking facilities existing at the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.
9. The width of aisles in parking areas shall be no less than listed in the following table:

<u>Angle of Parking</u>	<u>Aisle Width</u>	
	<u>One-Way</u>	<u>Two-Way</u>
90°	20'	24'
60°	18'	Not Permitted
45°	15'	Not Permitted
30°	12'	Not Permitted

10. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one-fourth (1/4) may be disregarded and any fraction one-fourth (1/4) or greater shall necessitate the provision of a full parking space.
11. Parking areas for non-residential uses shall be designed such that vehicles will not have direct access from a parking space into a public street.
12. The design of parking areas shall be such to prevent to the greatest extent possible the stack-up of vehicles on a public street at entrance to parking areas.
13. Where parking requirements are determined by the number of seats and only temporary seats are provided, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage. Where benches are provided, each two lineal feet of bench shall equal one seat.
14. Parking areas shall be arranged and constructed so that no portion of any vehicle parked within a designated parking space can extend over any lot line of the lot on which it is parked.
15. Parking areas for non-residential uses which are designed to contain more than four (4) vehicles shall be screened from the view of any lands zoned R-1, R-2, R-3, and R-4 which are adjacent to the land on which the non-residential parking area is located.
16. Parking areas and access drives for non-residential uses shall be located a minimum of ten feet (10') from a street right-of-way line or lot line, unless otherwise specified in this Ordinance, and the area between the parking area or access drive and the lot line or street right-of-way line shall be landscaped.

17. Maneuvering areas at least ten feet (10') in depth shall be provided to facilitate leaving the end spaces in parking areas.
18. For purposes of traffic channelization, definition of parking areas, and the reduction of visual monotony, an area equivalent, at minimum, to ten percent (10%) of all surface parking areas shall be devoted to interior parking lot vegetative cover. Such areas shall be in addition to any other landscaping or buffering requirements of this Ordinance.

To further assist in traffic channelization, when there is more than one double row of parking spaces in the interior (not along the perimeter) of a parking lot, raised islands shall be placed at the ends of parking bays, such that the end of the bay adjacent to a driving aisle or road is clearly delineated. The island surface, preferably covered with vegetative material, shall be designed so as not to impair visibility needed for traffic flow and turning movements.

19. All areas for off-street parking shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking areas.
20. All areas used for parking shall be thoroughly compacted. All unsuitable subgrade materials shall be removed. Fills shall be made with suitable materials and thoroughly compacted in uniform layers. Backfill of trenches shall be thoroughly compacted. Once paved, the area shall be kept graded and maintained so that no ponding will occur and no holes will be present.
21. For industrial uses, the number of employees for which parking spaces are to be provided shall coincide with the number of employees provided for in the Pennsylvania Department of Labor and Industry application and regulations (State permit).
22. The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitor, and customer parking. One (1) parking space shall be provided per company vehicle to be parked on the premises. Minimum off-street parking requirements shall be as follows, unless otherwise established in this Ordinance:

- | | | |
|----|-----------------------------------|----------------------------------------------------------------------------------------------------------|
| a. | Residential Uses | Two (2) parking spaces per dwelling unit. |
| b. | Restaurant, Tavern or Similar Use | One (1) space for each three (3) seats plus one (1) space for each employee on the premises at one time. |

c.	Retail and Service Establishments	One (1) space for each two hundred (200) square feet of gross floor area.
d.	Office Buildings	One (1) space for each two hundred fifty (250) square feet of gross floor area.
e.	Medical, Dental and Paramedical Offices and Clinics	One (1) space per employee plus five (5) spaces for each person engaged in practice.
f.	Nursing Home, Personal Care Facilities, and Similar Uses	One (1) space per employee on the premises at one time plus one (1) space for each four (4) beds.
g.	Funeral Home	One (1) space for each three (3) seats plus one (1) space for employee on the premises at one time.
h.	Auditorium, Theater, Municipal Building, Place of Worship, Club or Lodge, or Other Place of Public Assemblage	One (1) space for each three (3) seats plus one (1) space per employee on the premises at one time
i.	Library or Museum	One (1) space per three hundred (300) square feet of gross floor area
j.	Nursery Schools and Day Centers	One (1) space per employee plus one (1) space for loading and unloading of children for each six (6) children accommodated in the school.
k.	Elementary, Middle, Junior High and Senior High Schools	Two (2) spaces per each administrative staff member, plus one and two-tenths (1.2) spaces per each additional staff member, plus one-quarter (.25) space per seat in gymnasium.
l.	Motel or Hotel	One (1) space for each rental unit plus one (1) space for each employee.

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|----|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| m. | Motor Vehicle Service Station or Repair Garage | Two (2) parking spaces per service bay, plus one (1) space per employee. |
| n. | Bowling Alley | Five (5) spaces per alley plus one (1) space for each employee. |
| o. | Indoor Recreational Facility or Place of Amusement | One (1) space per fifty (50) square feet devoted to patron use. |
| p. | Industrial, Wholesaling, or Warehousing Establishment, Laboratory, Research Center | One (1) space per employee on the premises at one time, or one (1) space per one thousand (1000) square feet of gross floor area, whichever results in more parking spaces. |
| q. | Barber Shop or Beauty Shop | One (1) space per employee plus two (2) spaces for each person engaged in practice. |
| r. | Commercial School | One (1) space per employee plus two-thirds (2/3) space per student. |

For any building or use not covered above, the Zoning Officer shall apply the standard for off-street parking spaces in the above schedule deemed to most closely approximate the proposed building or use.

Section 610. DRIVEWAYS

1. The following standards shall apply to all driveways:

- a. No driveway shall be constructed in such a manner so as to create a drainage or sedimentation problem on an adjacent property or street.
- b. Two-way driveway entrances shall not intersect streets at angles of less than 60° nor more than 120°.
- c. The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the flow of vehicular traffic on adjacent streets. Driveways shall not be located in such a manner that they will cause a hazard to the movement of normal traffic or cause areas of undue traffic congestion on streets or highways.

- d. A use with less than one hundred feet (100') of frontage on a public street shall not have more than one accessway to such street. No use shall have more than two (2) accessways to any one (1) street for each five hundred feet (500') of frontage. The distance between center lines of driveways on the same property where they intersect the same street shall not be less than one hundred feet (100').
- e. Driveway entrances to State Routes shall meet Pennsylvania Department of Transportation requirements.
- f. Driveway entrance grades shall be such to provide a smooth transition to streets and to provide for proper drainage of the street and driveway.

2. The following standards shall apply to residential driveways:

- a. The terminus of a radius of a driveway entrance or exit into a street from a corner lot on which a single-family or two family dwelling is constructed shall be located at least sixty feet (60') from the intersection of any street center lines.
- b. No driveway serving a dwelling shall be located within two (2) feet of any side lot line, except in the case of driveways which adjoin one another or shared driveways.
- c. Minimum driveway width shall be ten feet (10'), the maximum driveway width shall be twenty feet (20'), and radius of the driveway apron shall be no less than two feet (2') and no more than ten feet (10'), unless otherwise required by the Borough Subdivision and Land Development Ordinance.
- d. Driveway grades shall not exceed fifteen percent (15%). Parking lot grades shall not exceed six percent (6%).

3. The following standards shall apply to non-residential driveways:

- a. The width, excluding radii, of entrances to and exits from parking areas, measured at the street line, shall conform to the following schedule:

	<u>Width in Feet</u>	
	<u>Minimum</u>	<u>Maximum</u>
One-Way	12	24
Two-Way	24	36

Each lane provided shall be a minimum of twelve feet (12') in width.

The radius of the edge of the driveway apron shall be at least fifteen feet (15') and no more than thirty-five feet (35'), unless otherwise required by Borough Ordinance.

Provided that along State Routes, if these standards are in conflict with Pennsylvania Department of Transportation requirements, driveways shall be designed to conform as closely as possible to the requirements of this Ordinance, while conforming to the requirements of the Pennsylvania Department of Transportation.

- b. The terminus of the radius of a driveway entrance or exit into a street from a corner lot shall be located at least sixty feet (60') from the intersection of any street center lines.
- c. Driveway grades shall not exceed ten percent (10%). Parking area grades shall not exceed six percent (6%).
- d. The minimum distance between the centerline of a driveway where it intersects a street and the centerline of any other driveway intersecting the same street shall be one hundred feet (100'), including those driveways located within another municipality.

Section 611. STORAGE OR PARKING OF VEHICLES AND MAJOR RECREATIONAL EQUIPMENT

- 1. Automotive vehicles and recreational vehicles of any type without current license plates and required inspection stickers, shall not be parked or stored on any property within an R-1, R-2, R-3, or R-4 District other than in completely enclosed buildings.

In C-1, C-2, C-3, I-1, and I-2 Districts, automotive vehicles or vehicular dwellings of any type without current license plates and required inspection stickers must be parked or stored within completely enclosed accessory buildings, unless the vehicle or vehicular dwellings are for sale at a lawful sales agency dealing in automotive vehicles or vehicular dwellings or are within a lawful junk yard.

- 2. No tractor or trailer from a tractor trailer truck, other than a vehicle used in conjunction with a lawful conforming or non-conforming use, shall be parked or stored on any property within an R-1, R-2, R-3, or R-4 District unless it is parked or stored within a completely enclosed building.

3. The above subsections notwithstanding, moving vans, construction vehicles, delivery vehicles, and similar vehicles may be parked temporarily (not to exceed twenty-four hours) within R-1, R-2, R-3, and R-4 Districts outside completely enclosed buildings during the conduct of business of serving lawful uses within the Districts.
4. No major recreational equipment (including boats and boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment) shall be parked or stored on any front yard lot in an R-1, R-2, R-3, or R-4 District, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four hours during loading or unloading. No such equipment shall be used for living or housekeeping purposes when parked or stored in any location not approved for such use.

Section 612. PROHIBITED USES

No building or structure may be erected, altered, or used, and no lot or premises may be used for any activity which is noxious, injurious, or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination, or similar substances or conditions.

Section 613. FRONT YARD EXCEPTIONS

When an improved lot is situated between two (2) improved lots with front yard dimensions less than those required for the zoning district in which the improved lot is located, the front yard required for the improved lot may be reduced to a depth equal to the average of the two (2) adjoining lots but shall not be less than fifteen (15) feet; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of this Ordinance.

1. Projections into Required Yards

Certain architectural features may project into required yards as follows:

- a. Cornices, canopies, eaves, and other similar architectural features may project into a side yard a distance of two (2) feet; provided, however, that where a side yard exceeds a width of twelve (12) feet, such extension may be increased by 2 inches for each 1-foot by which the yard exceeds a width of 12 feet.
- b. Fire Escapes may project into side and rear yards a distance not exceeding four (4) feet, six (6) inches.

- c. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.
- d. Decks may be located in side yards and rear yards provided that they are not closer than three (3) feet to any adjacent property line. In the case of a corner lot, no enclosed porch shall extend into the side yard adjoining such side street.

Section 614. FENCES, WALLS, AND HEDGES

- 1. Except as otherwise provided in this Ordinance, fences, walls, and hedges may be placed within front, rear, and side yards.
- 2. No fence or wall shall be erected within the right-of-way lines of any street, nor shall they encroach upon any street right-of-way at any time.

No fence or wall shall be placed within one (1) foot of any street line, including the line of service streets (alleys).

