

# **SINKING SPRING BOROUGH**

*BERKS COUNTY*

*PENNSYLVANIA*

## **ZONING ORDINANCE**

### **CHAPTER 196**

*of*

*Sinking Spring Borough's Codified Ordinances*

*ADOPTED July 28, 2010*

**ORDINANCE NO. 577-2010**

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

ARTICLE I  
TITLE AND PURPOSE

Section 100. TITLE

This Ordinance shall be known as and may be cited as "The Sinking Spring Borough Zoning Ordinance of 2010"

Section 101. PURPOSE

This Ordinance is enacted to promote the public health, safety, morals, and general welfare of the residents of the Borough of Sinking Spring by encouraging the most appropriate use of land and buildings; preventing the overcrowding of land; avoiding undue congestion of population; providing for adequate light and air; conserving the value of land and buildings; securing safety from fire, panic, flood, and other dangers; facilitating the adequate provision of transportation, water, sewerage, school, and other public facilities.

This Ordinance is enacted in accordance with the Community Development Objectives as set forth in the Comprehensive Plan for Spring Township, Sinking Spring, West Lawn, West Reading, and Wyomissing. These Community Development Objectives are:

1. Provide for a harmonious variety of land uses within the Borough; including:
  - a. A variety of housing types including single-family, two-family, and multi-family dwellings.
  - b. Neighborhood commercial districts, intended to serve the daily needs of residents in adjoining residential districts, and high way oriented commercial districts, designed to serve area-wide demand and highway-oriented users as well as nearby residents.
  - c. A general industrial district in which a wide variety of industrial uses may locate as long as certain performance standards are met.
  - d. Areas for community services, which will ensure the availability of community services to all residents of the Borough and which will be located conveniently to the residents of the Borough.
2. To encourage the development of land within the Borough.
3. To encourage each land use to locate in those areas most suitable for that particular land use.
4. To discourage development within the flood plains and areas of steep slope within the Borough.
5. To provide for an adequate traffic circulation system for the Borough.
6. Preserve the quality of existing residential and commercial areas in the Borough through zoning districting and through regulations for all future development within the Borough.
7. Ensure the quality of future development within the Borough through the provision of adequate area, yard, height and use regulations, performance standards, and general regulations in the Borough Zoning Ordinance and the adoption of Borough Subdivision Regulations.
8. To encourage, near the Borough boundary lines, development which will be compatible with development on adjacent land in bordering municipalities.

ARTICLE II  
INTERPRETATION AND APPLICATION

Section 200. INTERPRETATION

In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, morals, and general welfare of the Borough. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulations, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance, or regulation shall be controlling.

Section 201. APPLICATION

The regulations of this Ordinance shall apply to all structures, buildings, land uses, and signs in the Borough.

ARTICLE III  
DEFINITIONS

Section 300. GENERAL

For the purposes of this Ordinance certain terms and words are defined as follows. 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. The word "shall" is mandatory. The word "may" is permissive. Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

Accessory Building - A building 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.

Adult Entertainment Uses- Any commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any form of sexually explicit material (i.e. books, magazines, periodicals or other printed matter, or photographs or film, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of sexual activities or display of human genital and/or other anatomical areas and/or instruments, devices, or paraphernalia which are designed for use in connection with sexual activities.) and/or which offers to provide, for entertainment purposes, persons who appear in a state of nudity or semi-nudity (i.e. go-go dancers, erotic and/or exotic dancers, erotic and/or exotic entertainers, etc). This definition is a broad overall definition which includes, but is not limited to the following:

- (A) Adult arcade.
- (B) Adult bookstore, adult novelty store, or adult video store.
- (C) Adult cabaret, adult dance hall, adult theatre, adult club, adult bar, adult tavern, adult night club, adult restaurant or any other similar type of adult establishment.
- (D) Adult drive-in theatre.
- (E) Adult materials rentals and sales.
- (F) Adult mini motion picture theatre.
- (G) Adult motel.
- (H) Adult motion picture theatre.
- (I) Adult peep shows.
- (J) Any type of sexual encounter center.
- (K) Massage parlor.
- (L) Nude model studio.

Age Restricted Development - A housing development consisting of single-family detached dwellings, single-family semi-detached dwellings, townhouses, and/or apartment buildings, and permitted accessory uses intended and operated for occupancy primarily by persons age "fifty-five (55) years of age or older who desire to and who are able to live independently. See Section 629.

Alteration, Structural - Any enlargement of a building; the moving of a building from one location to another; any changes in or addition to the supporting members of a building or structure.

Apartment Development - A lot of at least 80,000 square feet which will be used exclusively for the building of two or more apartment buildings and accessory uses thereto.

Applicant – A land owner or developer who has filed an application for development.

Application for development – All applications, whether sketch, preliminary, tentative and/or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or for the approval of a development plan.

Approved Private Street - A legally established right-of-way which provides the primary vehicular access to a lot and which has not been dedicated or deeded to the Borough of Sinking Spring.

Basement - A story partly underground having one-half or more of its height below the average level of the adjoining ground.

Borough – The Borough of Sinking Spring

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

Building- An enclosed structure.

Building Area - The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot.

Building footprint – The building area of any single building.

Building Height - The vertical distance measured from the average elevation finished grade at the two front corners of the building to the highest point of the roof. Chimneys, spires, and other similar projections shall not be included in calculating the height of a building.

Building Setback Line - A line parallel to and set back from a street line. No building is permitted between the street line and the building setback line.

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

Common Open Space - Parcel or parcels of land or an area of water, or a combination of land and water, within the 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 and between buildings and street rights-of-way, driveways, parking areas, and property lines of the development. No dwelling unit, residential accessory buildings, or parking areas may be located within common open spaces.

Common Parking Area- A parking facility other than those provided within the lot lines of a lot on which one single family detached dwelling, one single family semi-detached dwelling, one single family attached dwelling, one two family detached dwelling, or one two family semi-detached dwelling is located.

Conditional Use – A use permitted in a particular zoning district pursuant to the provision in this Ordinance.

Condominium – Real estate, portions of which are designated for separate individual ownership and the remainder of which is designated for common ownership solely by the owners of those individuals who won those portions individually, created under either the Pennsylvania Unit Property Act of July 3, 1963, or the Pennsylvania Uniform Condominium Act.

Corner Lot – A lot abutting two or more intersecting public or private streets, or at the point of abrupt change of a single street (an interior angle of less than 135 degrees and a radius line of less). The Zoning Officer will designate the front yard based upon the proposed placement of the building on the lot. The yard opposite that yard shall meet the rear yard requirements of the applicable zoning district. The yard adjoining a street which was not designated the front yard must meet the front yard and the side opposite this yard shall meet the side yard requirements of the applicable zoning district.

County – The County of Berks, Commonwealth of Pennsylvania.

Decision - Final adjudication of any Board or other body granted jurisdiction under any land use ordinance, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determination. All decisions shall be appealable to the Court of Common Pleas of Berks County.

Determination – Final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. The Borough Council
2. The Zoning Hearing Board, or
3. The Borough Planning Commission, only if and to the extent the Borough Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions. Determination shall be appealable only to the boards designated as having jurisdiction for such appeal.

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.

Directional Sign – A sign containing directional information about public places owned or operated by Federal, State, or local governments or their agencies; publicly or privately owned natural phenomenon, historical, cultural, scientific, educational, and religious sites and areas of natural scenic beauty or naturally suited for outdoor recreation.

Dwelling- A building or portion thereof used for habitation by one or more families. Types of dwellings are listed below. Uses such as hospitals; boarding, rooming, and lodging houses; motels and hotels; and institutional residences are not included in the definition of dwelling.

Apartment Building - a building on a single lot or within an Apartment Development designed for and occupied as a residence for three or more families and in which the dwelling units are separated horizontally and/or vertically.

Apartment Unit - A dwelling unit within an apartment building.

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "Manufactured Home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "Manufactured Home" does not include park trailers, travel trailers, and other similar vehicles.

Single Family Detached - A building designed for and occupied exclusively as a residence for one family and having no common or party wall with an adjacent building.

Single Family Semi-Detached - A building designed for and occupied exclusively as a residence for two families, each living on one side of a common party wall.

Townhouse - A dwelling unit designed for and occupied exclusively as a residence for one family and one of a group of three or more single family attached dwellings, placed side by side and separated by party walls.

Two Family Detached - A portion of a building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly over the other and with no common or party wall with an adjacent building.

Two Family Semi-Detached - A building designed for and occupied exclusively as a residence for two families living on one side of a common or party wall and one of the families living wholly or partly over the other.

Dwelling Unit - One or more sleeping and/or living rooms arranged for use by one or more individuals living as a single family.

#### Family

- a. One or more persons, related by blood, marriage, or adoption, 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 three adult unrelated persons, requiring 24 hour resident supervision, living together as a single house keeping unit and using cooking facilities and certain rooms in common.
- c. Family shall not include a group of persons living in an arrangement defined elsewhere in this Ordinance (ie; group home).

Fence - An unroofed structure of wood, metal, wire, masonry, or other similar material with the purpose or effect of making a property boundary or forming constriction to or prohibit travel or passage.

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

Floor Area - The sum of the gross horizontal areas of every floor of a building, including basement space devoted to residential, commercial, or industrial use, and roofed porches, breezeways, roofed garages, carports, and buildings.

Floor Area Patio - The floor area in square feet of all buildings on a lot divided by the area of the lot in square feet.

Free Standing Sign - An independently supported sign, not attached to any building or structure.

Government Body - The Council of the Borough of Sinking Spring.

Group Home — A building occupied as a residence by no more than six (6) residents who receive twenty-four (24) hour resident supervision, licensed under an applicable program by the Commonwealth of PA and operated by a responsible individual, family or organization, with a program to provide a supportive living arrangement for individuals, in a setting in which the total number of persons in the living arrangement may total more and is in substantive ways different than the definition of “Family” found in this Ordinance. This home, which is required to be licensed by the state, must be staffed by qualified persons who provide training, care, supervision, treatment and/or rehabilitation to the aged, physically challenged/disabled or mentally challenged/retarded who require personal assistance and supervision on a continuing around-the-clock basis; this term does not include child day care centers, adult day care facilities, foster homes, schools, hospitals, jails, prisons, treatment centers, detention centers, or methadone treatment centers. Group Homes, when operated in a Dwelling as defined by this Ordinance shall be subject to the same limitations and regulations set by this Ordinance for said dwellings.

Half-way House — A residence designed to assist persons, especially those leaving institutions, to reenter society and learn to adapt to independent living. Halfway houses aim to assist in community transition, and may provide vocational training, counseling, and other services. Release to a halfway house is used in situations such as the release of mental patients and prisoners. They are also used for people in addiction recovery as a means to adapt to sober living. They usually require residents to follow certain rules, such as sign in and sign out procedures and curfews. A halfway house may allow residents to go out to work or study during daytime and return at night. Residency requirements, purposes, and rules vary at each halfway house.

Highway Access Point - The location or place of egress from or access to a street or highway created by a driveway, minor street, or another highway.

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

Home-based Business - An occupation customarily conducted within a dwelling unit. Both professional and non-professional Home-based Business must meet the Home-based Business regulations of this ordinance. Home-based Business may include such professions as doctor or lawyer.

Improvement Setback Line A line parallel to and set back from a streetline. No improvements are permitted between the street line and the improvement setback line. “Improvement” shall mean any type of structure, excavation, or paved section, excluding driveway or curb, planting strip, or barrier to unchanneled motor vehicle entrance or exit in commercial and industrial districts.

Landowner - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase, a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Lot - A measured parcel of land bearing fixed boundaries described by deed or lease or shown in an approved plan.

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

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.

Rear Lot Line - The lot line which is opposite from the front lot line. The rear line of any triangularly or irregularly shaped lot shall be a line entirely within the lot and at least ten feet long.

Lot Size - The area of a lot, excluding land within street rights-of-way.

Lot Width - The continuous straight line distance between the side lot lines, measured at the building setback line.

Manufactured Home Lot - A parcel of land in a manufactured home park or subdivision, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home, which is leased by the park owner to the occupants of the manufactured home erected on the lot.

Manufactured Home Park or Subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Major Collector - see Sinking Spring SALDO Definition.

Methadone Treatment Facility - A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

Minerals - Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite an clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Municipal Use - A land use owned and maintained by the Borough or a building(s) not owned by the Borough which house a fire company or a non-profit historical/civic use endorsed by Borough resolution.

New Construction - Structures for which the start of construction commenced on or after the date of this Ordinance.

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 Building, Lot Use, or Structure - A building, lot, structure, or use of land or of a building which does not conform to the regulations of the district in which it is located, and lawfully existing prior to the enactment of this Zoning Ordinance. Non-conforming structures include non-conforming signs.

One Hundred Year Flood - The flood having a one percent chance of being equaled or exceeded in any given year.

One Hundred Year Flood Level - The flood level that has a one percent or greater chance of occurrence in any given year.

Open Space - The area of a lot unoccupied by principal or accessory structures and uses, streets, driveways, sidewalks, parking lots, roofs, and other impervious surfaces.

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 adapted for joint service between two buildings.

Paving - A surface comprised of asphalt, bituminous concrete an/or cementitious concrete or other similar materials that will not render a driveway, parking lot, or loading area unusable because of inclement weather conditions.

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

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

Principal Building - A building in which is conducted the principal use of a lot on which it is situated.

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

Public Road - A public thoroughfare including a street, or court, which has been dedicated or deeded to the Borough and which affords the principal means of access to the abutting property.

Regulatory Floodway - The channel of a watercourse and the adjacent land area that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water surface elevation of that flood more than on (1) foot at any point.

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

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

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

Sight Triangle - An area within which no vision obstructing object is permitted above a certain height and below a certain height.

Sign - 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 - A way intended to provide access to properties and including a road or highway.

Street Frontage - The lot dimension measured along the street line or right of-way line of any 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 plotted by a municipality or higher governmental authority, or between a lot and a private street, road, or way over which two or more lots held in single and separate ownership have the right-of-way. Where a future right-of-way width for a street has been established, the street line shall be in the line of such future 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.

Substantial Improvement - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when first alteration of any structural part of the building commences.

Swimming Pool - Any constructed pool used for swimming or bathing which has a depth in any part of twenty-four inches or more.

Townhouse Development - A lot of at least 80,000 square feet which will be used exclusively for the building of townhouses and uses accessory thereto.

Use - A single activity.

Variance - A relaxation of the terms of this Ordinance approved by the Zoning Hearing Board where such will not be contrary to the public interest and where, owing to the property and not the result of actions of the applicant and/or property owner, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

Yard - The required open unoccupied space on the same lot with a building. 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, unoccupied space between an adjacent 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.

Yard, Rear - An open, unoccupied 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 cartway line of the service street nearest the front yard of the lot and a line drawn parallel to such cartway line of the service street.

Yard, Side - An open, unoccupied 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.

Zoning Hearing Board - Sinking Spring Borough Zoning Hearing Board.

Zoning Officer - Sinking Spring Borough Zoning Officer.

Zoning Ordinance - Sinking Spring Borough Zoning Ordinance.

ARTICLE IV

ZONING DISTRICTS

Section 400. TYPES OF ZONING DISTRICTS

In order to carry out the objectives of this Zoning Ordinance, the Borough of Sinking Spring is hereby divided into the following Use Districts:

R-1	Suburban Residential District
R-3	Suburban Residential District
R-4	Suburban Residential District
R-5	Urban Residential District
R-6	Urban Residential District
C-1	Neighborhood Commercial District
C-2	General Commercial District
I-1	General Industrial District
D-1	Downtown District

Section 401. OFFICIAL ZONING MAP

1. The boundaries of the Zoning Districts shall be shown on the "Zoning Map of the Borough of Sinking Spring". The official copy of this Zoning Map shall be located in the Borough Hall. The Zoning Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance as if the same were more fully set forth at length herein.
2. The Official Zoning Map shall be so labeled and identified by the signature of the President of the Borough Council, attested by the Secretary of said Council 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 Sinking Spring", adopted July 28, 2010."
3. All amendments to the Zoning Map of the Borough shall be indicated on the Official Copy of the Zoning Map. An entry indicating the change made and the date of any change shall be made and the entry shall include the signature of the President and the Secretary of the Borough Council.
4. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret 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 signatures of the President of the Borough Council, attested by the Secretary of said Council, 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 Sinking Spring, adopted July 28, 2010."

Section 402. 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, highways, or alleys, such center be construed to be such boundaries.
2. Where district boundaries are indicated as approximately coinciding with plotted lot lines, such lot lines shall be construed to be such.
3. Where district boundaries are indicated as being approximately parallel to the center or right-of-way lines of streets or highways, such district boundaries shall be construed as being parallel to the center-of-way lines and at such distance from the center or right-of-way lines 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 highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines of streets or highways.
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 midway between the main tracks.
7. Boundaries indicated as parallel to or extensions of features indicated in Sections 1 through 6 above shall be so construed.
8. Where physical or cultural 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 Hearing Board shall interpret the district boundaries.
9. Where a district boundary line divides a lot which was in single ownership at the effective date of this chapter, at the election of the Borough Zoning Officer, the regulations of either zoning district may be extended a distance of not more than 50 feet beyond the district boundary line into the remaining portion of the lot when one or both of the districts involved are R-1, R-3, R-4, R-5 or R-6 District. When both of the districts involved are C-1, C-2, D1, or I-1 Districts, at the election of the Borough Zoning Officer, the regulations or either zoning district may be extended a distance of not more than 200 feet beyond the district boundary line into the remaining portion of the lot.

Section 403. APPLICATION OF DISTRICT REGULATIONS

1. Except as hereafter provided in this Ordinance, no building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, reconstructed, or structurally altered except in conformity with all the regulations specified within the Ordinance for the district in which the building, structure, or land is located.
2. No building, structures, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, reconstructed, or structurally altered without the issuance of a Permit by the Zoning Officer.

