

ORDINANCE NO. #346-95

AN ORDINANCE OF THE BOROUGH OF SHOEMAKERSVILLE, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 326 ENTITLED "AN ORDINANCE REGULATING THE LOCATION, ERECTION, CONSTRUCTION, ALTERATIONS, REMOVAL, AND SIZE OF BUILDINGS, STRUCTURES, AND 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" IN ORDER TO PROVIDE FOR THE CONVERSION OF NON-RESIDENTIAL BUILDINGS INTO SINGLE BEDROOM APARTMENT BUILDINGS IN THE R-2 ZONING DISTRICT

BE IT ENACTED and it is hereby enacted that:

1. Section 414 entitled "Uses Permitted by Condition" of Ordinance No. 326 is amended by adding the following subsection 3:

"CONVERSION OF NON-RESIDENTIAL BUILDINGS.

Conversion of Non-residential buildings to single bedroom apartments exclusively for the use of unassisted elderly in which one resident of an apartment is at least fifty-five (55) years of age or is physically handicapped and as further defined in the Pennsylvania Regulations impelementing the Rental Housing Tax Credit Program established in the 1986 Tax Reform Act, as amended, subject to the following:

- a. Each dwelling unit shall not have less than 600 square feet of floor area.
- b. The maximum occupancy of any dwelling unit shall be two (2) persons.
- c. No alterations or expansion of the building shall be made that makes the building more non-conforming.
- d. Borough Council may establish a maximum number of Dwelling Units that may be contained in the building.

- e. One and one quarter ($\frac{1}{4}$) off-street parking places shall be provided for each dwelling unit.
- f. A minimum of twenty-five percent (25%) of the lot area shall be designated as common open space when deemed necessary by Borough Council.
- g. Parking areas containing more than six (6) parking spaces shall be screened from adjacent lots.
- h. 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 of the building shall retain substantially the same structural appearance it had before such conversion.
- i. 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.
- j. Common parking areas and access drivers shall be located a minimum of ten (10) feet from property lines and ten (10) feet from buildings in the development unless approved otherwise by Borough Council.
- k. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
- l. 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.
- m. No more than fifteen (15) parking

spaces shall be permitted in a continuous row without being interrupted by landscaping unless permitted by Borough Council.

n. Common parking areas shall not be designated or located to require cars to back into streets as listed on PennDOT's Liquid Fuel Map in order to leave the parking area.

o. 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.

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

3. Repealer. All ordinances or parts of ordinances which are inconsistent herewith, except to the extent otherwise provided herein, are hereby repealed.

4. Effective Date. This Ordinance shall become effective as provided by law.

Adopted this 7th day of *march* , A.D., 1995.

BOROUGH OF SHOEMAKERSVILLE

By: _____

Attest: _____

Approved this 7th day of *march* , A.D., 1995.

Ronald B. Outley

Mayor