No hedge or other shrubbery shall be planted within one (1) foot of any street line or sidewalk, including the line of service streets (alleys). No hedge or other shrubbery shall be permitted to extend over any street line or sidewalk at any time.

Any wall, fence containing opaque sections, or wall placed along a street line shall not exceed three feet (3') in height.

No fence shall be constructed closer than one (1') foot to the inside edge of the public sidewalk or street right-of-way line, whichever is closer.

- 3. Fences, walls, and hedges shall comply with the Corner Lot Restrictions of this Ordinance, Section 615.
- 4. Within an R-1, R-2, R-3, or R-4 District, no fence or wall, except a retaining wall, shall exceed six feet (6') in height, unless otherwise required by this Ordinance.
- 5. Fences shall be constructed of wood, chain link, or similar appropriate materials approved by the Zoning Officer, be of uniform construction, and be constructed in a workmanlike manner.

Section 615. CORNER LOT RESTRICTIONS

1. Clear sight triangles shall be provided at all street intersections and intersections of driveways with streets. Within such triangles, nothing, except street signs, traffic lights or signs, utility poles, and mailboxes, which impedes vision beyond two and one-half (2-1/2) feet above the center line grades of the intersecting streets and driveways shall be erected, placed, planted, or allowed to grow. As a minimum, such triangles shall be established from a distance of seventy-five feet (75') from the point of intersection of the center lines of the intersecting streets. At driveway intersections with streets, a triangle shall be established by connecting points a distance of twenty feet (20') from the point of intersection of cartway lines.
2. A corner lot shall have designated one front-yard for the purposes of determining yard setbacks. That yard will be determined by identifying the number of homes with a front yard on all streets within 300 feet of the lot in all directions not counting other corner lots. That yard which is along the street with the most front yards shall be designated the "front yard". The yard opposite the front yard shall be considered the rear-yard, and the remaining yards shall be designated side-yards. However, the side-yard setback distances shall be increased an additional 50% in each district for all non-accessory structures.
3. On any corner lot, no walk, wall, fence, sign or other structure shall be erected or maintained, and no hedge, tree, shrub, or other growth shall be planted, grown, or maintained which may cause danger to vehicular traffic by obscuring the view or in any other way pose a danger to vehicular and pedestrian traffic.
4. Where a lot is located at the intersection of two (2) streets, no obstruction of any kind whatsoever of a height greater than thirty-six (36) inches shall be maintained or permitted within a sight triangle, the legs of which shall be thirty (30) feet measured from the intersection of the curb lines at the corner so as not to interfere with traffic visibility across the corner.
5. The Borough shall have the right to declare any obstruction to vision within the line of the sight triangle a safety hazard and shall direct the owner of the property to have it removed. If the owner fails to do so within thirty (30) days after written notice, the Borough shall remove the obstruction and bill the owner and lien the property for the expense involved.

Section 616. HEIGHT EXCEPTIONS

1. The building height limitations contained within this Ordinance shall not apply to chimneys, spires, cupolas, antennas, elevator shafts, HVAC systems, and other similar appurtenances usually required to be placed above the roof level provided they are not intended for human occupancy. This height exception shall not apply to supporting structures and towers for said appurtenances. HVAC systems placed above roof level shall be completely screened.

Section 617. SLOPE CONTROLS

The following controls shall apply in all areas where the slope of the land at the site of earth moving exceeds fifteen percent (15%) over a linear distance of more than ten feet (10') except for the construction of a driveway within a man-made slope within a street right-of-way. The determination of what constitutes man-made slopes will be made by the Zoning Officer.

1. Prior to any earthmoving, the establishment of any building, structure, driveway or use, and the issuance of a zoning permit, a special exception shall be obtained from the Hearing Board.
2. Prior to any alteration of the existing grade, and before the granting of a special exception, a grading plan prepared by a registered professional engineer shall be submitted to the Zoning Hearing Board and an erosion and sedimentation control plan prepared by a registered professional engineer shall be submitted to the Zoning Hearing Board and approved by the County Conservation District. The erosion and sedimentation control plan shall meet the standards for such a plan established in the Borough's Subdivision and Land Development Ordinance. The grading plan shall indicate existing and proposed contours at intervals of no more than two feet (2') in elevation. On the grading plan all existing and proposed structures, other impervious surfaces, storm drainage facilities and utilities, retaining walls, and vegetation and other natural features shall be shown. The percentage of tree clearance and impervious coverage in the Steep Slope Areas shall be indicated.
3. The applicant shall indicate the methods whereby any structural and foundation problems caused by slope conditions will be overcome. Such methods shall be prepared by a registered architect and shall be submitted to the Zoning Hearing Board prior to the granting of a special exception.
4. No more than twenty percent (20%) of wooded areas on the lot existing at the time a zoning permit is applied for shall be subsequently clear cut. Existing trees and shrubs shall be preserved whenever possible and desirable as determined by the Zoning Hearing Board. The location of trees must be considered when developing the site. The applicant shall indicate the means whereby trees and other natural features shall be protected during construction.

5. The proposed development shall be accomplished without excessive earth moving and destruction of natural amenities. No more than ten percent (10%) of the areas subject to Slope Controls shall be covered by impervious surfaces.
6. Natural features and important visual qualities of the site such as topsoil, hilltops, ridge lines, rock outcroppings and scenic views shall be preserved and incorporated into the final landscaping of the site whenever possible and desirable as determined by the Zoning Hearing Board.
7. The applicant shall provide architectural plans, elevations and sections for proposed buildings and the plan, profile, and typical cross-section of impervious surfaces.

Section 618. STANDARDS FOR PUBLIC UTILITY USES

1. If adjoining land is zoned R-1, R-2, R-3, or R-4, all public utility facilities, storage, or activities outside a building, including parking and loading, shall be screened from view from public streets and adjoining lots.

Section 619. ENVIRONMENTAL PERFORMANCE STANDARDS FOR NON-RESIDENTIAL USES

Upon request of the Borough, a landowner shall furnish proof at his own expense that he is in compliance with the following standards. No use shall be operated in such a manner as to constitute a danger to the residents and inhabitants of the Borough.

1. Air Management
 - a. No gases, vapors, or fumes shall be emitted which are harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which such gases, vapors, or fumes originate. No toxic or corrosive gases, vapors, or fumes shall be released into the atmosphere.
 - b. No odors shall be detectable beyond the lot lines of the lot on which such odors originate.
 - c. The regulations of the Pennsylvania Department of Environmental Resources shall be complied with for Fugitive Emissions, Particulate Matter Emissions, Sulfur Compound Emissions, Standards for Sources, Sources of Volatile Organic Compounds, Emission of Hazardous Air Pollutants, and Ambient Air Quality sources.

- d. No person shall permit the emission into the outdoor atmosphere of visible air contaminants, except as may be permitted by the regulations of the Pennsylvania Department of Environmental Resources.
- e. No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates.

2. Waste Water Management

- a. Effluent must meet any standards established by the Borough or applicable Authority.
- b. In no case shall untreated potentially dangerous or contaminating effluent or waste from plant operations be discharged.

3. Solids Waste Management

- a. No storage of waste material on the lot shall be permitted. All waste materials awaiting transport shall be concealed from view from all adjacent properties and streets, kept in enclosed containers, and be enclosed by a fence or other suitable means to adequately prevent access to the material from all adjacent properties.

4. Noise and Vibration

- a. Sound level limits at lot lines shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.

Sound Levels By Receiving Land Use

<u>Zoning of Adjoining Lot</u>	<u>Time</u>	<u>Sound Level Limit</u>
R-1, R-2, R-3, R-4	7:00 a.m. - 10:00 p.m.	60 dBA
	10:00 p.m. - 7:00 a.m. plus Sundays and legal holidays	50 dBA
C-1, C-2, C-3	7:00 a.m. - 10:00 p.m.	65 dBA
	10:00 p.m. - 7:00 a.m. plus Sundays and legal holidays	
I-1, I-2	At all times	70 dBA

The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency.
 - (2) Emergency work to provide electricity, water, or other public utilities when public health or safety is involved.
 - (3) Explosives and construction operations.
 - (4) Agriculture and lawn maintenance equipment.
 - (5) Motor vehicle operations.
 - (6) Lawful worship services and public celebrations.
 - (7) Surface carriers engaged in commerce by railroad.
- b. No physical vibration shall be perceptible without use of instrument at or beyond the lot lines.

5. Visual and Heat

- a. No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot lines.
- b. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

6. Electromagnetic and Radioactive Radiation

- a. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.

7. Carcinogenic Substances

- a. No carcinogenic substances shall be released into the air, ground, or water.

8. PennDER Requirements

- a. All regulations of the Pennsylvania Department of Environmental Resources shall be complied with.

Section 620. FLOODPLAIN CONTROLS

The provisions of the Borough of Shoemakersville's floodplain management ordinance, Ordinance Number 426-2012, as from time to time amended, shall apply, provided that:

1. No structures shall be placed within the floodway.
2. Structures permitted within the applicable zoning district may be placed within the flood fringe subject to the requirements of Ordinance No. 306.
3. Materials shall not be stored outside of buildings within the floodway and flood fringe.
4. Playgrounds and similar non-commercial recreation areas owned and operated by a public or private non-profit agency shall be permitted as a special exception within any zoning district within the floodway and flood fringe.
5. Yards shall be permitted within any zoning district within the floodway and flood fringe.

Section 621. HOME OCCUPATION REGULATIONS

1. Home occupations shall be conducted within a single-family detached dwelling.
2. Only a resident of the dwelling unit may practice the home occupation, (i.e. the owner cannot rent out a room in the house for someone to run a business).
3. No storage of materials or products related to the home occupation shall be permitted outside building.
4. Goods available for retail sale shall be produced in the dwelling unit, unless incidental to the principal service provided.
5. No more than one (1) person, whether paid or unpaid, may be employed by the practitioner of a home occupation to provide secretarial or clerical assistance (off-street parking must be met for this person).

6. Any need for parking generated by the home occupation shall be met off street on the lot on which the home occupation is conducted, in addition to those parking spaces required for the dwelling unit. As a minimum, for those occupations which serve patrons, one additional off-street parking space shall be provided in addition to those otherwise required except in the case of dental, medical, or paramedical offices. Four off-street parking spaces shall be provided for each person engaged in dental, medical, or paramedical practice.
7. Environmental discharges:
 - a. No emission of unpleasant gases or other odorous matter shall be permitted.
 - b. No emission of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted.
 - c. No discharge shall be permitted into a reservoir, sewage or storm disposal system, stream, open body of water or into the ground of any materials in such a way or of such nature or temperature which could contaminate any water supply, or damage or be detrimental to any sewage system or any sewage treatment process or otherwise could cause the emission of dangerous objectionable elements. No hazardous waste or household hazardous waste shall be discharged into sewage disposal systems or public sewers.
 - d. No vibration perceptible beyond the structure in which the home occupation is conducted shall be permitted.
 - e. No noise shall be audible beyond the structure in the home occupation is conducted, which exceeds the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.
 - f. No emission of any smoke shall be permitted (unless the smoke is from a wood burning stove or fireplace being used for heating purposes).
 - g. No hazardous, explosive or regulated material shall be produced or stored upon the premises in quantities exceeding National Fire Code standards for residences.