3. No part of a yard, other open space, or off-street parking or loading space required in connection with one structure, building, or use of land shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other structure, building or use of the land, except where provisions of this ordinance may allow shared parking or loading.
4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance.
5. All territory which may hereafter be annexed to the Borough shall be considered to be an R-1 District until otherwise classified.
6. Each use/structure must meet the zoning requirements of the specific zoning district, all general zoning sections, and any specific zoning sections that may apply.

ARTICLE V  
DISTRICT REGULATIONS

Section 500. R-1 SUBURBAN RESIDENTIAL DISTRICT

Section 501. INTENT

It is the purpose of this district to maintain existing residential areas and allow for their expansion at similar densities.

Section 502. USES PERMITTED BY RIGHT

Land and buildings in R-1 districts shall be used for the following purposes and no others, unless a special exception is granted:

1. Single Family detached dwellings
2. Residential accessory uses
3. Municipal use
4. Forestry (including but not limited to timber harvesting)
5. No-Impact Home-Based Business
6. Municipal Use.

Section 503. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

1. School licensed by the Pennsylvania Department of Public Instruction, provided that:
  - a. Minimum lot size shall be three (3) acres.
  - b. The minimum front, rear, and side yards shall be seventy-five feet (75').
2. Place of worship, provided that:
  - a. Minimum lot size shall be two (2) acres.
  - b. The minimum front, rear, and side yards shall be fifty feet (50).
3. Playground or similar non-commercial recreation area owned and operated by a public or private non-profit agency.
4. Home-based Business, subject to Home-based Business Regulations found in Section 623 of this Ordinance.

Section 504. USES PERMITTED BY CONDITION

AGE RESTRICTED DEVELOPMENT

1. A landowner may submit an application (in duplicate) to the Borough Council for permission to develop an Age Restricted Development, subject to the Age Restricted Development Regulations found in Section 629 of this ordinance. Such application shall include a legal description of the property included within the development and a scaled map showing the overall development plan of the development and containing all information necessary to determine that all regulations of this Ordinance have been met. In addition, the application shall include a statement signed by the applicant stating that the applicant agrees to be bound by the decision of the Borough Council.
2. After receiving an application to develop an Age Restricted Development, the Borough Council shall refer one copy of the application to the Borough Planning Commission for its review. The Planning Commission shall, within thirty (30) days, make its recommendations regarding the application to the Borough Council.
3. Within sixty (60) days after receiving an application, the Borough Council shall conduct a public hearing, pursuant to public notice, to determine whether or not the application for permission to develop an Age Restricted Development is approved or disapproved, and shall notify the Applicant of the same in accordance with all applicable laws and ordinances which are in effect. The Borough Council, if an approval is granted, shall have the right to attach reasonable conditions and relevant restrictions, as permitted by law. No building permits shall be issued until the requirements of subsection 4 below are complied with. The statement granting permission shall stipulate that such approval is contingent upon compliance with all the requirements of the Borough Subdivision Regulations.
4. After being granted permission to develop an Age Restricted Development the landowner must comply with all procedures and other requirements listed in the Borough Subdivision and Land Development Ordinance.

Section 505. AREA, HEIGHT, AND YARD REQUIREMENTS (Except as noted in Section 503 and Section 504).

<u>Maximum Permitted</u>	
Building Height	35 Feet
Lot Coverage	40 Percent
<u>Minimum Requirements</u>	
Lot Size	7,500 Square Feet (Public Sewer & Water Required)
Lot Width	
At Street Line	40 Feet
At Building Setback Line	70 Feet
Rear Yard	20 Feet
Side Yard	
Total	20 Feet
One Side	10 Feet
Building Setback Line	25 Feet

Section 520. R-3 SUBURBAN RESIDENTIAL DISTRICT

Section 521. INTENT

It is the purpose of this district to provide for areas which may be developed for single family detached and semi-detached homes, limited non-residential uses, and developments containing a variety of dwelling types if permission is granted by the Borough Council.

Section 522. 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 is granted or a development is permitted by condition:

1. Single family detached dwellings
2. Single family semi-detached dwellings
3. Individual manufactured home
4. Residential accessory uses
5. Forestry (including but not limited to timber harvesting)
6. No-Impact Home-Based Business
7. Municipal Use

Section 523. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance:

1. School licensed by the Pennsylvania Department of Public Instruction, provide that:
  - a. Minimum lot size shall be three (3) acres.
  - b. The minimum front, rear and side yards be seventy-five feet (75').
2. Place of worship, provided that:
  - c. Minimum lot size shall be two (2) acres.
  - d. The minimum front, rear and side yards shall be fifty feet (50').
3. Hospital, convalescent home, medical clinic, or similar institution, provided that:
  - a. Minimum lot size shall be two (2) acres.
  - b. The minimum front, rear and side yards shall be fifty feet (50').

4. Playground or similar non-commercial recreation area owned and operated by a public or private non-profit agency.
5. Home-based Business, subject to Home-based Business Regulations found in Section 623 of this Ordinance.

Section 524. USES PERMITTED BY CONDITION

CONDOMINIUM OR PLANNED DEVELOPMENT

1. A landowner may submit an application (in duplicate) to the Borough Council for permission to develop a Condominium or Planned Development on his land. Such application shall include a legal description of the property included within the development and a scaled map showing the overall development plan of the development and containing all information necessary to determine that all the regulations of this Ordinance have been met. In addition, the application shall include a description of the means by which open space and recreation areas shall be preserved in such states for perpetuity and a statement signed by the applicant stating that the applicant agrees to be bound by the decision of the Borough Council.
2. After receiving an application to develop a Condominium or Planned Development, the Borough Council, shall refer one copy of the application to the Borough Planning Commission for its review. The Planning Commission shall within thirty (30) days, make its recommendations regarding the application to the Borough Council.
3. Within sixty (60) days after receiving an application, the Borough Council shall inform the applicant in writing whether or not his application for permission to develop a Condominium or Planned Development is approved or disapproved. No building permits shall be issued until the requirements of subsection 4 below are complied With. The statement granting permission shall stipulate that such approval is contingent upon compliance with all the requirements of the Borough Subdivision Regulations.
4. After being granted permission to develop a Condominium or Planned Development, the landowner must comply with all procedures and other requirements listed in the Borough Subdivision and Land Development Ordinance.
5. Condominiums or Planned Developments are subject to the following regulations:
  - a. The minimum amount of land in the proposed development shall be ten (10) acres.
  - b. The development shall be served by public sewage disposal and water supply facilities.
  - c. The overall density of the development shall not exceed six (6) dwelling units per acre.
  - d. Permitted uses shall include single family detached dwellings, single family semi-detached dwellings, two family detached dwelling, two family semi-detached dwellings, townhouses, and apartment buildings.
  - e. The Plan of the development shall comply with all the General Regulations of this Ordinance which are applicable to R-3 districts.

- f. Not less than twenty (20) percent of the gross area of the tract to be developed shall be permanently set aside for common open space purposes, such as recreation or conservation of natural features. This area shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. The use proposed must provide a desirable community facility which can be enjoyed by the residents of the development. Areas for common Open space may be reserved for private use or dedicated to the Borough. For land which is not dedicated to the Borough, satisfactory written agreements acceptable to the Borough shall be made for their perpetual preservation and maintenance.
- g. Specific sections of the development shall be designated for townhouses (if these uses are included in the Plan.), specific sections of the development shall be designated for apartments (if these uses are included in the Plan), and specific sections of the development shall be designated for single family detached, single family semi-detached, two family detached, and two family semi-detached dwellings (if these uses are included in the Plan). The paved area within areas devoted to townhouses and apartments shall not exceed thirty (30) percent.
- h. Those areas designated for apartments shall have:
- at least 3112 square feet of land provided for each dwelling unit with one bedroom
  - at least 3630 square feet of land provided for each dwelling unit with two bedrooms
  - at least 4356 square feet of land provided for each dwelling, unit with three or more bedrooms
- i. The areas designated for townhouses shall not be developed at a density to exceed ten (10) dwelling units per acre. The maximum length of an apartment building shall be 160 feet.
- j. No apartment building shall be closer than fifty (50) feet to another dwelling.
- k. The number of townhouse units within a continuous grouping shall not exceed six (6).
- l. No townhouse within a continuous row of townhouses shall be closer than fifty (50) feet to a dwelling unit not in that row of townhouses, except 20' side to side between two groups is allowed.
- m. Within any continuous group of townhouses there shall be at least two different architectural plans having substantially different designs, building materials, and exterior elevations. In addition, no more than three continuous townhouses shall have the same front setback and the variations in front setback shall be at least four (4) feet.
- n. All structures shall be a minimum of sixty (60) feet from the property lines of the development.
- o. No building shall have a height exceeding thirty-five (35) feet.

- p. No apartment building shall be located within fifty (50) feet of any street right-of-way line, except as per Section 524.6 below.
  - q. No townhouse shall be located within twenty-five (25) feet of any street right-of-way line, except as per Section 524.6 below.
  - r. Parking shall be provided on the lot of the townhouse or in a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities.
  - s. 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 air-tight, vermin-proof containers.
  - t. Common parking areas for townhouses or apartments shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may back.
  - u. Common parking areas and access drives for townhouses or apartments shall be located a minimum of twenty-five (25) feet from all structures and from the exterior lot lines of the development.
  - v. Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.
  - w. Parking areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) parking spaces shall be accommodated in any one parking area and all parking areas shall be landscaped.
  - x. Those areas designated for single family detached, single family semi-detached, two family detached, and two family semi-detached dwellings shall meet the following regulations:
6. Provisions of an individual lot per residential dwelling unit is not required for Condominium Developments. However, all other area height and yard requirements under Section 5.25 shall be met, except in the situation where a proposed road system is private and the streets are not to be dedicated to the Borough the dwelling unit shall be set back a minimum of 20 feet from the edge of cartway or curb line.
  7. The condominium plan shall comply with all the general regulations of this Ordinance, which are applicable to R3 district.

SECTION 525

R-3 SUBURBAN RESIDENTIAL AREA, HEIGHT, AND YARD REQUIREMENTS (Except as noted in Sections 523 and 524)

	Single Family Detached Dwelling	Single Family Semi-Detached Dwelling	Two Family Detached Dwelling	Two Family Semi-Detached Dwelling Unit
Maximum Lot Coverage	40 Percent	50 Percent	35 Percent	20 Percent
Maximum Building Height	35 Feet	35 Feet	35 Feet	35 Feet
<u>Minimum Regulations</u>				
Lot Size	7500 sq. ft.	5000 sq. ft./d.u.	10,000 sq. ft.	4,000 sq. ft. per dwelling unit in the building
Building Setback Line	25 Feet	25 Feet	30 Feet	30 Feet
Lot Width				
<i>At Street Line</i>	40 Feet	30 Feet/d.u.	60 Feet	60 Feet
<i>At building Setback Line</i>	70 Feet	40 Feet	80 Feet	80 Feet
Rear Yard	20 Feet	20 Feet	20 Feet	20 Feet
Side Yard				
<i>Total</i>	20 Feet	20 Feet	25 Feet	
<i>One Side</i>	10 Feet	10 Feet	10 Feet	20 Feet
Open Space	40 percent	40 percent	40 percent	40 percent

Section 530. R-4 SUBURBAN RESIDENTIAL DISTRICT

Section 531. INTENT

It is the purpose of this district to provide for areas which may be developed for single family detached and semi-detached homes, limited non-residential uses, developments containing a variety of dwelling types if permission is granted by Borough Council, and manufactured home parks, if special exceptions are granted.

Section 532. 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 is granted or a development is permitted by condition:

1. Single family detached dwellings
2. Single family semi-detached dwellings
3. Individual manufactured home
4. Residential accessory uses
5. Forestry (including but not limited to timber harvesting)
6. No-Impact Home-Based Business
7. Municipal Use

Section 533. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance:

1. School licensed by the Pennsylvania Department of Public Instruction, provided that:
  - a. Minimum lot size shall be three (3) acres.
  - b. The minimum front, rear, and side yards shall be seventy-five feet (75').
2. Place of worship, provided that:
  - a. Minimum lot size shall be two (2) acres.
  - b. The minimum front, rear, and side yards shall be fifty feet (50').
3. Hospital, convalescent home, medical clinic, or similar institution, provided that:
  - a. Minimum lot size shall be two (2) acres.

- b. The minimum front, rear, and side yards shall be fifty feet (50').
4. Playground or similar non-commercial recreation area owned and operated by a public or private non-profit agency.
5. Home-based Business, subject to Home-based Business Regulations found in Section 623 of this Ordinance.
6. Club or lodge organized for fraternal or social purposes, provided that the chief activity carried on shall not be one which is customarily carried on as a business and that the buildings and services shall be for the use of members and their guests only.
7. Manufactured Home Park, subject to:
  - a. The minimum area of a manufactured home park shall be five (5) acres.
  - b. The manufactured home park must be served by public sewage disposal and water supply facilities.
  - c. Not less than fifteen (15) percent of the total area of the manufactured home park shall be devoted to recreation area for the use of all residents of the park. Provisions shall be made by the owner of the manufactured home park for the development, installation, and maintenance of such recreation areas.
  - d. No manufactured home may be located closer than seventy-five feet (75') 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 manufactured home park.
  - e. The minimum allowable distance between any manufactured home, service or accessory building, or parking facility and a boundary line of the manufactured home park shall be seventy-five (75) feet. The minimum allowable distance between any manufactured home and another manufactured home, service or accessory building, or common parking facility shall be thirty feet (30').
  - f. Two (2) off-street parking spaces shall be provided for each manufactured home.
  - g. The limits of each manufactured home lot shall be clearly marked on the grounds by permanent flush stakes, markers, or other suitable means.
  - h. The minimum dimensions for a manufactured home lot shall be fifty (50) feet by one hundred (100) feet.
  - i. The overall density of the manufactured home park shall not exceed six (6) dwelling units per acre.

Section 534. USES PERMITTED BY CONDITION

PLANNED DEVELOPMENT

1. A landowner may submit an application (in duplicate) to the Borough Council for permission to develop a Planned Development on his land. Such application shall include a legal description of the property included within the development and a scaled map showing the overall development plan of the development and containing all information necessary to determine that all the regulations of this Ordinance have been met. In addition, the application shall include a description of the means by which open space and recreation areas shall be preserved in such states for perpetuity and a statement signed by the applicant stating that the applicant agrees to be bound by the decision of the Borough Council.
2. After receiving an application to develop a Planned Development, the Borough Council shall refer one copy of the application to the Borough Planning Commission for its review. The Planning Commission shall, within thirty (30) days, make its recommendations regarding the application to the Borough Council.
3. Within sixty (60) days after receiving an application, the Borough Council shall inform the applicant in writing whether or not his application for permission to develop a Planned Development is approved or disapproved. No building permits shall be issued until the requirements of subsection 4 below are complied with. The statement granting permission shall stipulate that such approval is contingent upon compliance with all the requirements of the Borough Subdivision Regulations.
4. After being granted permission to develop a Planned Development, the landowner must comply with all procedures and other requirements listed in the Borough Subdivision and Land Development Ordinance.
5. Planned Developments are subject to the following regulations:
  - a. The minimum amount of land in the proposed development shall be ten (10) acres.
  - b. The development shall be served by public sewage disposal and water supply facilities.
  - c. The overall density of the development shall not exceed six (6) dwelling units per acre.
  - d. Permitted uses shall include single family detached dwellings, single family semi-detached dwellings, two family detached dwellings, two family semi-detached dwellings, townhouses, and apartment buildings.
  - e. The Plan of the development shall comply with all the General Regulations of this Ordinance which are applicable to R-4 districts.
  - f. Not less than twenty (20) percent of the gross area of the tract to be developed shall be permanently set aside for common open space purposes, such as recreation or conservation of natural features. This area shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. The use proposed must provide a desirable community facility which can be enjoyed by the residents of the development. Areas for common open space may be reserved for private use or dedicated to the Borough. For land which is not dedicated to

the Borough, satisfactory written agreements acceptable to the Borough shall be made for their perpetual preservation and maintenance.

- g. Specific sections the development shall be designated for townhouses (if these uses are included in the Plan), specific sections of the development shall be designated for apartments (if these uses are included in the Plan), and specific sections of the development shall be designated for single family detached, single family semi-detached, two family detached, and two family semi-detached dwellings (if these uses are included in the Plan).
- h. Those areas designated for apartments shall have:
  - At least 3112 square feet of land provided for each dwelling unit with one bedroom
  - At least 3630 square feet of land provided for each dwelling unit with two bedrooms
  - At least 4356 square feet of land provided for each dwelling unit with three or more bedrooms
- i. The areas designated for townhouses shall not be developed at a density to exceed ten (10) dwelling units per acre.
- j. The maximum length of an apartment building shall be 160 feet.
- k. No apartment building shall be closer than fifty feet to another dwelling.
- l. The number of townhouse units within a continuous grouping shall not exceed six (6).
- m. No townhouse within a continuous row of townhouses shall be closer than fifty (50) feet to a dwelling unit not in that row of townhouses, except the side to side separation of two townhouse groups shall not be less than 20 feet.
- n. Within any continuous group of townhouses there shall be at least two different architectural plans having substantially different designs, building materials, and exterior elevations. In addition, no more than three continuous townhouses shall have the same front setback and the variations in front setback shall be at least four (4) feet.
- o. All structures shall be a minimum of sixty (60) feet from the property lines of the development.
- p. No building shall have a height exceeding thirty-five (35) feet.
- q. No apartment building shall be located within fifty (50) feet of any street right-of-way line.
- r. No townhouse shall be located within twenty-five (25) feet of any street right-of-way line.
- s. Parking shall be provided on the lot of the townhouse or in a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities.

- 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 air-tight, vermin-proof containers.
- u. Common parking areas for townhouses or apartments shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may back.
- v. Common parking areas and access drives for townhouses or apartments shall be located a minimum of twenty-five (25) feet from all structures and from the exterior lot lines of the development.
- w. Entrance and exit ways to parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
- x. Parking areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) parking spaces shall be accommodated in any one parking area and all parking areas shall be landscaped.
- y. Those areas designated for single family detached, single family semi-detached, two family detached, and two family semi-detached dwellings shall meet the following regulations:

Section 535. R-4 SUBURBAN RESIDENTIAL AREA, HEIGHT, AND YARD REQUIREMENTS (Except as noted in Sections 533 and 534)

	Single Family Detached Dwelling	Single Family Semi-Detached Dwelling	Two Family Detached Dwelling	Two Family Semi-Detached Dwelling
Maximum Lot Coverage	40 Percent	50 Percent	35 Percent	20 Percent
Maximum Building Height	35 Feet	35 Feet	35 Feet	35 Feet
<u>Minimum Regulations</u>				
Lot Size	7500 sq. ft.	5000 sq. ft./d.u.	10,000 sq. ft	4,000 sq. ft./dwelling unit
Building Setback Line	25 Feet	25 Feet	30 Feet	30 Feet
Lot Width				
<i>At Street Line</i>	40 Feet	30 Feet/d.u.	60 Feet	60 Feet
<i>At building Setback Line</i>	70 Feet	40 Feet	80 Feet	80 Feet
Rear Yard	20 Feet	20 Feet	20 Feet	20 Feet
Side Yard				
<i>Total</i>	20 Feet	20 Feet	25 Feet	
<i>One Side</i>	10 Feet	10 Feet	10 Feet	20 Feet
Open Space	40 percent	40 percent	40 percent	40 percent

Section 540. R-5 URBAN RESIDENTIAL DISTRICT

Section 541. INTENT

It is the purpose of this district to provide for the maintenance and expansion of certain existing residential areas within the Borough.

Section 542. USES PERMITTED BY RIGHT

Land and buildings in R-5 districts shall be used for the following purposes and no others, unless a special exception is granted:

1. Single family detached dwellings
2. Single family semi-detached dwellings
3. Two family detached dwellings
4. Residential accessory uses
5. Forestry (including but not limited to timber harvesting)
6. No-Impact Home-Based Business
7. Municipal Use

Section 543. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

1. School licensed by the Pennsylvania Department of Public Instruction, provided that:
  - a. Minimum lot size shall be two (2) acres.
  - b. The minimum front, rear and side yards shall be fifty feet (50').
2. Place of worship, provided that:
  - a. Minimum lot size shall be one (1) acre.
  - b. The minimum front, rear and side yards shall be fifty feet (50').
3. Playground or similar non-commercial recreation area owned and operated by a public or private non-profit agency.

4. Hospital, convalescent home, medical clinic, or similar institution, provided that:
  - a. Minimum lot size shall be one (1) acre.
  - b. The minimum front, rear and side yards shall be fifty feet (50').
5. Home-based Business, subject to Home-based Business Regulations found in Section 623 of this Ordinance.
6. Group Homes

Section 544. USES PERMITTED BY CONDITION

AGE RESTRICTED DEVELOPMENT

1. A landowner may submit an application (in duplicate) to the Borough Council for permission to develop an Age Restricted Development, subject to the Age Restricted Development Regulations found in Section 629 of this ordinance. Such application shall include a legal description of the property included within the development and a scaled map showing the overall development plan of the development and containing all information necessary to determine that all regulations of this Ordinance have been met. In addition, the application shall include a statement signed by the applicant stating that the applicant agrees to be bound by the decision of the Borough Council.
2. After receiving an application to develop an Age Restricted Development, the Borough Council shall refer one copy of the application to the Borough Planning Commission for its review. The Planning Commission shall, within thirty (30) days, make its recommendations regarding the application to the Borough Council.
3. Within sixty (60) days after receiving an application, the Borough Council shall inform the applicant in writing whether or not his application for permission to develop an Age Restricted Development is approved or disapproved. No building permits shall be issued until the requirements of subsection 4 below are complied with. The statement granting permission shall stipulate that such approval is contingent upon compliance with all the requirements of the Borough Subdivision Regulations.
4. After being granted permission to develop an Age Restricted Development the landowner must comply with all procedures and other requirements listed in the Borough Subdivision and Land Development Ordinance.

Section 545. R-5 AREA, YARD AND HEIGHT REQUIREMENTS (Except as noted in Section 543 and Section 544)

	Single Family Detached Dwelling	Single Family Semi-Detached Dwelling	Two Family Detached Dwelling	Permitted Non-Residential Uses
Maximum Lot Coverage	50 Percent	50 Percent	40 Percent	40 Percent
Maximum Building Height	35 Feet	35 Feet	35 Feet	35 Feet
<u>Minimum Regulations</u>				
Lot Size	5000 sq. ft.	4500 sq. ft./d.u.	9000 sq. ft.	7500 sq. ft.
Building Setback Line	25 Feet	25 Feet	25 Feet	25 Feet
Lot Width				
<i>At Street Line</i>	30 Feet	30 Feet/d.u.	35 Feet	35 Feet
<i>At building Setback Line</i>	50 Feet	40 Feet	70 Feet	70 Feet
Rear Yard	20 Feet	20 Feet	20 Feet	20 Feet
Side Yard				
<i>Total</i>	15 Feet	20 Feet	20 Feet	20 feet
<i>One Side</i>	6 Feet	10 Feet	10 Feet	10 Feet
Open Space	30 percent	30 percent	30 percent	30 percent

Section 550. R-6 URBAN RESIDENTIAL DISTRICT

Section 551. INTENT

It is the purpose of this district to provide for areas in which a variety of residential uses, including multiple family development, may locate by right at densities higher than those permitted in other residential districts.

Section 552. USES PERMITTED BY RIGHT

Land and buildings shall be used for the following purposes and no others unless a special exception is granted:

1. Single family detached dwellings
2. Single family semi-detached dwellings
3. Two family detached dwellings
4. Two family semi-detached dwellings
5. Townhouse in a townhouse development
6. Apartment building in an apartment development
7. Residential accessory use
8. Forestry (including but not limited to timber harvesting)
9. No-Impact Home-Based Business
10. Municipal Use

Section 553. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

1. School licensed by the Pennsylvania Department of Public Instruction, provided that:
  - a. Minimum lot size shall be two (2) acres.
  - b. The minimum front, rear and side yards shall be fifty feet (50').
2. Place of worship, provided that:
  - a. Minimum lot size shall be one (1) acre.
  - b. The minimum front, rear and side yards shall be fifty feet (50').

3. Playground or similar non-commercial recreation area owned and operated by a public or private non-profit agency.
4. Hospital, convalescent home, medical clinic, or similar institution, provided that:
  - a. Minimum lot size shall be one (1) acre.
  - b. The minimum front, rear and side yards shall be fifty feet (50').
5. Home-based Business, subject to Home-based Business Regulations found in Section 623 of this Ordinance.
6. Club or lodge organized for fraternal or social purposes, provided that the chief activity carried on shall not be one which is customarily carried on as a business and that the buildings and services shall be for the use of members and their guests only.
7. Residential conversion subject to Residential Conversion Regulations found in Section 624 of this Ordinance.
8. Group Homes
9. Half-way Houses providing the following conditions are met:
  - a. The applicant shall indicate the nature of the clients to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents;
  - b. The applicant shall provide evidence that the facility is sponsored and operated by an agency licensed, registered or certified by an applicable county, state or federal program. The facility shall notify the Borough in writing within 14 days if there is a change in the type of clients, the sponsoring agency or maximum number of residents or if the license/registration/certification expires, is suspended or withdrawn.
  - c. The facility shall have twenty-four hour on-site supervision by professionals trained to supervise the types of clients to be served by the facility.
  - d. If the facility will house persons presenting a potential physical threat to the safety of nonresidents, the facility operator shall provide evidence that sufficient staffing and other security measures will be provided.
  - e. The facility shall be located a minimum of 1,000 linear feet from any other such existing /approved facility.
  - f. If the facility is within a residential district, the building shall be maintained and/or constructed to ensure that it is similar in appearance, conditions and character to the other residential structures in the area, and only a sign, permitted in the applicable district, shall be permitted.

Section 554. AREA, YARD AND HEIGHT REQUIREMENTS (Except as noted in Section 553) (See table next page)

Additional Regulations for Townhouse and Apartment Developments

Maximum number of townhouse permitted in one row	6
Minimum distance between apartment buildings and another residential building	50 feet
Minimum distance between townhouses and dwellings not within the same row of townhouses	50 feet, except 20' side to side
Minimum open space and recreation area for apartment developments	20 percent
Minimum open space and recreation area for townhouse developments	10 percent
Minimum open space and recreation area for a development containing both apartments and townhouses	20 percent
Maximum length of apartment building	160 feet

Whenever a side or rear yard of an apartment development or development containing both apartments and townhouses adjoins an R-1, R-2, R-3, R-4 or R-5 district, vegetation which shall serve as an appropriate screen shall be placed within the side and/or rear yard.

No townhouse or apartment building shall be located closer than twenty-five (25) feet from any driveway or parking area.

All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may back.

No parking area or driveway may be located within twenty-five (25) feet of the exterior lot lines of the development.

Parking areas shall not be so designed or located to require or encourage cars to back into a public street in order to leave the lot.

Entrance and exit ways to parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the area.

Section 554. R-6 AREA, YARD AND HEIGHT REQUIREMENTS - continued

	Single Family Detached Single Family Semi-Detached	Two Family Detached	Two Family Semi-Detached	Individual Townhouse	Townhouse Development	Apartment Development	Permitted Non-Residential Uses
<u>Maximum Permitted</u>							
Building Height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Lot Coverage	50 percent	40 percent	50 percent	50 percent	25 percent	25 percent	40 percent
Paved Area					30 percent	25 percent	
<u>Minimum Requirements</u>							
Lot Size	4500 Sq. ft./d.u.	7500 sq. ft.	7500 sq. ft.	2000 sq. ft.	80,000 sq. ft. total 4,400 sq. ft. of Lot Area/D.U	80,000 sq. ft. total 4,356 sq. ft. of Lot Area/D.U 3+ bedrooms 3,630 sq. ft./d.u with 2 bedrooms 3,112 sq. ft./d.u with 1 bedroom	7500 sq. ft.
Lot Width							
At Street Line	30 feet/d.u.	35 feet	35 feet	18 feet	150 feet	150 feet	35 feet
At Building Setback Line	40 feet/d.u.	70 feet	70 feet	18 feet	150 feet	150 feet	70 feet
Rear Yard	20 feet	20 feet	20 feet	20 feet	20 feet	50 feet	20 feet
Side Yard							
Total	15 feet	22 feet			50 feet	100 feet	20 feet
One Side	6 feet	10 feet	15 feet	10 feet each townhouse	25 feet	50 feet	10 feet
Building Setback Line	25 feet	25 feet	25 feet	25 feet	25 feet	50 feet	25 feet
Open Space	30 percent	30 percent	30 percent	30 percent	30 percent	30 percent	30 percent

Section 560. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

Section 561. INTENT

It is the purpose of this district to provide an area for commercial facilities, which provide goods and services to the surrounding neighborhood. The commercial establishments, which are permitted, are limited to those which serve the daily needs of nearby residents.

Section 562. USES PERMITTED BY RIGHT

Land and buildings in C-1 districts shall be used for the following purposes and no others:

1. Retail business establishments for the sale of goods such as, but not limited to: appliances, clothing, drugs, food, hardware, household supplies, liquor, newspapers, stationary, and tobacco
2. Personal or household service establishments such as, but not limited to: barber shops, beauty shops, restaurants, taverns, laundry and dry cleaning shops, and shops renting household goods and appliances
3. Business, professional, or government offices, agencies, or studios
4. Shops for the repair of goods sold in establishments permitted in subsection 1 above
5. Rooming and boarding houses
6. Banks and fiduciary institutions
7. Funeral home
8. Place of worship
9. Municipal use
10. Club or lodge organized for fraternal or social purposes
11. Apartment building, subject to:
  - a. Maximum building height shall be thirty-five feet (35').
  - b. Maximum lot coverage shall be twenty-five percent (25%).
  - c. The maximum length of an apartment building shall be 160 feet.
  - d. No apartment building shall be located within twenty – five feet (25') of a property line of the development or street right-of-way line.
  - e. The minimum distance between buildings shall be forty feet (40').

- f. The overall density of the development shall not exceed twelve (12) dwelling units per acre.
  - g. The minimum lot size shall be 10,000 square feet.
  - h. A minimum of twenty percent (20%) of the total area of the development shall be permanently devoted to common open space areas. The subdivider shall make provision for the development and perpetual maintenance of such common open space areas.
  - i. All parking areas shall be landscaped.
  - j. Entrance and exit ways to parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the area.
  - k. Common parking areas shall be located a minimum of fifteen feet (15') from all structures, from the exterior lot lines of the development, and from all street rights-of-way.
  - l. Evergreen plantings shall be provided to screen all common parking areas from the view of all property lines of the development.
  - m. Access drives shall be located a minimum of fifteen feet (15') from all structures and the exterior lot lines of the development.
  - n. 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 air-tight, vermin-proof containers.
  - o. Common parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may back.
  - p. Minimum street frontage shall be seventy feet (70').
  - q. The maximum lot coverage plus paved area, excluding streets, shall be fifty-five percent (55%).
12. Motor Vehicle Service Stations or Gas Stations - provided the same have available to the public two garage bays, one operating lift and provide to the public light repair of automobiles and sell automobile accessories
13. Accessory buildings and uses to the above permitted uses when on the same lot
14. Forestry (including but not limited to timber harvesting)

Section 563. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

1. Wholesale business establishments for the sale of goods such as, but not limited to: appliances, clothing, drugs, food, hardware, household supplies, liquor, newspapers, stationery and tobacco.
2. Banquet Facilities/Catering Business
3. Group Homes
4. Half-way Houses, providing the following conditions are met:
  - a. The applicant shall indicate the nature of the clients to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents;
  - b. The applicant shall provide evidence that the facility is sponsored and operated by an agency licensed, registered or certified by an applicable county, state or federal program. The facility shall notify the Borough in writing within 14 days if there is a change in the type of clients, the sponsoring agency or maximum number of residents or if the license/registration/certification expires, is suspended or withdrawn.
  - c. The facility shall have twenty-four hour on-site supervision by professionals trained to supervise the types of clients to be served by the facility.
  - d. If the facility will house persons presenting a potential physical threat to the safety of nonresidents, the facility operator shall provide evidence that sufficient staffing and other security measures will be provided.
  - e. The facility shall be located a minimum of 1,000 linear feet from any other such existing /approved facility.
  - f. If the facility is within a residential district, the building shall be maintained and/or constructed to ensure that it is similar in appearance, conditions and character to the other residential structures in the area, and only a sign, permitted in the applicable district, shall be permitted.

Section 564. SPECIAL PROCEDURAL REQUIREMENTS

1. More than one structure housing a permitted or permissible principal use may be erected on a single lot provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. More than one principal use may be located within a single building, as in the case of a shopping center.
2. When more than one structure housing a principal use is to be erected on a single lot or more than one principal use is to be located within a single building, a plan of the development must be submitted to the Borough Planning Commission for review and be approved by the Borough Council. The plan shall include:
  - a. The location, boundaries, dimensions, and ownership of the land to be included within the development.

- b. The location, dimensions, arrangement, and proposed use of all buildings, open spaces, yards, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, buffer areas, and screening devices.
  - c. A description of the provisions made for sewage and waste disposal, water supply, and storm water drainage.
  - d. Sufficient data to enable the Borough to judge the effectiveness of the design and the character of the proposed used, its compliance with the requirements of this Ordinance, and to consider properly such things as its relationship to surrounding areas, anticipated traffic, and the public health, safety, and welfare.
3. The Borough Council shall render its decision to the applicant within ninety (90) days after the Plan has been submitted to the Borough Planning Commission.

Section 565: AREA, YARD, AND HEIGHT REGULATIONS

Maximum Permitted

Building Height	35 feet
Lot Coverage	50 percent
Lot Coverage plus Paved Area	90 percent

Minimum Requirements

Lot Size	4,000 Square Feet (Public Sewer and Water Required)
Lot Width	
At Street Line	40 feet
Rear Yard	20 feet
Side Yard	
Total	12 feet
One Side	6 feet
Distance Between Highway Access Points	75 feet
Building Setback Line	25 feet
Open Space	10 percent

Section 566: PERFORMANCE STANDARDS

1. If there is more than one principal building constructed on a lot, the proposed development shall be designed as part of a single architectural and landscaping scheme.
2. When the side and/or rear yard of a commercial lot adjoins a residential district, a fifteen feet (15') buffer strip suitably landscaped to provide a screen, an in which no parking or structures are permitted, shall be provided in the side and/or rear yard adjoining a residential district.

Section 570. C-2 GENERAL COMMERCIAL DISTRICT

Section 571: INTENT

It is the purpose of this district to provide an area where a wide range of commercial activities may locate.

Section 572. 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 is granted:

1. Any use permitted by right in the C-1 district, except apartment buildings
2. Motor Vehicle Service Station subject to:
  - a. Fuel pumps shall be at least twenty (20) feet from any street line.
  - b. All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.
  - c. All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.
  - d. All fuel, oil, or similar substances, except that stored at the fuel pumps, shall be stored at least thirty-five (35) feet from any street or lot line.
3. Car Washing Facility, subject to:
  - a. No structure shall be located less than twenty-five (25) feet from any lot line.
  - b. An approach drive or parking area 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.
4. Repair garage facility, subject to:
  - a. No building shall be closer than twenty-five (25) feet to any lot line.
  - b. All repair activities shall be performed within a completely enclosed building.
  - c. All outdoor storage of dismantled vehicles, automobile parts, and similar items shall be adequately screened from view by a fence constructed of such material and in such a manner that the outdoor storage of materials is not visible.