8. Not more than two (2) home occupations shall be practiced in any one (1) dwelling unit.
9. There shall be no alterations made to the outside of the dwelling in order to accommodate or facilitate a home occupation.
10. Occupations requiring clients coming to the home may:
 - a. Allow only two (2) clients at a time; and
 - b. Conduct business between the hours of 8:00 A.M. and 8:00 P.M.
11. No display of products shall be visible from public streets or adjacent properties.
12. There shall be no outside advertising other than one (1) one-sided or two-sided sign of no more than two (2) square feet in area of each side and must comply with all other requirements of this ordinance regarding placement of such signs.
13. In the case of childcare services, a maximum of three (3) children (unrelated to the operator) may attend. Caregiver must comply with all requirements of the Pennsylvania Code
14. Home occupations shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit.
15. Shall be contained on a single floor and not more than twenty-five percent (25%) of the area of the dwelling unit may be used for the purposes of the home occupation.
16. No repetitive servicing by truck shall be permitted.
17. A zoning permit shall be required.
18. The applicant needs to prepare an analysis on how it will impact the neighbors, if at all, and also a plan for the remediation and/or mitigation of said impacts.
19. All home occupations shall be subject to periodic inspections by the Borough Code Enforcement Officer or Assistant Code Enforcement Officer(s) to monitor compliance with the provisions of this ordinance and any and all other Borough, State and Federal regulations.

Section 622. RESIDENTIAL CONVERSION REGULATIONS

1. A single-family detached dwelling or non-residential building may be converted into a dwelling for more than one family where permitted by the applicable zoning district regulations, subject to the following requirements:
 - a. Each dwelling unit shall not have less than 600 square feet of floor area. A dwelling unit shall contain a minimum of one hundred fifty square feet (150 sq. ft.) of floor area for each person residing in the dwelling unit.
 - b. Two off-street parking places shall be provided for each dwelling unit.
 - c. The lot area per family is not reduced to less than 4400 square feet per family.
 - d. The yard, height, and lot coverage requirements for the District in which the building is located shall be met.
 - e. A minimum of twenty-five percent (25%) of the lot area shall be designated as common open space.
 - f. Parking areas containing more than six (6) parking spaces shall be screened from adjacent lots and streets.
 - g. Unless otherwise approved by Borough Council, no structural alterations of the building exterior shall be made except as may be necessary for purposes of safety, and after conversion the building shall retain substantially the same structural appearance it had before such conversion. Additional entrances or exterior stairways or fire escapes permitted by the Council shall not be located in a wall bordering a street.
 - h. A separate entrance shall be provided to each dwelling unit. Entrance shall not be possible through another dwelling unit.
 - i. An exit from the building shall be located on each floor which contains a dwelling unit.
2. The Borough Council shall specify the maximum number of families permitted to occupy such building, and may prescribe such further conditions and restrictions as the Council may consider appropriate.

Section 623. PLANNED DEVELOPMENT REGULATIONS

1. The minimum amount of land in the development shall be ten (10) acres within Shoemakersville Borough.
2. The development shall be served by public sewage disposal and public water supply facilities.
3. The overall density of the development shall not exceed five (5) dwelling units per acre.
4. Permitted uses include single-family detached dwellings, single-family semi-detached dwellings, townhouses, apartment buildings, and accessory uses thereto.
5. Not less than twenty-five percent (25%) of the gross area of the tract within Shoemakersville Borough shall be permanently set aside for non-commercial common open space purposes such as recreation. These non-commercial common open space areas shall be suitable by size, surface conditions, shape, and location for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Common open spaces shall not include land included within street rights-of-way nor shall they include required open areas between buildings or between buildings and street rights-of-way, driveways, parking areas, and property boundary lines.

A plan showing how the common open space areas will be developed and equipped shall be submitted to the Borough for approval.

Common open space areas shall be readily accessible to residents of the development, and so located that they can be reached and used safely, without undue traffic or other hazards.

Written agreements satisfactory to and approved by the Borough Council shall be made for the perpetual preservation and maintenance of the common open space areas.

Common open space areas shall not be used for storm water detention or retention unless approval is given by the Borough.

6. A system for pedestrian circulation within the tract shall be provided. This system shall consist of a series of walkways a minimum of four (4) feet in width. It shall provide access to community facilities and recreation areas, though the walkways shall also be designed to provide privacy for dwelling units.
7. The maximum building height shall be thirty-five feet.

8. The maximum permitted total impervious coverage shall be thirty percent (30%) of the tract area.
9. No more than five percent (5%) of those portions of the tract with a slope of twenty-five percent (25%) or greater shall be covered by impervious surfaces.
10. No more than fifteen percent (15%) of those portions of the tract with a slope of between fifteen (15) and twenty-five (25) percent shall be covered by impervious surfaces.
11. No one dwelling type listed in Section 624.4, except single-family detached dwellings, shall comprise more than fifty percent (50%) of the total number of dwelling units within the development.
12. Areas designated for one bedroom apartments or townhouses shall not be developed at a density to exceed fourteen dwelling units per acre. Areas designated for two bedroom apartments or townhouses shall not be developed to exceed a density of twelve dwelling units per acre. Areas designated for three or more bedroom apartments or townhouses shall not be developed to exceed a density of ten dwelling units per acre.

When apartments or townhouses with varying number of bedrooms are mixed within areas, there shall be at least 3,112 square feet of land provided for each dwelling unit with one bedroom, at least 3,630 square feet of land provided for each dwelling unit with two bedrooms and at least 4,356 square feet of land provided for each dwelling unit with three or more bedrooms.

13. The maximum length of an apartment building shall be 165 feet.
14. The number of townhouses within a continuous grouping shall not exceed eight. No more than three contiguous townhouses shall have the same front setback and the variations in front setback shall be at least two feet.
15. No apartment building or townhouse shall be located within fifty feet (50') of a property line of the development.
16. No apartment building shall be located within fifty (50) feet of another dwelling.
17. A townhouse shall be located at least forty (40) feet from any dwelling which is not in the same continuous grouping of townhouses.
18. The minimum building setback for a townhouse shall be twenty (20) feet.
19. The minimum building setback for a one-story apartment building shall be twenty feet, for a two-story apartment building thirty feet, and for a three-story apartment building fifty feet.

20. The maximum distance from the entrance to a residential building to a parking space serving dwelling units contained within that building shall be 300 feet.
21. In the case of townhouses for sale where the sale of land with the townhouse will not be limited to the land actually covered by the townhouse, the following regulations shall apply to the townhouse lot:

Minimum lot width	20 feet
Minimum lot size	2000 sq. ft.
Minimum rear yard	25 feet
Minimum side yard (end of row)	20 feet

22. Requirements for single-family detached and single-family semi-detached dwellings shall be as follows:

	<u>Single-Family Detached</u>	<u>Single-Family Semi-Detached</u>
Minimum Lot Size	8,000 sq. ft.	5,000 sq. ft. per family
Minimum Lot Width		
At Street Line	60 Feet	30 Feet per family
At Building Setback Line	80 Feet	30 Feet per family
Minimum Building Setback	25 Feet	25 Feet
Minimum Rear Yard	25 Feet	25 Feet
Minimum Side Yard		
Total	20 Feet	20 Feet
One Side	10 Feet	10 Feet
Maximum Building Coverage	25 Percent	25 Percent
Maximum Paved Area	20 Percent	20 Percent

23. Refuse stations shall be designed with suitable screening and placed in locations which are convenient for collection removal and not offensive to the occupants of dwelling units.

Adequate storage capacity shall be provided within containers at each refuse station to accommodate the projected solid waste volumes to be stored at that station.

24. Adequate lighting shall be provided to outdoor areas used by occupants after dark, including parking areas and open space and recreation areas. Appropriate lighting fixtures must be provided for walkways. Lighting should be located to avoid shining directly into habitable room windows and into private outdoor open spaces associated with dwelling units.

25. Existing trees shall be preserved whenever possible and desirable. The location of trees must be considered when planning the development. The developer shall indicate the means whereby trees and other natural features shall be protected during construction.

The proposed development shall be accomplished without excessive earth moving, tree clearance and destruction of natural amenities.

Natural features such as ponds, streams, topsoil, trees, shrubs, rock outcroppings and scenic views shall be preserved and incorporated into the final landscaping of the development whenever possible and desirable.

All housing shall be designed with regard to topography and natural features of the site.

26. The developer shall attempt to minimize the interruptions to traffic along roads within the development by limiting the number of points at which access is provided to the roads from parking areas.

In the design of the street system, the developer shall attempt to eliminate or minimize within the development through traffic which originates outside the development and limit any through traffic to streets with minimal or no residential frontage. The developer shall attempt to provide a system of collector and local streets such that traffic entering and leaving the development is directed to a limited number of collector streets with limited residential frontage and traffic entering and leaving the development is discouraged from local residential streets.

Safe and efficient means of ingress and egress from the development shall be provided. Points of ingress and egress shall be located so as to not create congestion or traffic hazards.

27. The design of all common parking areas is subject to the approval of the Borough. All common parking areas shall be paved.

Common parking areas shall be designed such that aisles within the parking areas will not be used for through traffic, unless otherwise permitted by the Borough.

Section 624. RETIREMENT COMMUNITY REGULATIONS

A retirement community is subject to the following regulations:

1. Living units for the elderly, including single-family detached dwellings, single-family semi-detached dwellings, townhouses or apartment units, shall be the principal use within the community. In addition, common facilities required to support the needs of persons living within the community, including the elderly and disabled persons regardless of age, shall be provided. Such common facilities may include the following:
 - a. Dining facilities including kitchens and accessory facilities for residents and their guests.
 - b. Social rooms, chapels, meeting rooms, and overnight guest rooms for guests of residents.
 - c. Health care facilities, including, but not limited to, clinic, rehabilitation services, nursing care, convalescent care, intermediate care, extended care, personal care, laboratory, and such other similar facilities required to supply the health care needs of the residents of the community.
 - d. Administration offices used in the management of the community and health care facilities.
 - e. Activity, craft and hobby shops, recreation facilities, gift shops, personal services facilities, and similar type uses, exclusively for the use of residents and their guests.
 - f. Accessory buildings and uses customarily incidental to the above uses.
2. The minimum size parcel shall be ten (10) acres.
3. Maximum building height at any point shall be thirty-five feet (35'). The number of full stories exposed shall not exceed three (3).
4. Minimum building setback from public streets shall be fifty feet (50').
5. All structures shall be located a minimum of fifty feet (50') from the property lines of the parcel.
6. No more than twenty percent (20%) of the total area of the parcel shall be covered by buildings.

7. No more than twenty percent (20%) of the total area of the parcel shall be paved surface such as streets, interior access drives, parking areas, sidewalks, and courts.
8. Common parking areas and interior access drives shall be located a minimum of twenty-five feet (25') from the property lines of the parcel.
9. All buildings shall be set back a minimum of twenty feet (20') from all common parking areas and internal access drives and streets, except for off-street loading areas and areas at entrances to buildings where residents will enter and leave standing vehicles.
10. All principal buildings shall be separated by a minimum horizontal distance of forty-five feet (45').
11. No less than thirty percent (30%) of the total area of the parcel shall be permanently set aside for non-commercial common open space purposes, such as parks, recreation, or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facilities except as related to and incidental to open space uses.
12. Each community shall be built as a single legal entity and shall be retained in single ownership. Fee simple absolute sale of units shall be prohibited. All common facilities to support the needs of the residents of the Community shall remain under a single ownership.
13. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
14. Entrances to and exits from parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
15. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
16. Entrances to and exits from common parking areas shall be located a minimum of fifty feet (50') from the point of intersection of the nearest public street cartway lines and the point of intersection of the nearest interior access drives.
17. Minimum parking requirements shall be as follows:
 - Living units for the elderly: One (1) space per dwelling unit.
 - Nursing homes, personal care facilities, and other care facilities: One (1) space per employee on the premises at one time plus one (1) space for each four (4) beds.