5. Motor vehicle or vehicular dwelling sales agency
6. Hotel or motel, provided the minimum lot size, in all cases, is 80,000 square feet
7. Distributing or trucking establishment
8. Indoor or outdoor place of amusement or recreation
9. Lumber and building material supply establishment
10. Wholesaling establishment
11. Accessory buildings and uses customarily incidental to the above permitted uses when on the same lot
12. Forestry (including but not limited to timber harvesting)
13. Municipal Use

Section 573. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted after a Special Exception is granted by the Zoning Hearing Board. The standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance.

1. Any use of the same general character as any of the above permitted uses, subject to such additional reasonable safeguards as the Zoning Hearing Board may determine.

Section 574. USES PERMITTED BY CONDITION

1. Methadone Treatment Facility, per Section 630.
2. Adult Entertainment Uses, per Section 630.

Section 575. SPECIAL PROCEDURAL REQUIREMENTS

See Section 564. Special Procedural Requirements

Section 576. AREA, YARD, AND HEIGHT REQUIREMENTS (except as listed in Section 572, 573, and 574 above).

	<u>Maximum Permitted</u>
Building Height	35 feet
Lot Coverage	50 percent
Lot Coverage & Paved Area	80 percent

	<u>Minimum Requirements</u>
Lot Size	10,000 square feet (public sewer and water required)
Lot Width	
At Street Line	80 feet
At Building Setback Line	80 feet
Rear Yard	20 feet
Side Yard	
Total	20 feet
One Side	10 feet
Building Setback Line	25 feet
Open Space	20 percent

Section 577. PERFORMANCE STANDARDS

See Section 566. Performance Standards

Section 580. D-1 DOWNTOWN DISTRICT

Section 581. INTENT

The intent of this district is to permit a traditional downtown of mixed uses (to include upper story office and/or residential and street level commercial) to serve everyday needs of the residents of the borough and surrounding area. This district is designed to encourage well-planned development, where people can live, work, shop, and relax in a traditional small urban downtown environment. Safe pedestrian and bicycle traffic shall be promoted. By restricting access points onto Penn Avenue's high use corridor, vehicle convenience and safety shall be promoted. Retail uses shall take advantage of on-street parking (where available) and off-street parking in the rear of street-side buildings shall serve offices, residents, and supplement retail needs.

Generally buildings shall be set at the front street line, not set back. Minimum building height should be two stories. Lower level retail spaces may be situate in attached units. Upper level offices or residences shall be served, either individually or in groups, by a street-front entrance as well as a rear or side entrance convenient to off-street parking.

Single use commercial buildings shall not exceed a 20,000 sq. ft. "footprint" on the ground, so as to keep in scale with a traditional downtown setting. Curb cuts from streets to driveways or alleys shall be separated by no less than 200 feet.

Section 582. USES PERMITTED BY RIGHT

Land and buildings in the Downtown District shall be used for the following purposes and no others, unless a Conditional Use is granted.

1. At Lower Level (Street Level)
  - a. Municipal Uses
  - b. Retail and commercial establishments which are customarily found in a small urban downtown and which shall serve Sinking Spring and neighboring communities
  - c. Forestry (including but not limited to timber harvesting)
  
2. At Upper Levels
  - a. Offices
  - b. Residential Dwellings and Apartments
  - c. Retail, subject to the following criteria
    - i. an upper level use which is an addition to a lower level retail use or;
    - ii. a small retail establishment such as an artisan's shop, occupying 1200 square feet or less and having no more than three full-time employees

Section 583. USES PERMITTED AS CONDITIONAL USE

The following uses are permitted after a Conditional Use is granted by the Borough Council.

1. Drive through facilities for banks, dry cleaners, or similar (not restaurants)
2. Daycare Centers, provided "drop-off/pick up" is conducted off-street
3. Lower Level Office Uses which require a frequent, daily access by patrons or clients
4. Buildings exceeding three levels
  - a. Subject to special approval of the Borough Fire Marshal
  - b. Subject to sufficient parking, landscaping, and architecture compatible with the downtown intent and specified use
5. Multi-Lot Plan – two or more lots in this district may be combined into a Multi-Lot plan. In a multi-lot plan lot coverage and paved area requirements shall be applied for the total area of all included lots. Also:
  - a. The plan can include two or more principal uses
  - b. The parking and loading requirements may be met by sharing among uses
  - c. Some uses may not require street frontage.
6. Any other use, including accessory uses, determined after a hearing and due consideration which shall be deemed to be, in the sole judgment of Borough Council, compatible with the intent of the D-1 Downtown District.

Section 584 The following uses specifically are not permitted in the D-1 Downtown District

1. Adult Entertainment Uses
2. Funeral Homes
3. Methadone Clinics or similar substance addiction treatment facilities
4. Nursing Homes, Rehabilitation Centers, Half-way Houses, Group Homes
5. Motor Vehicle Establishments, for the sale, maintenance, repair, servicing, washing, or detailing of any vehicle
6. Residential Units at Street Level
7. Any use which the Borough, in its sole discretion, deems to be unharmonious and incompatible with the downtown district intent

Section 585. AREA, YARD, AND HEIGHT REQUIREMENTS

Maximum Permitted

Building Height	40 feet
Single Use Building Footprint	20,000 sq. ft
Lot Coverage	50 percent
Lot Coverage & Paved Area	90 percent
Building Setback	10 feet

Minimum Requirements

Lot Size	2,000 square feet
Lot Width	
At Street Line	20 feet
At Building Setback Line	20 feet
Rear Yard*	10 feet
Side Yard*	10 feet
Building Setback Line	None

\* Rear and side yards are required only if the lot abuts a residential property (other than an upper level residence)

Section 586. SPECIAL PROVISIONS IN THE DOWNTOWN DISTRICT

1. **PARKING:**
  - a. Parking for residences, offices, and retail employees shall be off-street.
  - b. Residences shall require one space per bedroom.
  - c. Offices shall require one space per each 250 square feet of office floor.
  - d. All new retail uses must provide an analysis of their specific parking requirements and shall satisfactorily demonstrate to the Zoning Officer that adequate parking exists or that any additional parking needed shall be included in their Land Development Plan.
  - e. Loading spaces shall be provided commensurate with the uses served, generally all businesses shall have access for off-street loading and deliveries.
  - f. Off-street parking requirements may be met by suitable jointly owned or managed parking lots.
  
2. **LANDSCAPING, SCREENING, and ARCHITECTURAL TREATMENT**
  - a. The Sinking Spring Subdivision and Land Development Ordinance (SALDO) shall include provision for landscaping, screening, and architectural treatment which are specifically applicable to the Downtown District.
  
  - b. All new development in the Downtown District shall incorporate landscaping, screening, and architectural treatment consistent with the SALDO provisions.

3. REMODELED OR RECONSTRUCTED FACADES

- a. Any remodeled or reconstructed façade must be done in a manner so as to remain compatible with the intent of the district and consistent with nearby architectural treatments
- b. Any remodeled or reconstructed facade shall require a zoning permit.
- c. The Zoning Officer shall be the determiner of whether condition a (above) is satisfied.
- d. Any unsatisfactory façade shall be removed.

Section 590. I-1 GENERAL INDUSTRIAL DISTRICT

Section 591. INTENT

It is the purpose of this district to provide for areas where a variety of industrial establishments and some commercial uses may locate. Residential uses are excluded.

Section 592. USES PERMITTED BY RIGHT

Land and buildings in I-1 districts shall be used for the following purposes and no others, unless a special exception is granted.

1. Laboratory for research or testing
2. Office building
3. Manufacturer of jewelry, precision instruments, optical goods and similar products
4. Manufacture and assembly of electrical appliances, supplies, and equipment
5. Warehouse or similar storage buildings
6. Wholesale and distribution business, when carried on in an enclosed building
7. Printing or publishing establishment
8. Laundry and dry cleaning plants
9. Trucking establishment
10. Compounding of pharmaceutical products
11. Packaging and bottling establishments
12. Light metal processes, including finishing, grinding, polishing, heat treating, and stamping
13. Manufacturer of products from previously prepared materials such as canvas, cellophane, cork, felt, glass, hair, leather, or plastic
14. Manufacturer of beverages, clothing and other textile products, cosmetics, luggage, perfume, plastic products, rubber products, toys, sporting equipment, and wood and paper products
15. Contractor or general service shop
16. Retail sale of goods, provided the goods are sold on the same lot of which they are produced or offered for wholesale
17. Accessory use on the same lot as any of the above permitted uses

18. Cemetery vault manufacturing and sales
19. Forestry (including but not limited to Timber Harvesting)
20. Municipal Use

Section 593. USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board. Standards to be used in determining whether a special exception should be granted are found in Section 804 of this Ordinance:

1. Outdoor storage, provided that such storage is enclosed by a satisfactory fence of planting and is not visible from the property line
2. Assembly and fabrication of steel and metal products
3. Manufacturer of building materials, heavy electrical equipment, machinery and machine tools
4. Chemical and chemical products manufacture
5. Processing of food products and animal feeds
6. Metal processes, including metal treatment and processing
7. Any use of the same general character as any of the above permitted uses subject to such additional reasonable safeguards as the Zoning Hearing Board may determine

Section 594. SPECIAL PROCEDURAL REQUIREMENTS

See Section 564. Special Procedural Requirements

Section 595. ENVIRONMENTAL PERFORMANCE STANDARDS

The Borough Council may require safeguards to assure compliance with the following environmental standards. When required, the applicant shall demonstrate that adequate provisions will be made to reduce and minimize any objectionable elements. Nothing in this performance standard shall take precedence over any applicable current State or Federal Law governing air management, waste water management, solid waste management or noise as enforced by the US Environmental Protection Agency and the Pennsylvania Department of Environmental Protection of their successors.

Upon request of the Borough the owner shall furnish or obtain proof at his own expense that he is in compliance with the following environmental standards.

A. Air Management

1. The only gas or vapor producing operations permitted are those necessary for heating or processing.

2. Open burning is not permitted.
3. Incineration shall be permitted only when required for the purpose of abating air pollution.
4. No gases, vapors or particulates shall be emitted from the facility which are harmful to persons, property, animals, or vegetation.
5. No radioactive vapors or gases shall be emitted from the facility in harmful amounts as defined by the NRC regulations.
6. No odors causing annoyance or discomfort to the public and which the Borough Council determines to be objectionable to the public, shall be detectable beyond the property boundaries.
7. The emission of any smoke at a density greater than No. 1 on the Ringelmann Smoke Chart as published by the U.S. Department of Interior Bureau of Mines shall not be permitted, except that smoke of a density of No. 2 may be emitted for not more than four (4) minutes in any thirty (30) minute period. This standard shall not be applied to emissions where the presence of uncombined water is the only reason for the failure of the emission to meet the opacity limits. (Uncombined water produces a white "smoke" which vanishes a short distance from the stack).
8. No emissions shall contain more than 500 parts per million by volume of oxides of sulfur expressed as SO<sub>2</sub> on a dry basis.
9. National Ambient Air Quality Standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the provisions of the Clean Air Act, are hereby incorporated, by reference.

a. Ambient Air Quality Standards

The following standards shall apply and unless otherwise stated, are maximum values that shall not be exceeded:

Concentrations Averaged Over

<u>Contaminant</u>	<u>1 Year</u>	<u>30 Days</u>	<u>24 Hours</u>	<u>1 Hour</u>
Settled Particulate (total)	0.8 mg/cm <sup>2</sup> /mo.	1.5/mg/cm <sup>2</sup> /mo.		
Lead		5 ug/m <sup>3</sup>		
Beryllium		0.01 ug/m <sup>3</sup>		
Sulfates (as H <sub>2</sub> SO <sub>4</sub> )		10 ug/m <sup>3</sup>	30 ug/m <sup>3</sup>	
Fluorides (total soluble, as HF)			5 ug/m <sup>3</sup>	
Hydrogen Sulfide			0.005 ppm	0.1 ppm

10. No manufacturing operation shall be permitted which produces more than .3 pounds of particulate matter per ton of product.

11. No more than 0.4 pounds of particulates per million BTU of heat input may be emitted.

B. Waste Water Management

1. All effluent must meet standards set by Borough Ordinances.
2. In no case shall potentially dangerous effluent from plant operations be discharged.

C. Solid Waste Management

1. No storage of waste materials on the lot shall be permitted. All waste materials awaiting transport shall be concealed from view from all adjacent properties.
2. Incineration for the purpose of disposing of liquid or solid waste material is not permitted.

D. Noise and Vibration

1. No continuous noise in excess of the following limits shall be permitted at the property line near the noise source.

Maximum Permissible Sound Pressure Level in Decibels

Frequency Band: Cycles per Second	<u>Along Residence District Boundaries</u>		<u>Along Commercial District Boundaries or at Lot Lines</u>
	Between 10 P.M. and 7 A.M.	Between 7 A.M. 10 P.M.	
20 - 75	63	71	73
75 - 150	55	64	66
150 - 300	47	58	60
300 - 600	41	53	55
600 - 1,200	37	49	52
1,200 - 2,400	35	47	50
2,400 - 4,800	33	46	48
4,800 - 10,000	32	44	47

2. Noise which is not smooth and continuous and is not radiated between the hours of 10 P.M. and 7 A.M. may exceed the maximum permissible sound pressure levels in any band by the following number of decibels:

<u>Amount of Time in Any One (1) Hour Period</u>	<u>Increase in Decibels*</u>
Not more than twelve (12) minutes	5
Not more than three (3) minutes	10
Not more than one (1) minute	15

\*Apply one of these increases only

NOTES:

- a. Transportation noise shall not be considered in measuring the sound pressure level.
- b. The sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to specifications published by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944 and American Standard Specifications for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, American Standards Association, Inc., New York, New York, shall be used.)
3. No physical vibration shall be perceptible without use of instrument at or beyond the lot boundaries.

E. Visual

1. No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot boundaries.
2. No advertising displays shall be utilized in a manner which produces periodic flashing or other intensity changes beyond the lot boundaries.

F. Electromagnetic

1. No electromagnetic radiation shall be radiated that does not comply with the regulation of the FCC (Federal Communication Commission) or which interferes with radio or television reception or the operation of other equipment.

G. Heat

1. Any operation producing heat shall be operated in such a manner as to prevent any effect from the heat beyond the property lines of the lot on which the operation is located.

Section 596. AREA, YARD, AND HEIGHT REQUIREMENTS

Maximum Permitted

Building Height	40 feet
Lot Coverage (noting the open space requirements)	50 percent
Floor Area Ratio	1.0
Paved Area (noting the open space requirements)	50 percent

Minimum Requirements

Lot Size	20,000 Square Feet (Public Sewer and Water Required)
Lot Width	
At Street Line	100 feet
At Building Setback Line	100 feet
Rear Yard	30 feet
Side Yard	
Total	30 feet
One Side	15 feet
Distance Between Highway Access Points	75 feet
Building Setback Line	40 feet
Improvement Setback Line	10 feet
Open Space	20 percent

## ARTICLE VI

### GENERAL REGULATIONS

#### Section 600. INTENT

This Article lists specific controls over certain aspects of land utilization. These controls are important to the accomplishment of the purposes of this zoning ordinance and shall be strictly applied.

#### Section 601. APPLICABILITY

These controls shall apply when they are specifically referred to in Article V.

#### Section 602. PROHIBITED USES

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

#### Section 603. ACCESS TO STRUCTURES

Every building erected or moved shall be on a lot adjacent to a public street or have approved access to a public or private street. All structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

#### Section 604. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

#### Section 605. STORAGE OF EXPLOSIVES

No explosives may be stored in Residential, Downtown, or Commercial Districts. Explosives may be stored in all other districts provided that the storage area is no closer than 200 feet to any property line and provided the requirements of all applicable Local, State and Federal regulations are met.

#### Section 606. RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES AND USES

##### 1. General

- a. No accessory uses may be permitted within any required front or side yard and within ten (10) feet of the rear property line except as permitted pursuant to Section 617.5.c and d or Section 606.1.b (below).
- b. On existing lots of record with lot width of less than fifty (50) feet, accessory uses shall not be permitted within the required front yard or within three (3) feet of side yards and within five (5) feet of rear yard.

- c. No activities shall be permitted which create a public nuisance or interfere with the use of adjacent residential lots.
- d. The maximum height of any accessory building shall not exceed fifteen (15) feet. The maximum size of an accessory building, unless otherwise noted in this Ordinance is 900 sq. ft.
- e. Accessory uses include, but are not limited to, animal shelters, sheds, detached garages, swimming pools, greenhouses, and tennis courts. This term does not refer to patios, decks, terraces, open porches, or other similar items.
- f. No residential lot shall contain more than two (2) accessory structures (not including residential swimming pools).

2. Use Regulations

- a. Swimming Pool – The construction of all swimming pools, including structure, filtration and drainage systems; and all safety equipment shall meet the requirements of the current applicable building code.

No swimming pool shall be erected or installed unless a permit has been obtained from the Borough.

No swimming pool or structure shall be permitted unless it is fully enclosed by a permanent fence/barrier in accordance with the current applicable building code.

- b. Detached Garages –

- (1) The maximum height shall be fifteen (15) feet.
- (2) The maximum width shall be thirty (30) feet.
- (3) The maximum length shall be thirty (30) feet.
- (4) No temporary structure shall be permitted.

Section 607. COMMERCIAL/INDUSTRIAL ACCESSORY BUILDINGS, STRUCTURES AND USES

1. General

No structure shall be located within any required front or side yard or within twenty feet of the rear property line.

2. Use Regulations

- a. Storage Areas – All such facilities shall be located in an area which has direct access to a street or driveway.
- b. Living Quarters – Living quarters shall be permitted for proprietors and for watchmen, caretakers, or similar employees.
- c. Restaurant, cafeteria, or recreational facility shall be for the use of employees only.