Gift shops, personal services facilities, and similar type uses: One (1) space for each two hundred (200) square feet of gross floor area.

18. A system of paved walkways a minimum of five feet (5') in width shall be provided for access between buildings and common parking areas, open space and recreation areas, and other community facilities.
19. A landscaping plan for the retirement community prepared by a registered landscape architect shall be submitted to the Borough and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
20. Identification signs for retirement communities are permitted provided that no more than one such sign shall be erected at each exterior public street access to the retirement communities. No such sign shall be closer than ten feet (10') to a lot line, and the area on one side of any such sign shall not exceed twenty-five (25) square feet. No part of any sign shall exceed eight feet (8') in height.
21. No more than six (6) townhouses shall be permitted in a continuous row and the maximum length of a continuous row of townhouses shall be one hundred sixty feet (160'). No more than three continuous townhouses shall have the same front setback and the variations in front setback shall be at least two feet (2').
22. For buildings other than townhouses, there shall be no architecturally unbroken building face of more than one hundred sixty (160) lineal feet. A building face shall be considered architecturally broken if there is a deflection in the building axis of at least thirty degrees (30°) or, where there is no deflection in the building axis of at least thirty degrees (30°), an integral architectural feature of the building projects from the building face a minimum of ten feet (10') for a minimum distance of ten feet (10') along the building face. Such architectural feature shall extend the entire height of the building included within stories.
23. No portion of a structure, access drive, parking area, or related improvement shall be located within the boundaries of the 100-year floodplain or established in the Borough's Floodplain Management Ordinance. Common open space may be located within such floodplain.
24. The overall density of the retirement community shall not exceed five (5) dwelling units per acre.

Section 625. CLUSTER DEVELOPMENT REGULATIONS

A cluster development containing single-family detached dwellings, when permitted by the applicable zoning district, is subject to the following:

1. The minimum amount of land in the development shall be ten (10) acres within Shoemakersville Borough
2. The development shall be served by public sewage disposal and public water supply facilities.
3. The minimum lot size, lot width, building setback, rear yard, and side yard requirements of the applicable zoning district may be reduced by up to twenty-five percent (25%).
4. Not less than twenty-five percent (25%) of the gross area of the tract within Shoemakersville Borough shall be permanently set aside for non-commercial common open space purposes such as recreation. These non-commercial common open space areas shall be suitable by size, surface conditions, shape, and location for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Common open spaces shall not include land included within street rights-of-way nor shall they include required open areas between buildings or between buildings and street rights-of-way, driveways, parking areas, and property boundary lines.

A plan showing how the common open space areas will be developed and equipped shall be submitted to the Borough for approval.

Common open space areas shall be readily accessible to residents of the development, and so located that they can be reached and used safely, without undue traffic or other hazards.

Written agreements satisfactory to and approved by the Borough Council shall be made for the perpetual preservation and maintenance of the common open space areas.

Common open space areas shall not be used for storm water detention or retention unless approval is given by the Borough.

Section 626. REMOVAL OF NATURAL RESOURCES

1. Natural resources such as topsoil and wooded areas shall be preserved. The removal of natural resources shall be permitted only as part of construction activities and in connection with normal lawn preparation and maintenance. Any earthmoving shall be conducted in accordance with the regulations of the Pennsylvania Department of Environmental Resources.

Section 627. MOBILE HOME REQUIREMENTS

Each mobile home shall be provided with a permanent concrete foundation and be equipped with utility connections. Any open spaces between a mobile home floor and a mobile home foundation shall be permanently enclosed to prevent unauthorized entry and to conceal supports and utility connections. Every mobile home shall be anchored to the foundation. The application for placement of the mobile home shall be accompanied by specifications for the foundation and anchoring.

The minimum foundation requirement is a continuous concrete or masonry skirt and foundation wall around the perimeter of the unit on a concrete foundation. All masonry shall be mortared. The bottom of the footing must be a minimum of three feet (3') below finished grade. The footings shall be a minimum of eight inches (8") thick and sixteen inches (16") wide. Concrete and block shall be eight inches (8"). Three-eighth inch (3/8") diameter anchor bolts at 4' o.c. (in mortar filled cores) shall be provided. Other methods of foundation are permitted only with approval from the Borough.

All mobile homes shall display a medallion indicating compliance with all applicable governmental construction standards.

Section 628. NO-IMPACT HOME-BASED BUSINESSES

The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the use of the property and surrounding residential uses.
2. There shall be no customers coming to the dwelling.
3. The business shall employ no more than 1 employee other than related family members.
4. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

5. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
6. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
7. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally with residential use in the neighborhood.
8. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
9. The business may not involve any illegal activity.
10. No repetitive servicing by trucks shall be permitted.
11. A zoning permit shall be required.
12. The applicant needs to prepare an analysis on how it will impact the neighbors, if at all, and also a plan for the remediation and/or mitigation of said impacts.
13. The business shall be subject to periodic inspections by the Borough Code Enforcement Officer or Assistant Code Enforcement Officer(s) to monitor compliance with the provisions of this ordinance and all other Borough, State and Federal regulations.

REGULATIONS FOR COMMUNICATION TOWERS AND ANTENNAS

1. The purpose of this Section is to establish general guidelines for the setting of telecommunications towers and antennae. The goals are to: (1) protect residential areas and land uses from potential adverse impacts of telecommunications towers and antennae; (2) minimize the total number of telecommunications towers throughout the community; (3) strongly encourage the joint use of new and existing telecommunications tower sites as a primary option rather than the construction of additional single-use telecommunications towers; (4) encourage users of telecommunications towers and antennae to locate them, to the extent possible, in area where the adverse impact to the community is minimal; (5) encourage users of telecommunications towers and antennae to configure them in a way that minimizes the adverse visual impact of telecommunications towers and antennae through careful design, setting, landscape screening and innovative camouflaging techniques; (6) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; (7) consider the public safety of telecommunications towers; and (8) minimize potential damage to adjacent properties from tower failure through engineering and careful siting of telecommunications tower structures. In furtherance of these goals, the Borough shall give due consideration to existing land uses and environmentally sensitive areas in approving sites for the location of telecommunications towers and antennae.
2. All new towers and antennae shall be subject to these regulations, except as provided herein. This Section shall not govern any radio tower or the installation of any radio antenna that is less than forty feet (40') in height. Pre-existing towers and pre-existing antennae shall not be required to meet the requirements of this Ordinance, other than as provided herein.
3. For purposes of determining whether the installation of a tower or antenna complies with district regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennae or towers may be located on leased parcels within such lot.

4. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Borough an inventory of its existing towers, antennae, or sites approved for towers or antennae, that are either within the jurisdiction of the Borough or within five miles of the border thereof, including specific information about the location, height, and design of each tower. The Borough may share such information with other applicants applying for approvals under this Ordinance or other organizations seeking to locate antennae within the jurisdiction of the Borough; provided, however, that the Borough is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
5. Towers and antennae shall meet the following requirements:
 - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color so as to reduce visual obtrusiveness, or colored to blend into the natural setting and surroundings.
 - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - d. Towers shall not be artificially lighted, unless required by the FAA, the Borough or other applicable authority. If lighting is required, the lighting alternatives and the design chosen shall be approved by the Borough and conform to FAA regulations.
6. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state and federal government with the authority to regulate towers and antennae. If such standards and regulations are changed, then the owners of the towers and antennae governed by this Ordinance shall bring such towers and antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

7. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electrical Industry Association, as amended from time to time. If, upon inspection, the Borough concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
8. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Borough irrespective of municipal and county jurisdiction boundaries.
9. Towers and antennae shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
10. Owners and/or operators of towers or antennae shall certify that all franchises required by law for the construction and/or operation of a communication system in the Borough have been obtained and shall file a copy of all required franchises with the Borough.
11. No signs shall be allowed on an antenna or tower, except where required by law or approved by the Borough.
12. All communication towers shall be monopole construction, but the upper portions of towers may have designs intended to camouflage the tower, when approved by the Borough.
13. All towers must meet American National Standards Institute, Electrical Industry Association, Telecommunications Industry Association tower specifications requirements. Further, the tower must be built to withstand one hundred (100) MPH sustained winds with a uniform loading of fifty (50) pounds, or short duration gusts of up to one hundred fifty (150) MPH. The tower shall be constructed with consideration of seismic conditions in the Borough. An independent structural engineer registered in Pennsylvania shall attest to the proposed tower's ability to meet these requirements, certify proper construction of the foundation and erection of the tower, and certify the tower can structurally accommodate the proposed users of the tower.
14. The maximum height of a communication tower shall be one hundred fifty feet (150') for two (2) or more systems or users and one hundred feet (100') for a single system or user.

15. There shall be no overhead electrical transmission lines within a two hundred foot (200') radius of the tower. The following tower and antenna separation requirements shall apply from off-site uses/designated areas. Tower separation shall be measured from the base of the tower to the plot line of the off-site uses and/or designated areas as specified below:

<u>Off-Site Uses/Designated Area</u>	<u>Separation Distance</u>
Residential dwelling units	250 feet
Vacant residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	250 feet
Vacant unplatted residentially zoned lands	100 feet
Inhabitable non-residential structures	250 feet
Non-residentially zoned lands	None - only setbacks apply

Each new tower or antenna shall have a fallout area equivalent to the height of said tower or antenna, which area shall be measured from the location of said tower or antenna in a three hundred sixty degree (360°) radius equal to the height of the same, which area shall be under the control of the applicant constructing said tower or antenna.

16. The Borough shall be assured that all health, safety, and welfare issues have been properly addressed.
17. The owners of the communication tower shall secure the tower base, including any support structures, with a chain-link fence which shall be a minimum of ten feet (10') in height. In addition to boundary security, all communication towers shall have an integral security platform, or other means with locked access, to prevent unauthorized climbing of the tower. Landscaping shall be provided around all fences to screen the tower compound year-round from view from property zoned to permit residential dwellings. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited in large, wooded lots, natural growth around the property perimeter may be sufficient screen.