Section 608. HIGHWAY FRONTAGE DEVELOPMENT IN COMMERCIAL AND INDUSTRIAL DISTRICTS

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 the public street or highway by a raised curb, planting strip, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking, loading, or storage area.
2. Each use with less than 100 feet of frontage on a public street shall have not more than one accessway to each such street. No use with 100 feet or more frontage on a public street shall have more than two accessways to any one street for each 300 feet of frontage. Where practicable, movement into and out of parking areas shall avoid direct access to or from an arterial street or major collector street.
3. Where there is more than one driveway to a parking area, the driveways, whenever possible, shall be limited to one-way travel whether as an entrance to or an exit from the parking area. The width of such entrances and exits, measured at the street property line, shall conform to the following schedule:

	<u>Width in Feet</u>	
	<u>Minimum</u>	<u>Maximum</u>
One Way	12	26
Two Way	24	36

Each lane provided shall be a minimum of twelve feet (12') in width. In all cases the radius of the edge of the driveway apron shall be at least fifteen (15') feet and no more than fifty (50') feet.

4. The locations and width of exit and entrances driveway shall be planned to interfere as little as possible with the use of adjacent property and with pedestrian and vehicular traffic on adjacent streets. The center line of the access driveway to any public street shall be located at least 75 feet from the intersection of any street lines.

Section 609. LANDSCAPING

1. Where District Regulations require buffer yards, screening, planting strips, and other similar items, these shall be specified in a form acceptable to and subject to approval of the Borough Engineer prior to planting.

Landscaping design shall be in accordance with provisions of the Sinking Spring's Subdivision and Land Development Ordinance (SALDO).

Section 610. LIGHTING

When the property on which any activity is conducted is illuminated at night, such illumination shall be designed and located so that the light sources are shielded from adjoining residences and streets and shall not be of excessive brightness nor cause a glare hazardous or noxious to pedestrians or drivers at or beyond the lot boundaries. No direct beams of light shall be directed toward adjacent properties.

Lighting design shall be in accordance with provisions of the Sinking Spring's Subdivision and Land Development Ordinance (SALDO).

Section 611. SIGNS

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

1. General

- a. Signs shall not contain moving parts nor use flashing or intermittent illumination. The source of light shall be steady and stationary.
- 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 sign other than official traffic signs shall be erected within the right-of-way lines of any street.
- d. Every sign must be constructed of durable material and be kept in good condition. Any sign which is allowed to become dilapidated shall be removed at the expense of the owner or lessee. The Borough Building Code Official shall make such determination as to state of repair.
- e. No sign shall cast objectionable light upon any activity or building beyond the property lines of the property on which it is located.
- f. The distance from the ground to the highest part of any sign shall not exceed ten (10) feet in residential districts. The distance from the ground to the highest part of any free standing sign in a commercial or industrial district shall not exceed sixteen (16) feet.
- g. No sign shall be erected or located as to prevent free ingress to or egress from any window, door, or fire escape.

2. Signs Permitted in Residential Districts

- a. Official traffic signs.
- b. Identification signs or bulletin or announcement boards for schools, churches, hospitals, or similar institutions, and for clubs, lodges, farms, estates, or similar uses, provided that:
  - (1) No more than two such signs shall be erected on any frontage of any one property.
  - (2) The area on one side of any such sign shall not exceed twelve (12) square feet.
  - (3) No such sign may be closer than ten (10) feet to the front lot line.
- c. Professional, Home-Based Business, or name sign indicating the name, profession, or activity of the occupant of a dwelling, provided:

- (1) The area of any one side of any such sign shall not exceed one (1) square foot.
  - (2) One such sign shall be permitted for each permitted use or dwelling.
  - (3) Signs indicating a permitted non-residential use shall be erected on the property where that use exists.
- d. Real estate signs, including signs advertising the rental or sale of premises, provided that:
1. The area on any one side of any such sign shall not exceed twelve (12) square feet.
  2. A sign shall be located on the property to which it refers.
  3. No sign shall be located within ten (10) feet of the front lot line.
  4. Not more than one such sign shall be placed on any one street frontage.
- e. Temporary signs of contractors, architects, and the like, provided that:
1. Such signs shall be removed promptly upon completion of the work.
  2. The area of such signs shall not exceed twelve (12) square feet.
  3. Such signs shall be located on the property on which the work is being done.
  4. Such signs shall be no closer than ten (10) feet to the front lot line.
- f. Signs advertising a lawful non-conforming use, provided that:
1. The area on one side of such sign shall not exceed twelve (12) square feet.
  2. The sign shall be erected only on the premises on which such non-conforming use is located.
  3. No more than two such signs shall be erected on any one street frontage.
- g. Signs necessary for the identification and protection of public utility facilities, provided that the area of one side of such sign shall not exceed four (4) square feet.
- h. Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision provided that the area on one side of any such sign shall not exceed two (2) square feet.
- i. Trespassing signs and signs indicating the private nature of premises. The area of any one side of such signs shall not exceed two (2) square feet and the signs shall be placed at intervals of not less than one hundred (100) feet along any street frontage.

### 3. Signs in Commercial and Industrial District

Signs may be erected and maintained, provided that:

- a. Off-premises advertising signs are permitted by right in the I-1 district and also permitted in the C-1 and C-2 districts by special exception, subject to the following regulations:
  1. General regulations for all off-premise advertising signs:
    - A. An open space of not less than four feet (4') shall be maintained between the lower edge of an off-premises sign display surface and the ground.
    - B. On any corner lot, no off-premise advertising sign shall be erected.
    - C. No portion of the supporting structure shall be visible above any advertising display area.
    - D. No off-premise advertising sign shall be located closer than one thousand feet (1,000') to the nearest off-premise sign on the same side of a highway having an advertising surface facing in the same direction, regardless of the size of the sign.
    - E. No off-premise advertising sign shall be erected, or any existing sign maintained, that incorporates flashing, scintillating, beacon, or running lights.
    - F. Illumination of off-premise advertising signs may be permitted provided that such illuminations effectively shielded so as to prevent beams or rays of light from being directed at any portion of the travel way and adjacent properties.
    - G. All off-premise advertising signs shall be erected on permanent footings and all sign support structures for off-premises signs over one hundred (100) square feet area in size must be provided by an experienced commercial sign company and/or designed by a professional engineer.
    - H. The applicant must obtain a separate written permission or a provision in a lease agreement, which permits the applicant access to the property to maintain the sign, if the land upon which the sign is to be placed is owned by anyone other than the applicant. The applicant must provide the Borough with a copy of the written permission or lease agreement prior to issuance of a sign permit.
    - I. Permittee, at his sole expense, will remove any off-premise sign, if the sign remains without bona fide advertising for twelve (12) consecutive months.
    - J. Permittee, at his sole expense, will keep all advertising surfaces, support structures and immediate surroundings at the base of each sign free of debris and graffiti and the sign shall otherwise be kept well maintained.
    - K. No off-premise advertising sign shall be used to illustrate any lewd, pornographic or lascivious actions.

2. Off-premise advertising signs are permitted by right in the I-1 District, provided that:
  - A. Each side of a single or double-faced sign shall be allowed an advertising display area of not more than six hundred (600) square feet, exclusive of embellishments, which said embellishments shall not exceed fifteen percent (15%) of the total display area. "Embellishment" shall mean an addition to a sign of pictorial or graphic nature which projects outside of the general rectangular area of the sign.
  - B. Each multi-faced off-premise advertising sign may have a maximum of two advertising surfaces facing in one direction. Both surfaces shall be the same shape and size. The total copy area of each side shall not exceed six hundred (600) square feet.
  - C. Off-premise signs shall not exceed an over-all height of forty feet (40') above the surface of the road and shall not be closer than ten feet (10') to the nearest right of way or property line.
3. Off-premise advertising signs are permitted in the C-1 or C-2 District, by special exception, provided that:
  - A. Each side of a single or double-faced sign shall be allowed an advertising display area of not more than three hundred (300) square feet, exclusive of embellishments shall not exceed fifteen percent (15%) of the total display area.
  - B. Each multi-faced off-premise advertising sign may have a maximum of two sides. Both sides shall be the same shape and size. The total copy area shall not exceed three hundred (300) square feet per side.
  - C. Off-premises signs shall not exceed an over all height of forty-five feet (45') above the surface of the road and shall not be closer than ten feet (10') to the nearest right of way or property line.
  - D. The applicant for the special exception shall demonstrate to the Sinking Spring Zoning Hearing Board that the area of the street or streets facing which the sign is proposed to be erected, within one thousand (1000) feet in both directions from the proposed location of the sign, is not a high traffic accident area. A high traffic accident area is defined as one in which more than a total of fifty (50) traffic accidents have occurred over the period of three (3) previous full calendar years prior to the year in which the application is made.
- b. 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.
- c. The total area on one side of all signs placed on or facing any one street frontage of any one premise shall not exceed 100 square feet except in the case of a building housing more than one commercial or industrial use.
- d. The area on one side of a directional sign shall not exceed fifteen (15) square feet.

- e. No more than one free standing sign shall be allowed on any one property.
- f. No more than one directional sign shall be allowed on any one street frontage of any one property.
- g. No more than two separate signs shall face any one street frontage on any one premises except in the case of a building housing more than one commercial or industrial use.
- h. In the case of a building housing more than one commercial or industrial use, one permanent identifying sign for the building, the area on one side of which shall not exceed 100 square feet, may be erected. In addition, for each commercial or industrial use located within that building, one sign, the area of which shall not exceed twenty square feet, may be attached to that portion of the building housing the use.

4. Signs Permitted in the Downtown District

- a. Signs in this district shall be permitted for the purposes of identifying individual places of business while remaining in character with a traditional downtown and not detracting from the image and function of the district. Signs shall be kept in proportion to the spaces they represent, shall be appropriately placed, and be compatible with the streetscape facades.
- b. General regulations for downtown signs are as stated below:
  - 1. Placement
    - A. *Wall Signs* should be mounted above the show windows and should not cover over the architectural details of the storefront.
    - B. *Show Window Signs* can be mounted or painted directly on the glass or onto a clear acrylic panel suspended behind the glass. Window signs should be placed slightly higher than eye-level.
    - C. *Store Hour Signs* are best when placed on or near entrance doors
    - D. *Store Addresses* can be applied to or painted on the transom over the entry door.
  - 2. Size
    - A. A wall sign can extend the width of the storefront, between the columns or piers. Its height generally should not exceed 2 ½ feet.
    - B. A show window sign should not cover more than 20% of the glass.
  - 3. Quantity
    - A. In general a shopfront should not have more than two permanent signs, one primary, like a wall sign, and one secondary one, like a window sign.
  - 4. Lettering
    - A. A sign should be lettered with a maximum of 2 different letter styles
    - B. Letter styles should be selected for readability and should relate to the type of business represented.
    - C. Generally letters for wall signs should be about " to 15" and occupy approximately 65% of the sign board.

- D. Lettering for show windows should be a maximum of 6" high.
- 5. Message
  - A. Signs should be kept simple, giving the minimum amount of information needed to identify the business and its main product or service.
  - B. A sign is not meant to serve as an advertisement for every item the store carries.
- 6. Colors
  - A. Sign colors should compliment the building and storefront colors.
  - B. Colors should be selected to reflect the type of business.
  - C. Letters and background must have enough contrast for easy reading.
- 7. Lighting
  - A. Signs can be externally illuminated with hooded incandescent or fluorescent fixtures.
  - B. Individual neon-tube letters can also be effectively used.
  - C. Internally lit signs boxes should be avoided, if one is already installed and cannot be removed, it can be made less offensive by keeping the background opaque so that only the letters are lit.
  - D. Flashing signs are unacceptable as they are distracting and detract from the positive image of the commercial streetscape.
- c. Signs to identify businesses which may have their access at the rear or side, or which may be located in an upper level space, shall adhere to the requirements above, except as listed in the following:
  - 1. A shingle type of sign, solely to identify and locate the business may be attached to a bracket which is fastened to the building façade, provided said bracket extends from the façade no more than 30" and provided the sign itself is no larger than 2 sq. ft.
  - 2. A sign in an upper level window, provided it is painted on the glass or onto a clear acrylic panel attached to or suspended behind the glass.
  - 3. Free standing signs shall not be permitted in the District unless same are included as an architectural feature to serve a specific group of businesses and uses. In such cases the free standing architectural feature may have signs for several businesses attached thereto. The architectural feature must be located so as to be consistent with the image of the downtown, and generally shall be located in a courtyard or similar space. A pylon sign shall not be considered to meet this requirement.

Section 612. LOADING AREAS

Paved off-street loading and unloading spaces, with proper access from a street, common driveway or alley, shall be provided on any lot on which a building for trade, business or manufacturing is hereafter erected or substantially altered. All such areas for the loading and unloading of vehicles,

and for the servicing of establishments or shops 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 access ways, parking facilities or pedestrian ways. All loading areas shall be paved. Loading areas shall not be located within required front yards.

All such spaces shall have dimensions not less than twelve feet (12') by forty-five feet (45') with a clearance of not less than fourteen feet (14') in height. Spaces required shall be determined by the following table and shall be located exclusive of any public right-of-way or required parking area.

<u>GROSS FLOOR AREA (SQUARE FEET)</u>	<u>SPACES REQUIRED</u>
Up to 10,000 -----	One (1) space
Over 10,000 -----	One (1) space plus one (1) additional space for each 20,000 square feet in excess of 10,000 square feet.

Apartment buildings having 20 or more units shall also require a loading area. Retail or commercial businesses having 3000 square feet or less of floor area are not required to have an exclusive off-street loading area.

Section 613. OFF-STREET PARKING

Except as may be modified in the downtown zone or by condition, special exception, or variance, 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 is changed to a use requiring more parking facilities.
  - c. An existing building is altered so as to increase the amount of parking space required.
1. Each parking space shall have a minimum area of 162 square feet and minimum dimensions of nine feet (9') by eighteen feet (18'). In addition, appropriate driveways, aisles, and maneuvering space shall be provided 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.
  2. 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.
  3. Parking spaces for commercial/industrial uses shall be provided for on the same lot as the use being served except in the case of a shopping center, industrial park, or similar grouping of buildings on a lot, in which case all parking areas shall be provided entirely within the lot lines of the property. Off-premises parking may be used, provided it is within 500 feet of the subject property and written authorization by the owner of said off-premises property is submitted to the borough and determined to be satisfactory. In industrial districts, off-street parking shall not be permitted between the street line and the building setback line, except visitor parking.
  4. Joint parking facilities for two 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.

A reduction of the total spaces otherwise required may be allowed by the Zoning Officer, provided the applicant(s) shall provide evidence satisfactory of the Zoning Officer that variations of peak demand by time of day, day of the week, or similar condition are reasonably anticipated.

5. All parking spaces and means of access, other than those relating to a dwelling, shall be adequately illuminated during night hours of use. The illumination must be designed and located so that the light sources are shielded from adjoining residences and public and private streets. The illumination shall not be of excessive brightness and shall not produce a glare noxious at or beyond the boundaries of the parking area.
6. All common parking areas shall be paved and shall be graded and surfaced to provide convenient vehicular access and proper drainage. Surface water shall not discharge onto public sidewalks or other premises.
7. No areas necessary to fulfill the off-street parking requirements of this Ordinance shall be used for the sales, dead-storage, repair, dismantling, or servicing of vehicles.
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. All parking areas shall provide spaces in number and design sufficient to satisfy ADA requirements.
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 over one-fourth (1/4) shall necessitate the provision of a full parking space.
11. Off-street parking requirements shall be as follows (unless modified by provisions elsewhere in this Ordinance):
  - a. Single Family/Semi-detached dwellings Two parking spaces per dwelling unit
  - b. Industrial Establishment One space per two (2) employees on the combined employment of the two (2) largest successive shifts
  - c. Restaurant, Tavern, or Similar Use One space for each three seats plus one space for each full time employee on the largest shift
  - d. Retail and Service Establishments One space per 200 square feet devoted to patron use
  - e. Office Buildings One space per 150 square feet devoted to office use

- |                                                                                                                                                                                                                |                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| f. Warehousing Establishment or Similar Commercial Use                                                                                                                                                         | One space per two (2) employees on the combined employment of the two (2) largest successive shifts |
| g. Auditorium, Theater, Library, Municipal Building, Place of Worship, Club or Lodge, or Other place of Public Assemblage                                                                                      | One space for every three seats                                                                     |
| h. Motel, Hotel, Tourist Home or Similar Establishment                                                                                                                                                         | One space for each rental unit                                                                      |
| i. Medical, Dental and Paramedical                                                                                                                                                                             | Four spaces for each person engaged in practice                                                     |
| j. Skating Rink, Swimming Pool, Recreational Establishment                                                                                                                                                     | One space per fifty square feet of area Indoor devoted to patron use                                |
| k. Nursing Home or Home for the Aging                                                                                                                                                                          | One space for each employee plus one space for each four beds                                       |
| l. Funeral Home                                                                                                                                                                                                | One space for each four seats, provided that there shall be no less than 15 spaces provided         |
| m. Drive-In Eating Establishment                                                                                                                                                                               | One space for each 1,000 square feet of lot (No indoor seating provided) area                       |
| n. Townhouses/Apartments                                                                                                                                                                                       | Two parking spaces per dwelling unit and ¼ parking space per unit                                   |
| o. 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 614. PRIVATE RESIDENTIAL DRIVEWAYS

1. Private driveways on corner lots shall be located at least forty (40) feet from the point of intersection of the nearest street curb lines.
2. No driveway shall be less than ten (10) feet in width.
3. The maximum width of any private residential driveway and the maximum width of any entrance to such a driveway shall be as determined in Borough Ordinances pertaining thereto.

Section 615. STORAGE OF VEHICLES

No unlicensed, unregistered, un-inspected, or inoperable Automotive vehicles or vehicular dwellings of any type shall be located in a residential district unless parked or stored in a completely enclosed accessory buildings.

No unlicensed, unregistered, un-inspected, or inoperable Automotive vehicles or vehicular dwellings of any type shall be located in a commercial or industrial district unless parked or stored

in a completely enclosed accessory buildings or the vehicle or vehicular dwellings are for sale at a permitted sales agency dealing in automotive vehicles or vehicular dwellings.

Section 616. PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT

No major recreational equipment (including boats and boat trailers, travel trailers, pick-up 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 lot in a residential district except in a car port or enclosed building or in a rear yard, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored in any location not approved for such use.

Section 617. NON-CONFORMING BUILDING OR USES

1. Registration – In order to facilitate the administration of this Ordinance, the Zoning Officer shall maintain an accurate listing of those non-conforming uses which are not permitted as a use by right in the district in which they are located and for which no Special Exception or Variance has been granted. Such listing shall be a matter of public record and shall constitute sufficient notice to any transferee acquiring any right to use or own such property.
2. Abandonment – Except as may otherwise be effected by prevailing legal precedent, no non-conforming use may be re-established if the use is discontinued for a continuous twelve month period. Vacation of land or buildings or the non-operative status of the use normally carried on upon property shall be evidence of discontinuance.
3. Continuation – Any lawful use of a building or land existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance.
4. Change – No non-conforming use may be changed to any other non-conforming use unless the Zoning Hearing Board shall grant a Special Exception. The proposed use shall be of the same or more restricted classification than the existing use and shall not be more detrimental to the district than the existing use of the property. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with the granting of a Special Exception.
5. Expansion
  - a. No non-conforming use shall be enlarged or increased upon ground not owned, leased, or under option to purchase at the time of the passage of this Ordinance.
  - b. No non-conforming use shall be enlarged or increased in a manner which will further violate any area regulations imposed by the zoning district in which it is located. Nor shall any non-conforming use, non-conforming building, or building housing a non-conforming use further violate any yard or height regulations imposed by the zoning district in which it is located except as permitted under subsections c and d herein.
  - c. Encroachment into existing rear yard requirements will be permitted in order to allow expansion of a non-conforming use, non-conforming building, or building containing a

non-conforming use, provided that such expansion will not result in a violation greater than occurs on immediately adjacent properties within a distance of 100' on each side of the side of the subject property boundaries.

- d. Encroachment into existing side yard requirements will be permitted in order to allow expansion of a residential building or residential-accessory building provided that such violation will be no more than the violation which exists for residential buildings on the subject property.
- e. The proposed expansion shall not cause an increased detrimental effect on surrounding properties.

6. Damage or Destruction

- a. Any building or structure which is totally destroyed by any means may not be rebuilt and used for a non-conforming use. Any subsequent use of the land shall conform to the use requirements of the district in which it is located and conform to the yard, height, and area regulation of the district.
- b. A non-conforming building which is partially destroyed by any means may be reconstructed and used for the same non-conforming use as long as the basic structural elements of the original buildings are retained. Such determination shall be made by the Borough Building Code Official. The reconstructed portions of a non-conforming building shall conform to the area, height, and bulk regulations of the Zoning District in which it is located.

Section 618. NON-CONFORMING LOTS

- 1. Lots Included in Approved Plans – Any lot shown on a recorded subdivision plan on the effective date of this Ordinance which does not meet the minimum area and size 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, and open space requirements shall be met. The Zoning Hearing Board may grant a variance from the yard and open space requirements as long as water supply and sewage disposal facilities have been certified as adequate by the Borough Engineer.
- 2. Lots Held in Single and Separate Ownership – Any lot held in single and separate ownership at the effective date of this Ordinance which does not meet the minimum area and size 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, and open space requirements are met. If the plans for the proposed use shall be approved by the Zoning Hearing Board, after review of such plans to assure reasonable compliance with the spirit of the Zoning Regulations for the district, and the water supply and sewage disposal facilities are certified as adequate by the Borough Engineer, a variance from the yard and open space requirements may be granted.

Section 619. PUBLIC UTILITY CORPORATION

The restrictions of this Zoning Ordinance shall not apply to any existing or proposed building or extension thereof used by any public utility corporation, if upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Section 620. OBSTRUCTIONS/SIGHT DISTANCE

1. On a corner lot, no wall, fence, or other structure may be erected or altered, and no hedge, tree, shrub, or other growth shall be maintained which may cause danger to the drivers of vehicles on a public road by obscuring the drivers' view.
2. Clear sight triangles shall be provided at all street intersections. Within such triangle, no object shall be permitted which obscures vision above the height of three (3) feet and below ten (10) feet, measured from the center line grade of intersecting streets. Such triangles shall be established from a distance of seventy-five (75) feet from the point of intersection of the center lines of the intersecting streets, except as may be modified by an approved subdivision or land development plan.

Section 621. SLOPE CONTROLS

1. Designation of Area:

Areas to be regulated under this section shall be those having average slope greater than 25% which extends for ten (10) vertical feet or more over a width of fifty (50) feet or more.

The areas subject to slope controls shall be determined using maps and data comprising the Soil Survey of Berks County, United States Department of Agriculture's Web Soil Survey, Berks County Soil Conservation Service, or as may be shown in topographic survey of land determined by a Professional Land Surveyor.

2. Uses Permitted by Right:

- a. Parks and outdoor recreational uses when permitted by the prevailing zoning district regulations and carried out in accordance with the area, yard and height requirements of that district.
- b. Open areas or yards, subject to the restrictions of this Ordinance.
- c. Buildings permitted by the prevailing zoning district regulations constructed in accordance with the regulations of the prevailing Zoning District, provided that no portion of the building is constructed on a slope whose grade exceeds twenty-five (25) percent.

3. Uses by Special Exception:

Buildings constructed on a grade exceeding twenty-five (25) percent and constructed in accordance with the regulations of the prevailing Zoning District, provided that the applicant submits to the Zoning Hearing Board for review a statement prepared by a registered architect or a qualified professional engineer with an explanation of the building methods to be used in overcoming foundation and other structural problems, and including an explanation of the manner by which the natural watershed will be maintained and soil erosion prevented.

Section 622. FLOOD PLAIN CONTROLS

1. Designation of Area

- a. For land included within subdivisions or land developments, areas to be regulated under this Section shall be those determined on the basis of a 100 year storm using a method approved by the Borough Engineer, until such time as the Federal Insurance Administration has provided water surface elevations for the 100 year flood. After that date, the boundary of the 100 year storm flood plain as established by data provided by the FIA shall be used to determine areas subject to Flood Plain Controls.
- b. For land not included within subdivisions or land developments, the areas subject to Flood Plain Controls shall be those areas mapped as containing alluvial soils by the Soil Conservation Service, United States Department of Agriculture, on maps included within the Soil Survey Berks County Pennsylvania, issued 1970, until such time as the Federal Insurance Administration has provided water surface elevations for the 100 year flood. After that date, the boundary of the 100 year storm flood plain as established by data provided by the FIA shall be used to determine areas subject to Flood Plain Controls.

2. Uses Permitted by Right

- a. Parks, playgrounds, picnic grounds and similar outdoor recreational uses, not to include enclosed structures except toilet facilities which must be connected to public sewer and water systems, subject to the restrictions of this Ordinance.
- b. Open areas or yards, subject to the restrictions of this Ordinance.

3. Boundary Disputes and Appeals Procedures

- a. Should a dispute arise concerning the boundaries of those areas subject to Flood Plain Controls which are not included within subdivisions or land developments, an initial determination of the boundaries shall be made by the Zoning Officer using the criterion listed in Section 622.1.b. of this Ordinance.
- b. Any person aggrieved by this decision, claiming that the criterion listed in Section 622.1b is incorrect, may appeal to the Zoning Hearing Board as provided for in this Ordinance.
- c. The burden of proof shall be on the person appealing the decision of the Zoning Officer.
- d. If it is determined that the Soil Survey maps are inaccurate regarding the land in question, the area subject to Flood Plain Controls shall be determined on the basis of a one hundred (100) year storm and all calculations shall be subject to the approval of the Borough Engineer.

#### 4. Special Flood Hazard Areas

Nothing in the following sections shall supersede Section 622.2. These standards shall, however, apply to any and all Special Flood Hazard Areas and 100 year flood boundary areas established by the Federal Insurance Administration.

- a. Zoning and/or Building Permits shall be required for all proposed construction or other development in the Special Flood Hazard Areas or 100 year flood boundary areas.

All proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.

Zoning and/or building permit applications for new construction or substantial improvements shall be reviewed to determine that the proposed construction is reasonably safe from flooding, is designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, uses construction materials and utility equipment that are resistant to flood damage, and uses construction methods and practices that will minimize flood damage.

All zoning and building permit applications for new construction or substantial improvements shall contain 100 year flood elevation data (which shall be subject to conformation by the Borough Engineer), the elevation in relation to mean sea level of the lowest floor (including basement) of the structure, a statement of whether or not the structure will contain a basement, and, if the structure will be floodproofed, the elevation in relation to mean sea level to which the structure will be floodproofed.

- b. New and replacement water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of the flood waters into the systems and discharges from the systems into flood waters. On-site sewage disposal systems are prohibited.

Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed an/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- c. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specifically, (1) over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations for manufactured homes fifty (50) feet long or longer and one additional tie per side at an intermediate location for a manufactured home less than fifty (50) feet long; (2) frame ties shall be provided at each corner of the manufactured home, with five additional ties per side at intermediate locations for manufactured homes fifty (50) feet long or longer and four additional ties per side at intermediate locations for a manufactured home less than fifty (50) feet long; (3) all components of the anchoring system shall be capable of carrying a force of 4800 pounds, and (4) any additions to a manufactured home shall be anchored as listed in this Section.

All manufactured homes to be placed or substantially improved within zones AI-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and shall be securely anchored

to an adequately anchored foundation system in accordance with the provisions of this section. Provision shall be made for adequate surface drainage and for access for a hauler.

- d. If any portion of a watercourse is proposed to be altered or relocated, prior to the commencement of that alteration or relocation the person making such alteration or relocation shall submit calculations and data to the Borough which shall assure that the flood-carrying capacity within the altered or relocated portion of the watercourse will be maintained to the level before such alteration or relocation.

The Borough shall require the applicant to contact adjacent municipalities and the Pennsylvania Department of Community Affairs prior to any alteration or relocation of a watercourse. Copies of such notification shall be sent to the Federal Insurance Administrator

- e. When the Federal Insurance Administration has provided water surface elevation for the 100 year flood, new construction or substantial improvements of residential structures shall have the lowest floor (including basement) elevated at least one (1) foot above the level of the 100 year flood. New construction or substantial improvements of non-residential structures shall have the lowest floor (including basement) elevated at least one (1) foot above the level of the 100 year flood.

Where floodproofing is utilized for a structure in accordance with the above, a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the 100 year flood, and a record of such certificates indicating the specific elevation in relation to mean sea level to which such structure is floodproofed shall be submitted to and maintained with the Borough.

- f. The Borough adopts as a regulatory floodway the Floodway shown on Flood Boundary and the Floodway Map 420150 0001 issued by the Federal Emergency Management Agency, Federal Insurance Administration. In addition, any encroachments, including fill, new construction, substantial improvements, and other development within the floodway which would result in any increase in flood levels within the Borough during the occurrence of the 100 year flood discharge are prohibited.
- g. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

#### 5. Variances and Special Exceptions

- a. No variance or special exception shall be granted for any construction, development, use or activity within the regulatory floodway that would cause a discernible increase in the one hundred year flood elevation.

- b. Whenever a variance is granted from the floodproofing or elevation requirements of Section 622.4.e., the Borough shall notify the applicant in writing that the granting of the variance may result in increased premium rates for flood insurance.

6. Prohibited Structures in Floodplain Areas

- a. Any new or substantially improved structure which:
  1. will be used for the production or storage of any of the dangerous material or substances listed in section b; or
  2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the dangerous materials or substances listed in Section b of the premises; or,
  3. will involve the production, storage, or use of any amount of radioactive substances
- b. The following list of materials and substances are considered dangerous to human life:
  1. Acetone
  2. Ammonia
  3. Benzene
  4. Calcium carbide
  5. Carbon disulfide
  6. Celluloid
  7. Chlorine
  8. Hydrochloric acid
  9. Hydrocyanic acid
  10. Magnesium
  11. Nitric acid and oxides of nitrogen
  12. Petroleum products (gasoline, fuel oil, etc.)
  13. Phosphorus
  14. Potassium
  15. Sodium
  16. Sulfur and sulfur product
  17. Pesticides (including insecticides, fungicides and rodenticides)
  18. Radioactive substances, insofar as such substances are not otherwise regulated

7. Prohibited Activities in Floodplain Areas

- a. The following obstructions and activities are prohibited if located partially or entirely within any floodplain area:
  1. The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
    - (a) hospitals
    - (b) nursing homes
    - (c) jails or prisons

2. The commencement of, or any construction of, a new manufactured home park or subdivision, or substantial improvement to an existing manufactured home park or subdivision.

Section 623. HOME-BASED BUSINESS REGULATIONS

1. Home-Based Businesses

- a. Only a resident of the dwelling unit may practice an occupation carried out in any dwelling unit, or an accompanied accessory structure.
- b. The retail sales permitted are primarily those of goods produced in the dwelling unit.
- c. No storage of materials or products in open areas shall be permitted.
- d. No display of products made shall be visible from the street.
- e. There shall be no outside advertising other than one sign of no more than one square foot in area on any one side.
- f. No more than two persons shall employed by the practitioner of the occupation to provide secretarial, clerical, or other assistance.
- g. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare shall be perceptible at or beyond the lot boundaries.
- h. No potentially dangerous effluent from operations shall be discharged.
- i. Such 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 or an approved accessory structure.
- j. Not more than the equivalent of thirty percent (30%) of the area of the first floor of the principal building may be used for the purposes of the home-based Business.
- k. For those occupations which serve patrons, one off-street parking space shall be provided for each fifty (50) square feet of floor area devoted to patron use 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. These parking spaces shall not be provided within the front yard except within paved driveways and shall not be located within ten (10) feet of any side or rear lot line.

2. No-impact Home-based Businesses (see definition in Section 300).

The business or commercial activity must satisfy the following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- e. 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.
- f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

- g. The business activity shall be conducted only within the dwelling or an approved accessory structure and may not occupy more than 25% of the habitable floor area.
- h. The business may not involve any illegal activity.

Section 624. RESIDENTIAL CONVERSION REGULATIONS

A single family dwelling may be converted into a dwelling for a greater number of families 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.
- b. Two off-street parking places shall be provided for each dwelling unit.
- c. The lot area per dwelling unit is not reduced to less than 3000 square feet.
- d. The yard, height, and lot coverage requirements for the District in which the dwelling unit is located shall be met.
- e. The Zoning Hearing Board shall approve the conversion as a special exception and shall specify the maximum number of dwelling units permitted to occupy such building, and may prescribe such further conditions and restrictions as the Board may consider appropriate.
- f. There shall be no more than one family per dwelling unit.

Section 625. CORNER LOT RESTRICTIONS

- 1. On every corner lot there shall be provided a yard, equal in depth to the front yard requirement of the particular zoning district in which the corner lot is located, on each side of the lot which is adjacent to a street. The rear yard is determined to be opposite the street the front door of the dwelling is facing towards. The other yard is by default a side yard.
- 2. In the case of a corner lot where one of the streets would commonly be called a "side street" and where the adjacent side street lot is developed with a setback less than the minimum required, a special exception may be granted subject to whatever safeguard or provision the Zoning Hearing Board may require.

Section 626. FRONT YARD EXCEPTIONS

When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two adjoining lots; 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 and principal buildings within seventy-five feet (75') of the unimproved lot exist on both lots. For the purpose of this section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.

Section 627. FENCES

1. Except as may otherwise be required or permitted by this Ordinance, fences shall not exceed eight feet (8') in height. However, no fence within a required residential front yard may exceed four feet (4') in height.
2. Fences may be placed anywhere within front, rear, and side yards, provided that:
  - a. All requirements of Section 620 of this Ordinance, Obstructions, shall be complied with.
  - b. No fence shall encroach upon any street right-of-way at any time.
  - c. Fences shall not obscure the clear line of sight required at an intersection.

Section 628. PROJECTIONS INTO YARDS

1. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:
  - a. Terraces, patios, decks, or open porches, provided that such terraces, patios, or open porches are not roofed or otherwise enclosed, are not closer than six (6) feet to any lot line, except a lot line which is the projection of a party wall, and do not project further than ten (10) feet into any required front yard.
  - b. Open balconies or fire escapes and projecting architectural features such as bay windows, cornices eaves, roof overhang, chimneys, and window sills, provided that all such features shall project no more than three (3) feet into any required yard, and shall not be located closer than six (6) feet to any lot line, except lot lines which are the projection of party walls.
  - c. Uncovered stairs and landings, provided such stairs or landings do not exceed three feet six inches (3'6") in height, do not project more than three (3) feet into any required yard, and are not located closer than six (6) feet to any lot line, except lot lines which are the projection of the party walls.
  - d. Roofed structures must meet the required setbacks per individual zoning district requirements.

Section 629. AGE RESTRICTED DEVELOPMENT

The terms and performance standards set forth in this section are intended to be specifically applicable to Age Restricted Developments (hereinafter referenced as "ARD"). All such residential developments are subject to all other terms and provisions of this Zoning Ordinance. To the extent that the specific terms or performance standards set forth in this section conflict with the terms or performance standards set forth elsewhere in this Ordinance, the specific provisions of this section shall control.

1. Meaning of Terms: When used in the Ordinance the term "Older Person" shall mean persons fifty-five (55) years of age or older in accordance with the provisions of the Federal Fair Housing Act. The Federal Fair Housing Act and this ordinance permits twenty percent (20%) of the dwelling units in an age-restricted community to be occupied or owned by people who

are not older persons. At least 80% of the dwelling units shall be occupied by at least one person who is 55 years of age or older.