18. All communication tower owners shall provide the Borough with a statement that the emission of radio waves emanating from the tower will neither cause harm to an individual by its operation or cause measurable radio interference to the reception or operation of AM radios, TV and FM reception, car, cellular or portable phones, heart pacemakers, garage door openers, remote control units for models, and other radio dependent devices in general use within the Borough and is in compliance with all Federal Communications Commission regulations.
19. If measurable radio interference does result from the installation and use of the communication tower, the owner of that tower shall be required to cease operation immediately; until the problem is corrected, or if the problem is not correctable to abandon the operation entirely.
20. The owner of any communication tower shall be required to routinely submit to the Borough, proof of an annual inspection and tower maintenance program. Any structure faults thus noted shall be immediately corrected by the owner. Failure to provide proof of certified inspection will result in notification to the owner to cease operation and dismantle the tower.
21. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Borough of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. When required by the municipality, the applicant shall post a financial security in a form acceptable to the Borough to cover the cost of removing the antenna or tower.
22. No communication tower shall be allowed within one mile of another tower. The separation distances shall be measured by drawing or following a straight line between the base of an existing tower and the proposed base, pursuant to a site plan, of a proposed tower.
23. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Borough that no existing tower, structure, or alternate technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Borough related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area which meets applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antennae on the existing towers or structures, or the antennae on the existing towers or structures would cause interference with the applicant's approved antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

The applicant shall demonstrate that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

- 24. The placement of additional support buildings or supporting equipment in conjunction with an existing tower or locating antennae on existing structures or towers will not require a conditional use.
- 25. Any antenna which is not attached to a tower may be approved by the Zoning Officer as an accessory use to any commercial, industrial, professional, institutional, or mufti-family structure of eight (8) or more dwelling units, provided that the antenna does not extend more than thirty feet (30') above the highest point of the structure; the antenna complies with all applicable FCC and FAA regulations; and the antenna complies with all applicable building codes.
- 26. An antenna which is attached to an existing tower may be approved by the Zoning Officer as a permitted use.

27. To minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennae by more than one carrier on existing towers shall take precedence over the construction of new towers; provided such collocation is accomplished in a manner consistent with the following:
- a. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless reconstructed as a monopole.
 - b. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet (30') over the tower's existing height, to accommodate the collocation of additional antennae; such height change may only occur one (1) time per communication tower, and such additional height shall not require an additional distance separation. The tower's premodification height shall be used to calculate such distance separations.
 - c. A tower which is being rebuilt to accommodate the collocation of additional antennae may be moved on site within fifty feet (50') of an existing location. After the tower is rebuilt to accommodate collocation, only one (1) tower may remain on the site. A relocated, on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers. The on-site relocation of a tower which comes within the separation distances as established in subsection 627.15 shall only be permitted when approved by the Borough.
28. In addition to the above standards, all other applicable performance standards applicable to the zoning district in which the tower is to be located shall apply to the tower and any associated support facilities or structures. This requires that all applicable plans must be submitted for review and approval for any development application for a communication tower.
29. Towers that are constructed, and antennae that are installed, in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.

Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (excluding replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this Ordinance.

Bona fide non-conforming towers or antenna that are damaged or destroyed may be rebuilt without having to first obtain conditional use approval and without having to meet the separation requirements specified in this Ordinance. The type, height, and location of the tower on site shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.

30. The following requirements shall apply to antennae and related equipment:

a. Antennae Mounted on Structures or Rooftops. The equipment or structure used in association with antennae shall comply with the following:

- 1) The cabinet or structure shall not contain more than one hundred (100) square feet of gross floor area or be more than ten feet (10') in height. In addition, for buildings and structures which are less than sixty-five feet (65') in height, the related unmanned equipment structure, if over one hundred (100) square feet of gross floor area or ten feet (10') in height, shall be located on the ground and shall not be located on the roof of the structure.
- 2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent (10%) of the roof area.
- 3) Equipment Storage buildings or cabinets shall comply with applicable building codes.

b. Antennae Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennae shall be located in accordance with the following:

- 1) The equipment cabinet or structure shall be no greater than ten feet (10') in height or one hundred (100) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of at least eight feet (8') and a planted height of at least thirty-six inches (36"). In all other instances, structures or cabinets shall be screened from view of all residential properties, which abut or are directly across the street from the structure or cabinet by a solid fence eight feet (8') in height or an evergreen hedge with an ultimate of at least eight feet (8') and a planted height of at least thirty-six inches (36").

- c. Antennae Located on Towers. The related unmanned equipment structure shall not contain more than one hundred (100) square feet of gross floor area or be more than ten feet (10') in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.
31. Antennae or towers located on property owned, leased, or otherwise controlled by the Borough, provided a license or lease authorizing such antenna or tower has been approved by the Borough, shall not require conditional use approval.
 32. Applicants for a tower shall submit the following:
 - a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), comprehensive plan classification of the site and all properties within the applicable separation distance set forth in this Ordinance, adjacent roadways, proposed means of access, setbacks from property lines, elevation, drawings of the proposed tower and any other structures, topography, parking, and other information necessary to assure compliance with this Ordinance.
 - b. Legal description of the parent tract and leased parcel (if applicable).
 - c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - d. The separation distance from other towers described in the inventory of existing sites submitted shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and owner/operator of the existing tower(s), if known.
 - e. A landscape plan showing specific landscape materials located outside of fencing.
 - f. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
 - g. A description of compliance with all applicable subsections and all applicable federal, state and local laws.
 - h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.

- i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other tower sites owned or operated by the applicant in the municipality.
- j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided the use of the proposed new tower.
- k. A description of the feasible location(s) of future towers or antennae within the Borough based upon existing physical, engineering, technological and geographical limitations, in the event the proposed tower is erected.

Section 630. WIND ENERGY CONVERSION SYSTEMS (PERSONAL)

Personal Wind Turbines shall be permitted as an accessory use within all zoning district(s).

- 1. A device which converts wind energy into mechanical or electrical energy. Windmills, windwheels, or wind energy conversion systems (WECS) shall be permitted in all districts and shall comply with the following conditions and requirements:
 - a. No Personal Wind Turbine, WECS, or the addition of a wind turbine to an existing WECS, shall be constructed or located within the Borough unless a permit has been issued.
 - b. No said systems or equipment shall be erected in a front yard or within the area between a front lot line and the front building facade of the principal building on the lot.
 - c. 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 dwelling, and shall not be more than seventy-five (75) feet in height.
 - d. The minimum distance between the tower and any property line shall be not less than twice (2x) the height of the tower.
 - e. The minimum distance between grade and the lowest point of the rotor blade shall be twenty (20) feet.
 - f. All electric lines/utility wire shall be buried underground.

- g. 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 with screening planting in accordance with this ordinance. 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.
- h. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed one hundred forty (140) square feet.
- i. One (1) windmill, windwheel or WECs shall be permitted per lot.
- j. 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.
- k. 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.
- l. The applicant shall demonstrate that any noise from the wind generating unit shall not exceed forty-five (45) dBA measured at the property line.
 - (1) 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.
 - (2) 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).
- m. All personal wind turbines shall be insured as part of a property owner’s homeowners insurance and the same shall be at the sole and exclusive risk of the homeowner as the issuance of any permit by the Borough does not warrant the safety or functionality of any wind turbine.

- n. For personal wind turbines the owner shall submit an inspection and safety report to the Borough and shall include the following:
 - 1) At least once every thirty-six (36) months the individual wind turbines will be inspected by a certified agent, who is regularly involved in the maintenance, inspection and/or erection of the wind turbines, towers and antennas. At a minimum, this inspection shall be conducted in accordance with the wind turbine generator inspection checklist provided by the manufacturer.
 - 2) At least once every twelve (12) months a visual inspection from the ground shall be conducted. This inspection shall include, but not be limited to, visual inspection of wind turbine generator foundations, structures, guy and connections for evidence of settlement or lateral movement, soil erosion, condition of paint or galvanizing, rust or corrosion, loose or missing bolts, loose or corroded lightning protection connectors, wind turbine generator tower plumbness, significant variations in guy sags (i.e., guy tensions), and other material areas or matters relating to the structural integrity of the wind turbine.
- 3. In addition to the regularly scheduled inspections, an inspection shall be conducted if a wind turbine or its appurtenances are noted at any time to be visibly damaged. Additionally, a further inspection should be conducted, if the visible damage to wind turbine is significant or when questions remain about the structural integrity of a wind turbine.

Section 631. SOLAR ENERGY

Solar Energy Systems shall be allowed in any zoning district as an accessory use and may be installed upon receipt of the necessary construction, electrical and/or mechanical permit(s). This ordinance applies to solar energy systems to be installed and constructed for residential or commercial use as an accessory use to a primary.

- 1. Design and Installation for solar energy systems.
 - a. To the extent applicable, the solar energy system shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry.
 - b. The design of the solar energy system shall conform to applicable manufacturer standards.

- c. The solar energy system shall provide power and/or heat for the principal use of the Property on which the solar energy system is located and shall not be used solely for the generation of power for the sale of energy to other users.
- d. A solar energy system may be roof mounted, mounted on a structure, or ground mounted as set forth herein.
- e. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners similar materials. The manufacturer's installer's identification and any appropriate warning signs and placards may be displayed on the solar energy system provided they comply with the Borough's sign regulations.
- f. A solar energy system shall not be constructed until a principal building is constructed or concurrent with principal building and a building permit is issued for the solar energy system.

2. Setbacks, Placement and Height Restrictions for Solar Energy Systems:

- a. A solar energy system may be installed as long as it meets the requirements of this Ordinance and all other applicable construction codes.
- b. Ground-Mounted Solar Energy System:
 - 1) Solar Energy System must comply with all height requirements for the zoning district where the solar energy system is to be installed.
 - 2) All ground arrays shall be set back a distance of 1.1 times the structure height from all property lines, building setbacks, whichever is greater or comply with the required residential district or be in conformance with the bulk standards in non-residential districts as provided herein.
 - 3) All exterior electrical and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit if more than 6 feet from structure.
 - 4) A ground-mounted solar energy system must comply with the accessory structure restrictions contained in the zoning district where the ground-mounted solar energy system is located.

- 5) Ground-mounted solar energy systems shall not be considered an accessory building.
- 6) Ground-mounted solar energy systems shall not be located in the required front yard setback.
- 7) Ground arrays shall be located so that any reflection is properly buffered from an adjoining property or roadway.
- 8) The surface area of a ground-mounted system, regardless of the mounted angle shall be calculated as part of the overall lot coverage. Of the allowable lot coverage, the surface area of a ground-mounted system shall not constitute more than twenty-five percent (25%) of the allowable lot coverage.
- 9) If a ground-mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded.

c. Roof-Mounted Systems.

- 1) Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection, or separate flush-mounted solar panels attached to the roof surface unless solar pitch dictates system efficiency dictates need for relief to satisfaction of code officer.
- 2) Integrated or separate flush-mounted solar panels shall be located on a rear- or side-facing roof, as viewed from any adjacent street, unless the proposed location prevents the system from operating as designed. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front facing installation. Front-facing installation may be permitted by waiver by Borough Council in accordance with the following provisions:
 - (a) The applicant must indicate valid reasons as to why this is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a professional deemed qualified by the Borough Council and reviewed by the Borough engineer and any other Borough Professional that the Borough deems necessary.

- 3) The height of roof-mounted systems on the principal buildings or accessory buildings shall not extend more than three (3) feet above the finished roof peak to which it is mounted. In no instance shall any part of the system extend beyond the edge of the roof.
 - 4) Solar roof-mounted panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- d. Mechanical Equipment. Mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
- 1) Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other plant materials which provide a visual screen.
 - 2) Mechanical equipment shall not be located in the required front yard setback of the underlying zoning district.
 - 3) Mechanical equipment shall be set back at least ten (10) feet from the rear and side property lines.
- e. Waivers.
- 1) Upon request, the governing body may grant waivers of the setback or height requirements, provided that the waiver will not present any undue hardships on adjoining properties.
 - 2) The governing body shall take into consideration the support or opposition of adjacent property owners in granting waivers of setback or height requirements.
 - 3) Multiple solar energy systems. In the event that a property owner seeks to install more than one roof-mounted or ground-mounted solar energy system, the second or subsequent apparatus shall require approval by the governing body upon review and certification of the impact of the same by a registered engineer to ensure structural integrity.

f. Additional Requirements.