2. Purpose of ARD: An Age Restricted Development is intended to address the housing needs of older persons who do not require the more intensive care offered by assisted living communities and nursing homes, but who desire security, safety, and a special design of a residential environment which can provide protective care and independent living.
3. Permitted Uses: Within the ARD, buildings may be erected, altered, or used and a lot or premises may be used for any of the following purposes:
  - a. One or a group of residential structures which shall contain independent residential units for older persons. ARD structures shall be limited to single-family detached, single-family semi-detached, townhouses, and apartments.
  - b. Independent Living Facilities (ILF) (apartment, condominium and/or garden apartments) which include laundry, cafeteria/eating facilities, and other amenities to service the needs of Older Persons who are residents.
  - c. Accessory uses in the ARD shall be specifically restricted to serve primarily residents of the ARD and their invited guests and shall be limited to the following:
    - (1) Auditoriums, activity rooms, craft rooms, library, lounges, and community hall with kitchen facility and similar facilities for members of the ARD community and invited guests.
    - (2) Office and retail facilities, such as but not limited to, doctors' office, pharmacy, fitness center, gift shop, coffee shop, post office, bank, travel agency, beauty shop, and barbershop, provided, however that the same must be located within the Independent Living Facility and/or ARD Community Center (defined as the accessory structure(s) shown on the Plan which may contain common recreation, meeting and activity space for the exclusive use of the ARD residents or their invited guests. No separate commercial pad sites or commercial strip centers outside either of those structures shall be permitted. Notwithstanding any other provision in this section, or in any other applicable ordinance or regulation, no accessory use permitted hereunder shall be permitted to erect any sign, advertisement or location sign anywhere on the exterior of any building or on the Property in general. In the event it is determined that the operator or owner of the ILF or ARD has violated this provision, and after reasonable notice and opportunity to cure, which shall not exceed ten (10) business days (which cure period shall not be exercisable more than one (1) time in any twenty-four (24) month period, the Borough shall have the right to seek an injunction to prevent the violation of this section and shall also have the right to seek, and the Applicant of the Independent Living Facility hereby consents for itself, its successors and assigns, to the permanent removal of the Accessory Uses which violated this provision. No Accessory Use permitted hereunder shall be operated other than between the hours of 9:00 A.M. and 5:00 P.M. prevailing local time (except in the case of emergencies – i.e. emergency doctor visits). The Accessory Uses in the ILF shall not exceed TEN PERCENT (10%) of the total first floor area, in the aggregate, of the ILF, and each use/practitioner who provides services at the ILF shall be limited to no more than TWO (2) employees and the provider/practitioner themselves (i.e. a doctor, one nurse, and clerical/staff person).

(3) Guard station and/or mechanical entrance gate.

(4) Parking. Off-street automobile parking or parking garage and off-street delivery and loading facilities as may be required for the use of occupants, staff and visitors to the facility.

4. Development Requirements.

- a. A master Land Development Plan shall be required for the entire tract and shall include a unified architectural theme.
- b. Phasing – Construction of the development in phases shall be permitted provided such construction is in compliance with the approved land development plan.
- c. Except as otherwise provided for herein, the ARD shall comply with any additional regulations of this Ordinance which are applicable to the R-1 District.
- d. The minimum tract size, prior to application for conditional use approval, subdivision and/or land development shall be Fifteen (15) gross acres.
- e. The cart way for new streets and access drives within the ARD District shall be a minimum of twenty-four feet (24'). The streets shall be curbed. Alternative curb types may be permitted subject to the approval of the council of the Borough of Sinking Spring. If such streets are not to be dedicated to the Borough of Sinking Spring, there is no requirement for a right-of-way beyond the cart way width. In the event that a particular street is to be dedicated to the Borough of Sinking Spring, the legal right-of-way width shall be fifty-four feet (54') with curbing in accordance with Borough specifications.
- f. The ARD shall be supplied with both an adequate (suitable for the intended build-out of the subject property) and approved, by the appropriate municipal or private provider, as the case may be, public or community water and sanitary sewer system. The costs of installation shall be at the initial expense of the Applicant, subject to certain rights of recapture and cost recovery as may be provided by law or by agreement with the appropriate providing entity. In no event shall the Borough of Sinking Spring, except the Municipal Authority, pay or offset any costs of extension relating to water or sewer. All Water system extensions shall properly consider required fire flows as required by NFPA and/or FIF standards.

5. Area and Bulk Regulations

- A. The maximum number of dwelling units shall be fifteen (15) dwelling units per gross acre of the tract.
- B. Height of Building. No building shall exceed a height of FORTY-FIVE feet (45') nor shall it be more than three (3) stories
- C. Lot area. The minimum lot area shall be as follows:

	<u>Single-Family Detached</u>	<u>Single Family Semi-Detached</u>	<u>Townhouses</u>	<u>Independent Living Facilities/Apartments</u>
Lot Size	5,000 sq. ft.	4,500 sq. ft. per Unit	1800 sq. ft. per unit	80,000 sq. ft.
<u>Lot Width</u>				
At street Line	30 feet	30 feet per unit	18 feet	150 feet
At building	50 feet	40 feet per unit	18 feet	150 feet
Lot Coverage	50 percent	30 percent	25 percent	25 percent

- D. Building Setback Requirements. The minimum building setbacks shall be as follows:

	<u>Single-Family Detached</u>	<u>Single-Family Semi-Detached</u>	<u>Townhouses</u>	<u>Independent Living Facilities/Apartments</u>
Rear Yard	20 feet	20 feet	20 feet	50 ft. abutting residential use; 25 ft. abutting non-residential
Side Yard Total	12 feet	12 feet	n/a	100 ft. abutting use; 50 ft. abutting non-residential
One Side	6 feet	6 feet	6 feet end unit	50 ft. abutting residential use; 25 ft. abutting non-residential
Building Setback Line	20 feet	20 feet	25 feet	50 feet from dedicated right of way; 25 feet from undedicated (private) right of way.

Note: All setbacks shall be measured from the edge of the paved cart way if the streets are not dedicated to the Borough of Sinking Spring.

- E. Additional Requirements. The following additional regulations shall be required from Townhouses and Apartments.

Maximum number of townhouses permitted in one continuous grouping: 6

Minimum distance between apartment buildings and another residential building: 50 feet

Minimum open space and recreation area: 20 percent of gross tract

- F. Buffer Area. A Permanent vegetative Buffer Strip of no less than twelve (12) feet in width shall be provided along the outside tract boundaries of the ARD, excluding access points and streets only, or where existing vegetation is an adequate buffer. To the maximum extent possible, the developer shall preserve existing vegetation within the buffer areas along the property boundaries. An overall Landscape Plan shall be provided and shall be approved by the Borough. At a minimum, all shade trees shall be a minimum of eight (8) feet in height at time of initial planting, and all shrubbery shall be a minimum of four (4) feet in height at time of planting.

6. Off-street Parking Requirements

- A. There shall be a minimum of two (2) and one half (1/2) parking spaces for each ARD single-family detached, single-family semi-detached and/or townhouse unit. There shall be a minimum of one (1) parking space for each apartment bedroom. Independent Living Units/Apartment may reserve, and construct at a later date up to 33% of the required spaces for future development, provided the potential impervious cover is accounted for in impervious coverage and storm water management.
- B. Garages and driveways may be used in the calculations for off-street parking spaces. Parking shall not be allowed on the streets in an ARD.
- C. When submitting a Land Development Plan, applicant shall provide for the maximum parking that may be expected for the ARD. This shall include the sum of applicable parking requirements outlined in this section.
- D. No parking shall be permitted closer than twenty-five (25) feet from the outside tract boundary line for any ARD and twenty-five (25) feet from the ultimate right-of-way line of an existing public street.
- E. All dead end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may back out. Parking areas shall not be so designed or located to require and encourage cars to back into a public street in order to leave the lot.
- F. It shall be prohibited to park any vehicles other than passenger cars, light duty trucks, sports utility vehicles, or a vehicle used for the transportation of community residents or invited guests in the development overnight.

7. Open Space and Recreation.

- A. Arrangement. The common open space shall be designed as a contiguous area unless the applicant demonstrates to the satisfaction of the Borough of Sinking Spring that two (2) or more separate areas would serve the requirements and be preferable. If the open space is designed to include two (2) or more separate areas, a physical linkage including pedestrian access shall be required. Recreation and open space areas and facilities shall be located in close proximity to all residents of the complex.
- B. Recreation. Recreation areas shall be provided to meet the anticipated needs of the complex. Recreation areas should be of a size, shape, and relief that is conducive to the group's active and passive residential needs.
- C. Open Space. Open space shall be a minimum of twenty percent (20%) of the entire tract.
- D. Community Center. Each facility shall contain a minimum of one (1) indoor area designated as a community center, which shall provide facilities and services specifically designed to meet the physical and social needs of the residents.
  - (1) The center shall be encouraged to offer the following programs:
    - (a) Social and recreational activities.
    - (b) Preventative health care programs.
    - (c) Continuing education, information, and counseling and recreational programs.
    - (d) Transportation to facilitate access to services and activities provided outside the community.
    - (e) Services designed to encourage and assist residents to use the services and facilities available to them.
  - (2) The floor area of the community center shall be determined in accordance with the following formula: # units x 20 square feet = required floor area.

8. General Regulations:

- A. The development shall comply with all applicable federal and state housing laws, including the Federal Fair Housing act, which require that at least eighty percent (80%) of the dwelling units be populated by at least one (1) person fifty-five (55) years of age or older and that the development must publish policies and procedures that demonstrate the intent for the development to operate as housing for person age fifty-five (55) and older. Each unit, dwelling and building in the ARD and ILF areas shall be subject to a Homeowners or Unit Owners Association Declaration of Restrictive Covenants and Easements ("Declaration") which shall be approved by the Borough as part of the conditional use approval process. The Declaration shall, at a minimum include the restrictive language set forth herein. Additionally, the Applicant, at time of final plan recording shall provide to the Borough a deed recital, which shall be included in each deed for any unit, building or

dwelling conveyed, that contains the restriction noted in this paragraph. The Applicant, its successors and assigns shall include in any and all agreements of sale and the deed for any unit, dwelling or building the following notice: "Your use and occupancy of the property which is the subject of this Agreement of Sale is subject to a Declaration, Deed Restriction, and Conditional Use Approval which restricts the ownership and occupancy of the property to persons who have attained the age of fifty-five (55) years or older as provided under the Federal Fair Housing Act, subject to certain exceptions, restrictions and limitations. By signing this agreement you acknowledge receipt of notice of that restriction, and that the restriction on ownership and occupancy can be enforced by any other owner in the development, the Homeowner's Association, and/or the Borough." After the initial construction and sale, the Borough shall have the further right to notify the unit owners and the Homeowners' Association that until the eighty percent (80%) of the units are owned by persons 55 or older (the "Threshold"), nor further sale (it being noted that this is not a restriction on occupancy) shall be permitted to persons under 55 years of age until the Threshold has been achieved. The Homeowners' Association shall be obligated to provide the Borough with an annual certification (due on January 15 of each year) as to whether the Threshold is then met.

- B. Declaration of Age Restriction. At the time of subdivision and land development, as a prerequisite to any final plan approval, the developer shall record a declaration of covenants to run against the entire tract, in a form acceptable to the Borough Solicitor, pursuant to the Fair Housing Act, binding all properties and owners to the restriction which shall require that dwelling units within the ARD be occupied by at least one person age fifty-five years or older.
- C. Provision for Maintenance/Ownership of Common Elements. A declaration acceptable to the Borough Council and Borough Solicitor for the perpetual maintenance/ownership of all common elements which will not be owned and maintained by the Borough shall be approved by the Borough Council prior to final Land Development Plan approval and shall be recorded at the Berks County Recorder of Deeds office after final plan approval.
- D. Utilities. All buildings and residential units within the ARD shall be served by public water and public sanitary sewer system. All utility lines such as electric, telephone, and cable shall be installed underground.
- E. Signs. Development identification signs and directional signs shall be permitted. Traffic directional signs and signs indicating direction to delivery and loading areas are permitted and shall not exceed nine (9) square feet each. One, two-sided development identification signs shall be permitted at each entry to the development, each side of which shall not exceed fifty (50) square feet in area. All signage within an ARD District shall comply with the applicable sign requirements of the zoning ordinance.
- F. Lighting Fixtures. External illumination of any ARD community as well as the parking lots, driveways, walkways, and entrances thereto shall be arranged so as to protect the adjacent highways and neighboring properties, whether or not contiguous thereto, from unreasonable direct glare or hazardous visual interference. No freestanding light fixture shall exceed a height of twenty (20) feet.
- G. Landscape Features. Any and all landscape features (e.g. buffer yard plantings, street trees, parking lot plantings, common open space plantings, etc.) which are required under this section for an ARD development shall be depicted on a Landscape Plan, prepared by a

Registered Landscape Architect, and shall be submitted to the Borough for comment and approval as a condition of conditional use approval. Said plan shall clearly indicate the type, size and location of all vegetative material to be planted as part of the development, and shall further delineate all currently existing vegetative material that is to be removed or which will remain as part of the development.

- H. Traffic Study. A traffic study, detailing the expected average daily traffic counts for the ARD and/or ILF, including the affects thereof, if any that the proposed ARD and/or ILF development shall have on traffic flows upon the Borough's existing road network shall be provided, at the sole expense of the Applicant, to the Borough for review prior to the conditional use hearing. The Borough and Applicant shall, within ten (10) days after the date of filing the application for condition use approval, determine which intersection shall be studied. Applicant shall install and erect, at its sole expense, any improvements required by the Borough as outlined in the Traffic Study or any study conducted by the Borough. To the extent any improvements are recommended for roads under the jurisdiction of PennDOT, the Applicant shall only be required to construct those improvements on the PennDOT roads if a PennDOT Highway Occupancy Permit can be obtained for the recommended improvement, and if the same cannot be obtained, the obligation to construct the improvement on the PennDOT road shall be void.

#### Section 630. ADULT ENTERTAINMENT AND METHADONE CLINICS

It is hereby determined that Adult Entertainment Uses and Methadone Clinics, as defined in this Ordinance, tend to be associated with other activities that can negatively impact the health, safety, and general welfare of the residents of this Borough. These associated activities can create difficulties for law enforcement, municipal maintenance, trash collection, and can have deleterious effects on business and residential property values, can increase crime, and in particular can lead to the corruption of the morals of minors and prostitution, and can cause residents and businesses to move elsewhere. These concerns are summarized in the American Planning Association Report #495 and #496 which were based on at least nine studies conducted nationwide.

Adult Entertainment and Methadone Clinic Uses are permitted only by Special Exception in the C-2 Commercial Zoning District and only if the property lines of the lot upon which such uses take place are at least five hundred (500) feet from the property line of all of the following: (a) school, (b) church or house of worship, (c) public park, (d) public playground, (e) child-care facility, or (f) residential housing area.

#### Section 631. ENVIRONMENTAL PERFORMANCE STANDARDS

Any activity in Residential, Commercial, or Downtown Zones which generate emissions that affect air quality, wastewater, solid waste management, noise, vibration, visual, or electromagnetic radiation shall comply with the provisions of Section 595 in the Industrial District.

## ARTICLE VII

### ADMINISTRATION

#### Section 700. INTERPRETATION AND APPLICATION

The provisions of the Zoning Ordinance, in their interpretation and application, shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, and general welfare of the Borough. Any use, structure, building, or sign shall conform with all provisions of the Zoning Ordinance except for which an exception or variance may be granted. Nothing in the Zoning Ordinance shall require any change in plans or construction of a building for which a building permit has been issued by the Borough prior to the effective date of the Zoning Ordinance, and which is completed within one (1) year of the effective date of the Zoning Ordinance.

#### Section 701. ZONING OFFICER

1. Appointment

The provisions of the Zoning Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by, and serve at the pleasure of, the Borough Council. He may be provided with the assistance of such persons as the Borough Council may from time to time direct. The Zoning Officer shall not hold any elective office in the Borough:

2. Qualifications

The Zoning Officer shall, by adequate professional training and experience, be familiar with building procedures and terminology and with the responsibilities and proper application of the powers and duties of his office. He shall demonstrate proficient knowledge and understanding of the requirements of this Ordinance prior to appointment.

3. Compensation

The compensation of the Zoning Officer shall be determined by the Borough Council and re-evaluated on an annual basis.

4. Duties

The Zoning Officer shall have all the duties and powers conferred on him by the Zoning Ordinance in addition to those reasonably implied for that purpose. He shall not issue a Zoning Permit, Building Permit or Certificate of Use and Occupancy in connection with any proposed erection, construction, alteration, extension, replacement, conversion, and/or use of any building, structure and/or land unless it first conforms with the requirements of the Zoning Ordinance and all other Ordinances of the Borough. It shall be his duty and he shall have the power to:

- a. Receive all applications for Zoning Permits and issue Permits within fourteen (14) calendar days when there is compliance with the provisions of this Ordinance, other applicable Borough and County regulations, and with the laws of the Commonwealth.

- b. Upon issuance of a Zoning Permit, to notify such other Borough and County Officials as may be affected by such issuance.
  - c. Following the refusal of a Permit, receive applications for appeals from alleged error of the Zoning Officer and variances, and forward these applications to the Zoning Hearing Board for action thereon.
  - d. Conduct investigations to determine compliance or non-compliance with the terms of this Ordinance. In performing such duties, the Zoning Officer shall have the authority, including entry during daylight business hours, to inspect land, buildings and structures built or altered under this Ordinance, and upon satisfactory completion of said inspection, to issue a Certificate of Use and Occupancy within ten (10) calendar days.
  - e. Order in writing the correction of all conditions found to be in violation of the provisions of this Ordinance. Such written order shall be served personally, or by registered mail upon persons, firms or corporations deemed by the Zoning Officer to be in violation of this Ordinance.
  - f. Institute, with the approval of the Borough Council, proceedings in courts of proper jurisdiction for the enforcement of this Ordinance.
  - g. Maintain and keep all records pertinent to all Zoning matters in the Borough. Such records shall include, but not be limited to, all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance and all amending Ordinances, the Official Zoning Map and all other related information.
  - h. Upon the request of the Borough Planning Commission, the Zoning Hearing Board or the Borough Council, present to such body facts, records, data and any other related information to assist such body in its deliberations and decisions.
5. Relief from Personal Responsibility. The Zoning Officer, or any employee charged with the enforcement of the Zoning Ordinance, while acting for the Borough, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties, shall be defended by the Legal Representative of the Borough. In no case shall the Zoning Officer or any of his staff be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Zoning Ordinance when he and/or his subordinates perform their duties in good faith and without malice.