- 1) Abandonment and removal. Any solar panel (roof or ground) that has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.
- 2) The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- (3) The solar energy system is subject to all requirements for interconnection from the applicable utility company.

ARTICLE VII

NON-CONFORMING LOTS, USES, STRUCTURES, AND BUILDINGS

Section 700. STATEMENT OF INTENT

1. Within the districts established by this Ordinance or subsequent amendments thereto, there exists or will exist certain non-conformities such as Lots, Structures, Uses of Land, Uses of Structures or Land and Structures in combination which, if lawful before this Ordinance was adopted or amended, may be continued, subject to certain limitations, although such non-conformities would be prohibited, regulated, or restricted under the terms of this Ordinance or subsequent amendments thereto.
2. Nothing in this Ordinance shall be deemed to require a change in the plans for any building, structure, or land use for which a permit was issued prior to the effective date of this Ordinance or subsequent amendment thereto, provided the authorized activity is begun, in the opinion of the issuing officer, within six months of the issuance of the permit.
3. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and on which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition shall be deemed to be actual construction, provided that worked shall be carried on diligently.
4. Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A Non-conforming Use of a Structure, a Non-conforming Use of Land, or a Non-conforming Use of a Structure of Land in combination shall not be extended or enlarged after adoption of this Ordinance by attachment on a building or premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

Section 701. NON-CONFORMING LOTS OF RECORD

1. Any lot shown on a recorded subdivision plan on the effective date of this Ordinance or after the enactment of subsequent amendments hereto which does not meet the minimum size or width requirements of the zoning district in which it is located may be used for a use permitted by use regulations of that District provided that all yard, height, coverage, and open space requirements of the zoning district shall be met, further subject to the following subsection; provided, however, that when a subdivider has had an application for approval of a Preliminary or Final Subdivision Plan approved prior to the effective date of this Ordinance, no provision in this Ordinance shall be applied to affect adversely the right of the subdivider to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within the time limits established in the Pennsylvania Municipalities Planning Code, as amended.
2. Any lot held in single and separate ownership on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the zoning district in which it is located may be used for any use permitted in that district provided that all yard, height, coverage, and open space requirements of the District are met; provided, however, that if two or more lots, combination of lots, or portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division or any parcel be made which creates a lot width or area below the requirements stated in this Ordinance.

Section 702. ABANDONMENT

If a non-conforming use of a building is abandoned for a continuous period of one (1) year or more, or if a non-conforming use of land is abandoned for any length of time, subsequent use of such building or land shall be in conformity with the provisions of this Ordinance.

Section 703. CHANGE

A non-conforming use may be changed to a conforming use by right. A non-conforming use, if changed to a conforming use, shall not be changed back to a non-conforming use. A non-conforming use shall not be changed to any other non-conforming use unless the Borough Council shall approve a conditional use. The proposed use shall be of the same or more restricted classification than the existing use. The proposed use shall be demonstrated by the applicant to be not more detrimental to the district with respect to traffic generation and congestion, noise, illumination, traffic generation and congestion, noise, illumination, electric radiation emission, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, appearance and waste generation than the existing non-conforming use of the property. The Borough Council may specify such appropriate conditions and safeguards as may be required in connection with the approving of a Conditional Use.

Section 704. EXPANSION

1. A non-conforming use, building, or structure shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this Ordinance.
2. Any additional or expanded structures, uses, or buildings erected or established in connection with an existing non-conforming use shall meet all the area, Yard, and Height Regulations of the applicable zoning district.
3. A non-conforming use shall not be expanded unless such expansion has been approved as a Special Exception granted by the Zoning Hearing Board.
4. A non-conforming building or structure shall not be enlarged, increased, repaired, maintained, or modified in any manner which will further violate any regulation imposed by this Zoning Ordinance, except that a principal building which existed at the effective date of this Ordinance which is non-conforming as to yard requirements may have repairs, improvements, maintenance, modifications, and additions made to those portions of the building located within the required yard, provided that no repair, improvement, maintenance, modification, or addition shall be made which will cause any part of the building to project into the yard farther than the building did at the effective date of this Ordinance.
5. A non-conforming use may be expanded within a building containing that non-conforming use at the effective date of this Ordinance, provided that the non-conforming use shall not occupy a portion of the building containing a conforming use at the effective date of this Ordinance. A non-conforming use may also be expanded into a new building or extension of an existing building containing the use.

6. Total future expansion of a non-conforming use shall not exceed fifty percent (50%) of the area occupied by the use at the time it first became a non-conforming use.
7. Non-conforming signs shall not be expanded.
8. The proposed expansion shall not cause an increased detrimental effect on surrounding properties.

Section 705. DAMAGE OR DESTRUCTION

1. Any non-conforming building or structure or a building or structure containing a non-conforming use of which the basic structural elements, including foundation, are totally destroyed or rendered unusable by any means, including deterioration, in the opinion of the Zoning Officer, may be rebuilt or replaced and used for the same non-conforming use. Any replacement building or structure shall comply with all requirements of this Ordinance regarding size and location. A rebuilt building shall not be more non-conforming in any aspect than the building prior to the rebuilding. New construction shall begin within twelve (12) months of the date of destruction and be carried to completion without any interruption which is within the control of the owner.
2. A non-conforming building or structure or a building or structure containing non-conforming use of which the basic structural elements are partially destroyed, or which is partially destroyed but which has all basic structural elements remaining, may be reconstructed. The reconstructed portions of a building or structure shall not be more non-conforming in any respect than the portions of the building or structure which were destroyed. Reconstruction shall begin within twelve (12) months of the date of destruction and be carried to completion without any interruption which is within the control of the owner.
3. Any non-conforming building or structure or building or structure containing a non-conforming use which is destroyed to any extent shall be inspected by the Zoning Officer. Any building or structure which shall be deemed unsafe by the Zoning Officer shall be taken down and removed or made safe and secure as the Zoning Officer may deem necessary in the public interest.
4. No new or reconstructed building, or portion thereof, may extend over a property or street line.

Section 706. NON-CONFORMING USES OF LAND

Lawful uses of land, which at the effective date of this Ordinance or as a result of subsequent amendments thereto become non-conforming and where such use involves no individual structure or building with a replacement cost exceeding \$1,000, may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

1. Extension. Such non-conforming use may be extended or increased by not re than 25% of the existing non-conforming use at the effective date of adoption of this Ordinance.
2. Discontinuance. Whenever a non-conforming use has been discontinued for a period of six (6) consecutive months, such use shall not hereafter be reestablished. Any future use shall be in conformity with the provisions of this Ordinance.
3. Changes or Moving of Use. A non-conforming use, if changed to a conforming use, shall thereafter be changed back to any non-conforming use. A non-conforming use may, by special exception, be changed to another non-conforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the District than the existing non-conforming use.
4. Additional Structures or Buildings. No additional structures or buildings not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

Section 707. NON-CONFORMING STRUCTURES OR BUILDINGS

Structures or buildings which at the effective date of this ordinance or subsequent amendments thereto become non-conforming by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building or structure, may be continued to be used so long as such structure or building remains otherwise lawful, subject to the following provisions:

1. Moving of Structure or Building. No non-conforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.

2. Damage, Destruction or Demolition. Such non-conforming structure or building which is destroyed or partially destroyed by fire, explosion, etc., to an extent rendering it physically unsafe, as declared by the Building Inspector, or demolished or removed by the owner, shall not be repaired, restored rebuilt or reconstructed to a non-conforming status, but shall be reconstructed and used only in conformity with the provisions of this Ordinance, provided however, if reconstruction in such a case begins within 3 months after destruction, partial destruction demolition or removal occurs, the same non-conforming structure or a structure less non-conforming may be reconstructed.
3. Discontinuance. Whenever a non-conforming structure or building has been vacated for a period of six (6) consecutive months, such structure or building shall thereafter not be used except in conformance with the provisions of this Ordinance.

Section 708. NON-CONFORMING USES OF STRUCTURES OR BUILDINGS

Lawful uses of structures or buildings which at the effective date of this Ordinance or as a result of subsequent amendments thereto become non-conforming, may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:

1. Extension. A non-conforming use may be extended throughout any part of an existing structure or building, provided that any structural alterations, extensions or additions shall comply with all provisions of this Ordinance with respect to height, area, width, yard and coverage requirements for the District in which the structure or building is located. However, such extension of a non-conforming use shall not exceed twenty-five (25%) percent of the gross floor area occupied by said non-conforming use at the time such non-conforming use became non-conforming.
2. Change of Use. A non-conforming use, if changed to a conforming use shall not thereafter be changed back to any non-conforming use except if the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the previous non-conforming use and hereby grant a special exception.
3. Discontinuance. Whenever a non-conforming use of structure or building or portion thereof has been discontinued or abandoned for six (6) consecutive months such structure or building or part hereof shall not thereafter be used for a non-conforming use.

4. Damage, Destruction or Demolition. Removal or destruction of the structure or building in which non-conforming use is located shall eliminate the permitted non-conforming use of the structure or building provided. Destruction is defined as damage to an extent rendering the structure physically unsafe as declared by the Building Inspector. However, if construction begins within 3 months after destruction, or partial destruction occurs, the same non-conforming use may be carried on.

Section 709. UNSAFE OR UNLAWFUL STRUCTURES OR BUILDINGS

If a non-conforming structure or building or portions thereof containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, such structure or building shall not hereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which such structure or building is located.

Section 710. USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NON-CONFORMING USES

Any use which is permitted as a special exception in a District under the terms of this Ordinance (other than a change through Zoning Hearing Board action from one non-conforming use to another non-conforming use) shall not be deemed a non-conforming use in such District, but shall without further action be considered a conforming use.

Section 711. MOVEMENT AND REPLACEMENT

1. A building or structure containing a non-conforming use or a non-conforming building or structure may be replaced by a new building or moved to another location on the same lot, provided that the building or structure shall comply with all area, yard and height regulations and general regulations applicable to the District in which it is located.
2. A non-conforming mobile home may be replaced by another mobile home provided there is no change in land ownership or occupancy.

Section 712. REGISTRATION

After the enactment of this Ordinance, the Zoning Officer may assemble and maintain a listing of non-conforming uses and structures, if authorized to do so by the Borough Council.

Section 713. CERTIFICATE OF INTENTION

1. Scope. A Certificate of Intention shall be required in all instances where a non-conforming use is discontinued if the owner or operator of such use desires to maintain such a non-conforming use. A Certificate of Intent shall be filed with the Zoning Officer within thirty (30) days after a non-conforming use has been discontinued for a period of one year.
2. Procedure. The Zoning Officer shall maintain proper forms for the registration of any Certificate of Intention. It shall be incumbent upon the owner or applicant to file such a form with the Zoning Officer.
3. Notification. The adoption of this Ordinance shall be considered effective notice to all owners or operators of non-conforming uses of the requirements for registration for the discontinuance of all non-conforming uses.
4. Filing. The Zoning Officer shall maintain a separate file for all Certificates of Intention.
5. Duration. Each Certificate of Intention shall be valid for a one (1) year period. The owner or applicant may file for extension of a Certificate of Intention for an additional year prior to expiration of the initial Certificate.

Section 714. NON-CONFORMING SIGNS

1. After the effective date of this ordinance, there exist or will exist signs which do not conform to the requirements of this Ordinance, which, if lawful before this Ordinance became effective, may be continued subject to certain limitations, even though such non-conforming signs would be prohibited, regulated, or restricted under the terms of this Ordinance.
2. Non-conforming signs are subject to the following regulations:
 - a. Non-conforming signs, once removed from their location after the effective date of this Ordinance, shall be replaced only with conforming signs.
 - b. Non-conforming signs destroyed by any means to fifty percent (50%) or more of replacement value immediately prior to destruction, shall be removed and shall be replaced only with a sign which complies with all the requirements of this Ordinance.

- c. Non-conforming signs destroyed by any means to less than fifty percent (50%) of replacement value immediately prior to destruction may be repaired, but no repairs shall make the sign more non-conforming than the sign was at the time of destruction.
- d. Non-conforming signs may be repainted, repaired, and similarly maintained, but no repair or maintenance shall make a sign more non-conforming than the sign was prior to the painting, repair, or maintenance.
- e. No non-conforming sign may be relocated, unless to comply with all the requirements of this Ordinance.
- f. No non-conforming sign shall be modified in any way, which will further violate any regulation imposed by this Ordinance.
- g. Non-conforming signs shall not be expanded. Non-conforming signs (e.g. flashing, intermittent, etc.) that are inoperative for one (1) year or more shall not be re-activated.

ARTICLE VIII
ADMINISTRATION AND ENFORCEMENT

Section 800. ZONING OFFICER

1. Appointment. A Zoning Officer shall be appointed by Borough Council to administer and enforce this Zoning Ordinance. The Zoning Officer shall not hold any elective office in the Borough. The Zoning Officer shall meet qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough Council a working knowledge of municipal zoning.

The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

2. Duties and Powers. It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and the amendments thereto and he shall have such duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:
 - a. Receive and review applications for Zoning Permits as set forth in this Ordinance.
 - b. Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, approvals issued, and reports and inspections made in connection with any structure, building, sign and/ or land shall be retained as long as the structures, etc. remain in existence.
 - c. Make inspections as required to fulfill his duties. In doing so, however, he shall first seek the permission of the landowner or tenant, and in the event such permission cannot be voluntarily obtained, he shall have the right to take such other legal means as are authorized under the law.
 - d. Issue approvals for buildings, structures, and land uses for which Subdivision and Land Development approval is required only after all necessary approvals have been secured and plans recorded.
 - e. Issue approvals for special exception uses, conditional uses, or variances only after a special exception or variance has been approved by the Zoning Hearing Board or a conditional use has been approved by the Borough Council in accordance with the regulations of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

- f. Issue approvals for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue approvals for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.
 - g. Be responsible for keeping this Ordinance and the Official Zoning Map up to date so as to include all amendments thereto.
 - h. Issue Certificates of Use and Occupancy in accordance with the terms of this Ordinance.
 - i. Send enforcement notices as provided for in this Zoning Ordinance.
 - j. Submit a monthly report of his activities to the Borough Council and Borough Planning Commission and where appropriate, submit a report to the Zoning Hearing Board.
 - k. Institute civil enforcement proceedings as a means of enforcement when acting within the scope of the Officer's employment, when authorized by the Borough Council.
 - l. Receive and refer applications for special exceptions to the Zoning Hearing Board.
 - m. Receive applications for interpretation appeals and variances, following refusal of a permit, and forward these applications to the Zoning Hearing Board.
 - n. When directed by the Borough Council, identify and register non-conforming uses, structures, and lots, together with the reason why the Zoning Officer identified them as non-conformities.
3. Notice of Violations. The Zoning Officer shall serve a notice of violation on any person, firm, corporation, partnership or other entity responsible for violating any of the provisions of this Ordinance, or any amendment thereto, or in violation of a detailed statement or a plan approved thereunder. Notice of violation shall be in writing, indicating the nature of the violation and action necessary to correct same. If the notice of violation is not complied within the time period set forth in said notice, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land involved in said violation.

Section 801. ZONING PERMITS

1. Requirements. No building, structure, or sign shall be erected, constructed, assembled, moved, extended, reconstructed, structurally altered nor shall land, buildings, and structures be put to any use or have the use for which they are used changed, without a permit therefor issued by the Zoning Officer, unless otherwise provided for in this Ordinance. No such permit shall be issued unless there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a variance or upon order from any court of competent jurisdiction.

Provided that on-premise signs six square feet (6 sq. ft.) or smaller in area shall not require a zoning permit.

2. Application Procedures. The application for a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Borough. The application shall be submitted by the owner or lessee of any building, structure or land or the agent of either provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by two sets of at least the following information:
 - a. A plan of the lot in question, indicating the lot size and showing all dimensions of lot lines, the location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures, and distances of such features from lot lines. In the case of proposed buildings or structures greater than 120 square feet in area, the plan shall be drawn to scale and show exact locations.
 - b. The use, height, length, width and proportion of the total lot area covered by all proposed and existing buildings, structures and additions or alterations to buildings or structures, and the height, length, width, illumination and design of all signs.
 - c. A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot and the floor area to be devoted to each residential, commercial, industrial, and home occupation use.
 - d. The location, dimensions, grade and design of parking and loading areas including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic, and provisions for outdoor lighting. The percentage of the lot which is paved and is open area.

- e. The location of all utility lines.
 - f. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
 - g. Name and address of the applicant and the owners of the real estate involved and a description of and location of the real estate involved.
 - h. A written statement from a registered engineer or surveyor, or by other satisfactory evidence, that the line of any adjoining street has been staked on the ground.
3. Approval or Disapproval. Permits shall be granted or refused within 10 days after the written application has been filed with the Zoning Officer. Upon completion of the erection or alteration of any building or portion thereof authorized by any permit, and prior to occupancy or use, the holder of such permit shall notify the Zoning Officer of such completion. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with the provisions of this Chapter and other applicable ordinances, and has issued a release for occupancy or use.
4. Expiration of Zoning/Building. A zoning permit shall expire three (3) months after the date of issuance, if work described in any permit has not begun. If work described in any zoning permit has begun within said three (3) months period, said permit shall expire one (1) year from date of issuance thereof. If work described in any zoning permit has begun within said three (3) months period, and said permit work is not complete within one (1) year from date of issuance thereof, said zoning permit may be renewed for only one (1) additional year.
5. Stop Order.
- a. A Stop Order may be issued in the following instances:
 - 1) If activities regulated by this Ordinance are undertaken without the required zoning permit, building permit, sign permit, or Certificate of Use and Occupancy being granted by the Borough.
 - 2) If an activity undertaken under a zoning permit, building permit or sign permit deviates from the approved application either during or after completion of the work.
 - 3) If a use is conducted or a building or structure established in a way which is in violation of the use requirements, area, yard, coverage and height regulations, performance standards, general regulations or any other requirements of this Ordinance.

- 4) If an activity permitted by special exception, variance or condition is not conducted in accordance with the terms of the granting of the special exception, variance or conditional use.
- b. A Stop Order shall be issued by the Zoning Officer and delivered to the owner of any property or his agent. Delivery shall be construed to include certified mail or posting on the property.
- c. The Stop Order shall be in writing and state the nature of the violation and under which conditions the work or use may resume. A reasonable period of time as determined by the Borough Zoning Officer may be permitted to allow for the required corrections.
- d. Any person who shall continue in violation of any Stop Order shall be in violation of this Ordinance and subject to the penalties provided within this Ordinance.

Section 802. CERTIFICATE OF USE AND OCCUPANCY

1. Requirements. It shall be unlawful to use and/or occupy any building, structure or land or portion thereof for which a Zoning Permit is required or to change the use of any building, structure or land or portion thereof until a Certificate of Use and Occupancy has been issued by the Borough. A Certificate of Use and Occupancy shall not be issued unless such building, structure or land has been inspected by the Zoning Officer and he has determined that all provisions of this Zoning Ordinance have been complied with. The lot shall be graded, construction debris shall be removed from the lot, and the Borough Building Inspector shall indicate compliance with the Borough Building Code.
2. Upon receipt of written notification that the applicant is ready to use and occupy the premises for which a permit has been issued or for a change in use, the Zoning Officer shall inspect the premises within ten (10) days to determine compliance with the approved application and the Zoning Ordinance of the Borough. If in compliance, he shall approve and sign a Certificate of Use and Occupancy for the use indicated on the approved application. A copy of the Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Borough records. If he finds that the work has not been performed or that the use of the premises does not comply with the approved application and the Zoning Ordinance of the Borough, the Zoning Officer shall refuse to approve and sign the Certificate of Use and Occupancy and in writing give the reasons therefor and inform the applicant of his right of appeal.

3. Temporary Certificate of Use and Occupancy. The Zoning Officer may issue a Temporary Certificate of Use and Occupancy for such temporary uses as tents, trailers, and buildings on construction sites. The Zoning Hearing Board may authorize as a Special Exception a Temporary Certificate of Use and Occupancy for a structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the Borough, provided that such structure or use shall be completely removed upon expiration of the Temporary Certificate without cost to the Borough.

Such Temporary Certificates shall be for the period of time to be determined by the Zoning Officer or Zoning Hearing Board, as applicable, at the time of application, but in no case shall any Certificates, except those for uses on construction sites, be issued for more than six (6) months.

A temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

Section 803. SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Borough Council shall establish, by resolution, a schedule of fees and charges for Zoning Permits, Certificates of use and occupancy, special exceptions, variances, appeals, conditional uses, amendments to this Ordinance and other matters pertaining to this Ordinance. A collection procedure shall also be established. Until all application fees and charges have been paid in full, no action shall be taken on any application or other matter relating thereto.

Section 804. AMENDMENTS

The provisions of this Ordinance and the boundaries of zoning districts as set forth on the Official Zoning Map may from time to time be amended, supplemented, or changed by Borough Council in accordance with the following procedure:

The Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- a. Applications for conditional use under the express provisions of this Chapter.
- b. Applications for curative amendment to this Chapter or pursuant to §609.1 and 916.1(a) of the MPC.

- c. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC.
 - d. Appeals from the determination of the Zoning Officer or the Borough engineer under Articles V and VII of the MPC.
1. Procedure. The following procedures shall be observed prior to making any amendment or change to this Ordinance or parts thereof, including the Official Zoning Map:
- a. Any proposed amendments to this Ordinance shall be submitted to the County Planning Commission for their recommendations at least thirty (30) days prior to the public hearing.
 - b.
 - 1) The Borough Council may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the MPC.
 - 2) Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
 - 3) In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
 - 4) If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
 - 5) At least 30 days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the county planning agency for recommendations.

6) Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

c. Curative Amendments - The procedure upon curative amendments shall be as established in the Pennsylvania Municipalities Planning Code, as amended.

2. Submission of Impact Statement. With a request for a zoning amendment initiated by other than the Borough Council or Borough Planning Commission or Committee, a statement indicating the impact of the zoning change on the Borough shall be submitted with the application for rezoning. The statement shall compare the impact on the Borough resulting from the existing zoning with the impact resulting from the proposed zoning, specifically discussing:

Environmental Impact - The impact on wooded areas, flood plains, wetlands or areas of high water table, stormwater runoff, erosion and sedimentation, water quality, air quality, solid waste generation, and noise levels.

Traffic Impact - The impact on traffic generation per day and at peak hours, including numbers and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.

Services Impact - The demand for school, police, sanitary sewer, water, sanitation, and road maintenance services.

Fiscal Impact Analysis - The costs and revenues to the Borough.

3. Public Hearing. The Borough Council shall hold a public hearing before voting on the enactment of any amendment or change. Public notice of such hearing shall be given as required by law. In addition, if the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, prior to voting on the amendment. The Borough Council shall vote on the proposed amendment within ninety (90) days after the last public hearing.

Enactment of amendments shall be in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, as amended.

Section 805. CAUSES OF ACTION

1. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted maintained or used in violation of this Ordinance, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

Section 806. ENFORCEMENT NOTICE

1. If it appears to the Borough Council that a violation of this Zoning Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided for in the Pennsylvania Municipalities Planning Code, as amended.
2. The enforcement notice shall be served personally or be sent by certified mail to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
 - a. The name of the owner of record and any other person against whom the Borough intends to take action.
 - b. The location of the property in violation.
 - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.

- d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
- f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

Section 807. ENFORCEMENT REMEDIES

- 1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall; upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Borough.

Section 808. APPEALS

Proceedings for securing review of any ordinance or of any decision, determination or order of the Borough Council, their agencies, the Zoning Hearing Board, or Zoning Officer issued pursuant to this Ordinance shall be in accordance with the Pennsylvania Municipalities Planning Code, amended.

Section 809. CONDITIONAL USE PROCEDURES

1. Four copies of an application for permission to conduct a use permitted by condition shall be submitted to the Borough. Such application shall include all information specified for a zoning permit application in Section 801 of this Ordinance and any other information necessary to allow the Borough Council to determine that all requirements of this Ordinance have been met.
2. Review. After receiving an application, the Borough Council shall refer one copy of the application to the Borough Planning Commission or Committee for its review and one copy to the Borough Zoning Officer for his review. The application shall be reviewed at one or more advertised meetings of the Council, and the Council shall either approve or disapprove the application within ninety (90) days after the date the application is received by the Borough.

The granting of permission to conduct a use permitted by condition does not exempt an applicant from acquiring all approvals required by the Borough's Subdivision and Land Development Ordinance.

3. Standards. Conditional uses shall meet the specific standard established for each use by this Ordinance and all other applicable zoning district requirements and general regulations established by this Ordinance. In addition, the following standards shall be met:
 - a. The use shall be one which is specifically authorized as a conditional use in the zoning district wherein the applicant is seeking a conditional use.
 - b. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
 - c. Services and utilities such as public water, sanitary sewers, and stormwater drainage shall be made available to adequately service the proposed use by the applicant.
 - d. There shall be control of development of highway frontage so as to limit the number of points for ingress and egress, consider their location with due regard to safety factors, and encourage, where practicable, frontage of buildings and structures upon parallel marginal roads or on roads perpendicular to the highway.
 - e. The natural features and processes characterizing the site and its surroundings will not suffer unmitigated degradation.
 - f. The use is appropriate to the site in question.

- g. The use shall not adversely affect the character of neither the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
- h. Adequate parking spaces for use, as required by this or other ordinance or regulation as demonstrated in a report submitted by the applicant and subject to approval by the Borough.
- i. Adequate pedestrian flow for use, as required by this or other ordinance or regulation as demonstrated in a report submitted by the applicant and subject to approval by the Borough.
- j. Adequate vehicular flow for use, as required by this or other ordinance or regulation as demonstrated in a report submitted by the applicant and subject to approval by the Borough.

The applicant shall demonstrate, as a condition to approval of his application, that the standards in Section 811.3 and those specified elsewhere in this Ordinance for the use in question will be met.

The Borough Council may attach such additional reasonable conditions and safeguards as they deem necessary to implement the purpose of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, as amended, which conditions may include but are not limited to harmonious design of buildings, planting and maintenance of shrubbery or trees as a sight and/or sound barrier, hours of operation, lighting, number of employees, and the minimizing of potentially noxious, offensive, or hazardous elements.

ARTICLE IX

ZONING HEARING BOARD

Section 900. CREATION AND ORGANIZATION

1. The Borough Council shall appoint a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Borough appointed by the Borough Council pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and removed, serve and perform all the duties and have all the powers as prescribed by said Code and as herein provided.

The Borough Council may appoint alternate members of the Board pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended. The alternate members may serve as provided for in said code.

2. Organization. The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other Ordinances of the Borough and laws of the Commonwealth of Pennsylvania, as it may deem necessary for the proper performance of its duties and for the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.
3. Meetings. Meetings and hearings of the Board shall be held at the call of the chairman and at such other times as the Board, by majority vote, may determine.
4. Minutes and Records. The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be filed with the Borough Secretary. Such records shall be the property of the Borough. The Board shall submit a monthly report of its activities to the Borough Council.

Section 901. HEARINGS

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made a timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
2. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
3. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
4. The parties to the hearing shall be the Borough, any person affected by the application who has made a timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
5. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
9. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
10. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. The Borough Council may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearings may include compensation for the secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
12. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

Section 902. FUNCTIONS OF THE ZONING HEARING BOARD

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - a. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to §§609.1 and 916.1(a)(2) of the MPC.
 - b. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Borough and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 - c. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot.
 - d. Appeals from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
 - e. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC.
 - f. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC.

- g. Appeals from the determination of the Zoning Officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC.
2. The jurisdictions of the Zoning Hearing Board and the Borough Council and the procedures to be followed by each shall be as established in said Code.
 3. Parties to proceedings before the Zoning Hearing Board authorized by the Pennsylvania Municipalities Planning Code, as amended, may utilize mediation as an aid in completing such proceedings. The mediation option shall meet the stipulations and follow the procedures set forth in said Code.
 4. Variances. The Zoning Hearing Board may authorize, upon appeal in specific cases, such variance(s) from the terms of this Ordinance as will not be contrary to public interest, where a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such condition, and not circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located.
 - b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - c. That such unnecessary hardship has not been created by the appellant.
 - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

- e. That the variance as granted by the Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - f. Such other considerations as may be set forth in the Pennsylvania Municipalities Planning Code, as amended, from time to time.
 - g. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.
5. Special Exceptions. The Zoning Hearing Board may issue, upon application, only such special exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. The granting of a special exception when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria. The applicant for a special exception shall demonstrate, as a condition to approval of his application, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.
- a. Such use shall be one which is specifically authorized as a special exception use in the zoning district wherein the applicant seeks a special exception.
 - b. Such special exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.
 - c. Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
 - d. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
 - e. Services and utilities such as public water, sanitary sewers, and storm water drainage shall be made available to adequately service the proposed use by the applicant.

- f. There shall be control of the development of highway frontage so as to limit the number of points for ingress and egress, consider their location with due regard to safety factors, and encourage, where practicable, frontage of buildings and structures upon parallel marginal roads or on roads perpendicular to the highway.
- g. Consideration shall be given to the desirability of the proposed location of an industrial or commercial use with respect to probable effects upon street or highway traffic, and assurance of adequate access arrangements to protect against undue traffic congestion and hazard.
- h. Consideration shall be given to such other considerations as may be set forth in the Pennsylvania Municipalities Planning Code, as amended, from time to time.

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, which conditions may include but are not limited to harmonious design of buildings, planting and maintenance of shrubbery or trees as a sight and/or sound barrier, and the minimizing of potentially noxious, offensive or hazardous elements.

- 6. The Zoning Hearing Board shall exercise any other power specifically granted to the Board under the terms of this Ordinance or the Pennsylvania Municipalities Planning Code, as amended.

Section 903. PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD

The Board shall act in accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. All appeals and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Applications and appeals, together with the required filing fee as established by the Borough Council, shall be submitted to the Zoning Officer. As a minimum, all material required for a zoning permit shall be submitted with the application. The applicant shall also submit a description of the operations proposed in sufficient detail to indicate the effects of those operations proposed in producing traffic congestion, noise, glare, water pollution, fire hazards, safety hazards or other potentially harmful activities.

Section 904. TIME LIMITATIONS

1. If the Zoning Hearing Board grants a special exception or variance, approves the issuance of a permit or authorizes other action to be taken by an applicant, the necessary permit(s) shall be secured and the authorized action begun within three (3) months after the date of the grant of the special exception, variance, approval, authorization or approval of the permit or authorization of other action, as the case may be.
2. If the applicant fails to obtain necessary permits within the said three (3) months, the granted special exception or variance, the issued permit(s) or other authorized actions shall automatically expire.
3. If the applicant commences construction or alteration within three (3) months but fails to complete the work within one (1) year, the granted special exception, variance, the issued permit or other authorized action shall automatically expire.

Section 905. REVIEW OF APPLICATIONS FOR SPECIAL EXCEPTIONS AND VARIANCES BY THE BOROUGH PLANNING COMMISSION OR COMMITTEE AND THE BOROUGH COUNCIL

The Zoning Officer shall immediately upon receipt forward a copy of any application for a Special Exception or Variance to the Borough Planning Commission or Committee and the Borough Council for review and comment prior to the hearing held by the Board on such application.

Section 906. APPEAL TO COURT

Any appeal to court from a decision or determination made pursuant to this Chapter shall be made in accordance with the provisions of Article X-A of the MPC.

ARTICLE X

ENACTMENT

Section 1000. PUBLIC UTILITIES CORPORATION EXEMPTED

This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility commission shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public.

It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

Section 1001. SEVERABILITY

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Zoning Ordinance is declared for any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase word, or remaining portion of the Zoning Ordinance. The Borough Council of Shoemakersville Borough, Berks County, Pennsylvania, hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 1002. REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances, together with the amendments and supplements thereto, including Ordinance 210, The Borough of Shoemakersville Zoning Ordinance of 1969, and Ordinance 326, The Borough of Shoemakersville Zoning Ordinance of 1992 as amended, are hereby repealed to the extent that the same conflict with the provisions of this Zoning Ordinance, provided however, that the provisions of this Zoning Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Zoning Ordinance.

Section 1003. SAVINGS CLAUSE

This Ordinance shall not be construed or be held to repeal The Borough of Shoemakersville Zoning Ordinance of 1969, and The Borough of Shoemakersville Zoning Ordinance of 1992 as amended, whether said Ordinance is expressly repealed or not, as to any offense committed against said former Ordinance or as to any act done, and penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under said former Ordinance, or in any way whatsoever to affect any such offense or act as committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising under said Ordinance.

Section 1004. EFFECTIVE DATE

This Ordinance shall become effective immediately upon final enactment.

Duly enacted by the Borough Council of the Borough of Shoemakersville, Berks County, Pennsylvania this _____ day of _____, 2019, in lawful session duly assembled.

BOROUGH OF SHOEMAKERSVILLE

By _____
President of Borough Council

Attest: _____
Borough Secretary

Approved as an Ordinance this _____ day of _____, 2019.

Mayor