Section 702. ZONING PERMITS

1. Requirements. A Zoning Permit shall be obtained from the Zoning Officer:
  - a. For any erection, construction, alteration, extension, replacement, relocation, removal or conversion of any building, or structure.
  - b. For the change of use of a building, structure and/or land or the expansion of the use of land or building.No permit shall be issued until:
  - a. All State sanitation requirements have been met; and
  - b. In the case of public buildings, the required permit has been obtained from the Pennsylvania Department of Labor and Industry.
2. Application Procedures. Application for a Zoning Permit shall be submitted in writing on a form obtained from the Borough Secretary at the Borough Hall as prescribed by the Zoning Officer, by the owner or lessee of any building, structure or land or 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, and shall contain the following:
  - a. A map of the lot in question drawn to scale, indicating the lot size, and showing all dimensions of lot lines and the exact location(s) on the lot of all proposed buildings, fences, structures, and alterations to buildings or structures.
  - b. A statement indicating the use, height, length, width, and proportion of the total lot area covered of all proposed and/or existing buildings, structures, or additions, or alterations to a building.
  - c. A statement indicating the number of families and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of apartment buildings, a breakdown of units by number of bedrooms shall be given.
  - d. Where applicable, the number, location, and design of parking and loading areas, recreation areas, signs, buffer yards, and landscaping, means of ingress and egress to the lot, routes for pedestrian and vehicular traffic, and outdoor lighting throughout the tract.
  - e. Method of proposed water supply and sewage disposal.
3. Approval or Disapproval. Upon receipt of the application, the Zoning Officer shall examine the application to determine compliance with the Zoning Ordinance and all other Borough Ordinances. Within fourteen (14) days of receipt of the application, the Zoning Officer shall either approve or disapprove the application and return one copy of the application containing the Zoning Officer's decision to the applicant. The other copy shall be retained by the Zoning Officer. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefore and informing the applicant of his rights to appeal to the Zoning Hearing Board. If the applicant fails to obtain a zoning permit from the Zoning Officer within three (3) months after the date of approval of the application, the approval of the application shall be considered null and void.

4. Issuance and Posting of Permit. Upon approval of the application by the Zoning Officer and the payment of the fees established from time to time by resolution of the Borough Council, the Zoning Officer shall issue a Zoning Permit Placard which shall be visibly posted on the site of operations during the entire time of construction. The permit shall expire one (1) year from the date of issuance provided that it may be extended at the discretion of the Zoning Officer for six (6) month periods not exceeding an additional one (1) year.
5. Rights of Permit Holders. The permit shall be a license to proceed with the work described on the approved application in accordance with all Borough Ordinances. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

Section 703. 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 permit is required until a Certificate of Use and Occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue a Certificate of Use and Occupancy unless he has inspected such building, structure or land and has determined that all provisions of the Zoning Ordinance and other Ordinances of the Borough have been complied with.
2. Issuance. Upon the receipt of written notification that the work for which a Zoning Permit has been issued has been completed, the Zoning Officer shall inspect the premises within ten (10) days to determine that the work has been performed in accordance with the approved application and other Ordinances of the Borough. If he is satisfied that the work has been completed in accordance with the approved application, he shall issue a Certificate of Use and Occupancy to the permit holder 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 in accordance with the approved application, the Zoning Officer shall refuse to issue the Certificate of Use and Occupancy and in writing give the reasons therefore and inform the permit holder of his rights of appeal to the Zoning Hearing Board.
3. Temporary Certificate of Use and Occupancy. Upon request of the holder of a permit, the Zoning Officer may issue a Temporary Certificate of Use and Occupancy for a building, structure, sign and/or land, or portion thereof before the entire work covered by the permit shall have been completed. Such portion or portions may be used and/or occupied prior to full completion of the work provided life or the public welfare is not endangered. The Zoning Officer shall also issue a Temporary Certificate of Use and Occupancy for such temporary uses as tents, trailers, and buildings on construction sites, use of land for religious, and other public and semi-public purposes or other temporary use and/or occupancy. In no case shall any certificates be issued for more than six (6) months.

Section 704. SIGN PERMITS

Sign permits shall be obtained as required by provisions of this Ordinance or any other applicable Borough Ordinances.

Section 705. CONDITIONAL USE

1. Where the Borough Council, in the zoning ordinance, has stated conditional uses to be granted by the Borough Council pursuant to express standards and criteria, the Borough Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance.
2. Four (4) copies of an application for permission to conduct a use permitted by condition shall be submitted to the Borough Secretary. Such application shall include all information specified for a zoning permit application and any other information necessary to allow the Borough Council to determine that all requirements of this Ordinance have been met. The applicant shall be responsible for all pertinent costs incurred for the review of the application.
3. After receiving an application, the Borough Council shall refer one copy of the application to the Borough Planning Commission for its review and one copy to the Borough Zoning Officer for his review.
4. The application shall be reviewed at one or more advertised meetings of the Borough Council.
5. Conditional uses shall meet the specific standards 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. The use conforms with the goals, objectives and policies of the Borough Comprehensive Plan.
  - c. The use conforms with the spirit, purposes, and intent of all other applicable provisions of all other Borough Ordinances.
  - d. The use conforms with all pertinent State and Federal laws, regulations and requirements.
  - e. Services and utilities shall be made available to adequately service the proposed use.
  - f. The use will not generate traffic such that hazardous or unduly congested conditions will result.
  - g. The use is appropriate to the site in question.

- h. The use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
1. The Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the Borough Council.
  2. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of the MPC, or of any 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.
  3. Where the Borough Council fails to render the decision within the required time period or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than 100 days after the completion of the applicant's case, unless extended for good cause upon application to the court of common pleas, 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 Borough Council to meet or render a decision as herein able provided, the Borough Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the MPC. If the Borough Council shall fail to provide such notice, the applicant may do so.
  4. Nothing in this subsection shall prejudice the right of any party opposing the applicant to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed no later than the day following its date.
  5. 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.
  6. The approval of a conditional use if authorized by Borough Council, which anticipated construction or modification of a structure, creation of new or revised lot lines of dimensional standards for a property or structure situated thereon, shall be valid and remain in effect for a term of one (1) year from the date of said approval and shall thereafter expire and be void, unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one (1) year term or said term is expressly extended as part of the initial approval. In the event that the activity as may be expressed in the approval or should the activity which is the subject of the conditional use be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.

7. When application for a conditional sue has been filed with the Borough Council and the subject matter of such application would ultimately constitute either a land development or a subdivision, no change or amendment of the zoning, subdivision and land development of other governing ordinance or plans shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further should such a an application be approved by the Borough Council, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six months or longer as may be approved by the Borough Council following the date of such approval in accordance with the provision of the governing ordinances or plans as they stood at the time the application was duly filed with the Borough Council. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of Section 508 of the MPC, and the time limitation thereof shall commence as of the date of filling of such land development or subdivision plan.

## ARTICLE VIII

### ZONING HEARING BOARD

#### Section 800. CREATION AND MEMBERSHIP

There is hereby created a Zoning Hearing Board. As used in this Ordinance, unless expressly indicated otherwise, the term "Board" shall refer to the Zoning Hearing Board. Members of the Board shall be appointed by the Borough Council in accordance with the Pennsylvania Municipalities Planning Code, as amended. Members shall be residents of the Borough, and shall hold no other office in the in the Borough, except that no more than one member may also be a member of the Borough Planning Commission. Members shall be removable for cause by the Borough Council upon the bringing of written charges and after public hearing in accordance with Act 247, Pennsylvania Municipalities Planning Code, as amended.

#### Section 801. ORGANIZATION

The Board shall elect from its own membership its officers, who shall serve the annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 803.2. The Board may make, alter and rescind rules and forms for its procedure, consistent with the Ordinances of the Borough and laws of the Commonwealth of Pennsylvania. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council once a month.

#### Section 802. EXPENDITURES

Within the limits of the funds appropriated by the Borough Council the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

#### Section 803. HEARINGS

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

1. Notice of all hearings shall be given to the public, the applicant, the County Planning Commission, the Zoning Officer, the Borough Secretary, the Borough Planning Commission and such other persons as the Borough Council shall designate by ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provisions, by rules of the Board. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land.

The Borough Council may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance.

2. 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, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
3. The parties to the hearing shall be the municipality, any person affected by the application who has made 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.
4. 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.
5. 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.
6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
7. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceeding and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
8. 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 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.
9. 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 forty-five (45) days after the hearing is continued, within forty-five (45) days after said continued hearing. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, or of this Ordinance, shall contain a reference to the provisions 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 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 forty-five (45) days after the decision 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 sixty (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 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 here in above provided, the Borough shall give public notice of said decision within ten (10) days in the same manner as provided in this Ordinance. Nothing in this subsection shall prejudice the right of any party opposing the application to argue that such decision is erroneous.

10. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

#### Section 804. FUNCTIONS

The Board shall perform the following functions:

1. To hear and decide appeals where it is alleged that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or Map or rules or regulations governing the actions of the Zoning Officer.
2. To hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. In any instance where the Zoning Hearing Board is required to consider a variance, the Board shall not grant a variance unless it has:
  - a. Determined that the proposed use does not impair the development of the Comprehensive Plan for the Borough and that the proposed use is not inconsistent with the goals and policies of the Comprehensive Plan.
  - b. Determined that the surrounding streets are sufficient to handle any expected increase in traffic generated by the proposed use.
  - c. Determined that the proposed use will not adversely affect the public health, safety, or general welfare.
  - d. Determined that the proposed variance is consistent with the spirit, intent, and purpose of this Zoning Ordinance.
  - e. Determined that the proposed change will not alter the essential character of the neighborhood or district in which the property is located, will not detract from the use of the surrounding property or from the character of the neighborhood, and that the use of the neighboring property is adequately protected.
  - f. Determined that the proposed change will not have an adverse effect upon the logical and economic extension of public services and facilities, such as public water, police and fire protection, and public schools.
  - g. Determined that the special conditions or circumstances or the unnecessary hardship forming the basis for the application for the variance did not result from the action of the applicant.

- h. Determined that there are physical circumstances or conditions unique to the property for which the variance is sought and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
- i. Determined that because of the particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, there is no possibility that the land can be developed or the structure used in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- j. Imposed such conditions and safeguards as are necessary to assure that the intent of this Zoning Ordinance is complied with.
- k. Determined that the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

The person applying for a variance shall introduce evidence at the hearing which will allow the Zoning Hearing Board to make these determinations or to decide that it cannot make these determinations and thus cannot Grant a variance.

- 3. To hear and decide requests for special exceptions where this Ordinance provides for special exceptions to be granted or denied by the Board pursuant to expressed standards and criteria.

No Special Exception shall be granted unless the Zoning Hearing Board shall determine that:

- a. The proposed use does not impair the development of the Comprehensive Plan.
- b. The surrounding streets are sufficient to handle any expected increase in traffic generated by the proposed use.
- c. The proposed use will not adversely affect the public health, safety, or general welfare.
- d. The required area, yard, and bulk requirements and all other requirements of the applicable Zoning District are met.
- e. All requirements of Article VI, General Regulations, of this Ordinance, are met.
- f. The proposed use is not incompatible with existing traffic conditions and the use of adjacent land.
- g. Services and utilities are available to adequately service the proposed use.

In granting a Special Exception, the Board may require such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

- 4. To hear challenges to the validity of this Zoning Ordinance or Map except as indicated in Section 807.5 or when a landowner appeals a substantive question regarding the validity of this Ordinance to the Borough Council. In all such challenges, the Board shall take evidence and make a record thereon as provided in Section 803. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.

5. Where the Board has jurisdiction over a zoning matter pursuant to subsections 804.1, 804.2 and 804.4, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 803. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.
6. To exercise any other power specifically granted to the Board under the terms of this Ordinance provided these powers are not in conflict with the functions listed above.

In exercising the above-mentioned functions, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination including any order requiring an alleged violator to stop, cease and desist, or discontinue and may make such order, requirement, decision, or determination, including a stop order or orders to cease and desist as ought to be made.

#### Section 805. SPECIAL EXCEPTIONS

Applications for those uses permitted as Special Exceptions in a particular Zoning District shall be made in writing to the Board on a form specified for such purpose and shall contain the material required for a zoning permit.

#### Section 806. VARIANCES

Application for variances from the requirements of this Ordinance shall be made in writing to the Board on a form specified for such purpose and shall contain the material required for a zoning permit, together with statements providing evidence pertinent to the requirements of Section 804.2 above.

##### 1. Use Variance

Where any variance request will provide for a use not specifically permitted by the Zoning Ordinance, the Board shall notify in writing to the Borough Secretary and request the Borough Planning Commission to file its recommendations. There shall be a thirty (30) day period to formulate such recommendations. If no recommendations are provided within such time, it shall then be presumed that the Planning Commission has endorsed the application for a variance.

##### 2. Effect of Approval

An approved variance shall have the effect of removing the restrictions of the Zoning Code. If a building permit has been requested, the approved variance with any conditions imposed by the Board shall be attached to the application. Where the variance is approved prior to the application, the approved variance with any conditions imposed by the Board shall be forwarded to the Zoning Officer.

#### Section 807. APPEALS

Proceedings for securing review of any ordinance or of any decision, determination or order of the Borough Council, their agencies, or Zoning Officer shall be in accordance with the Pennsylvania Municipalities Planning Code as amended.

ARTICLE IX  
ENFORCEMENT

Section 900. VIOLATIONS

1. Scope. It shall be a violation of this Ordinance to fail to secure any permit required by this Ordinance. It shall also be a violation of this Ordinance to fail to make proper payment when required or to undertake other deliberate actions which are contrary to the terms of this Ordinance.

It shall be a violation of this Ordinance to continue work or to use a building, land, structure or other facilities after being subject to a Stop Order, Section 901.

2. Complaints. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint may state fully the causes and basis thereof and shall be filed with the Zoning Officer, who shall properly record such complaint, make an immediate investigation, and take action thereon as provided by this Ordinance.
3. Enforcement Notice. Notices shall, at a minimum, state the following:
  1. The name of the owner of record and any other person against whom the municipality intends to take action.
  2. The location of the property in violation.
  3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
  4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  5. 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 the Ordinance.
  6. 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.
4. Discontinuance. If the notice of violation issued by the Zoning Officer is not complied with within a period of five (5) calendar days, either by corrective action or the filing of an appeal, the Zoning Officer shall notify the Borough Council which shall request the Borough Solicitor to initiate such appropriate action or proceedings at law or in equity to restrain, remedy or abate such violation. Nothing contained herein shall prevent the Borough from taking such other lawful action as is necessary to prevent or remedy any violation.
5. Posting. The Borough shall have the power to post appropriate signs on the property stating that work undertaken is in violation of this Ordinance and any contractor or subcontractor, or any person with an identifiable property interest, shall be subject to the penalties of this Ordinance.

Section 901. STOP ORDER

1. Scope. A Stop Order shall be issued in the following instances:
  - a. If activities regulated by this Ordinance are undertaken without an effective Zoning Permit, Building Permit or Sign Permit or Certificate of Use and Occupancy granted.
  - b. If an activity undertaken under an effective Zoning Permit, Building Permit or Sign Permit deviates from the application either during or after completion of the work.
  - c. If a use is conducted in a way which is in violation of the use requirements, area, yard, and height regulations, performance standards, or general regulations of this Ordinance.
  - d. If an activity permitted by special exception or variance is not conducted in accordance with the terms of the granting of the special exception or variance.
2. Notice to Owner. A Stop Order shall be issued by the Zoning Officer and delivered in person to the owner of any property or his agent. Delivery may also be achieved by certified mail or posting on the property.
3. Contents. The Stop Order shall be in writing and state the nature of the violation and under which conditions work or use may continue. A time not to exceed seven days may be permitted to allow for the required corrections. The Stop Order shall include notification of the right to appeal and the procedure for appeal.
4. Unlawful Continuance. Any person who shall continue in violation of any Stop Order shall be in violation of this Ordinance, subject to the penalties of Section 901 of this Ordinance.

Section 902. Penalties

1. Applicability. The penalty provisions may be imposed on the owner, general agent, tenant, architect, building, or any person having an identifiable property interest, including a mechanic's lien, mortgage or other attachment against the property.
2. Imposition. Any persons, partnership or corporations who or which shall violate provisions of this Zoning Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). In default of payment of such fine, such persons, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days.

Each day that a violation is continued shall constitute a separate offense.

All fines collected for the violation of this Ordinance shall be remitted to the Borough.

## ARTICLE X

### AMENDMENTS

#### Section 1000. POWERS

The Borough Council may from time to time amend, supplement, change, modify or repeal this Ordinance including the Zoning Map. Such shall be done in accordance with the following procedure:

#### Section 1001. DEFINITIONS

The words "amend", "amendment", "amendments", or "amended" in this Ordinance shall be deemed to include any modification of the text or phraseology of any provisions or amendments thereof, or any repeal or elimination of any such provision or part thereof, or any addition to the Ordinance or to an amendment thereof, and shall also be deemed to include any change in the number, shape, boundary or area of any district or districts, any repeal or abolition of any part of such map, and, in addition to such map, any new map or maps or any other change in the maps or any map.

#### Section 1002. INITIATION OF AMENDMENTS

Proposals for amendment, supplement, change, modification or repeal may be initiated by the Borough Council on its own motion, by the Borough Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

1. Proposals Initiated by the Borough Council. The Borough Council shall refer every proposed amendment, supplement, change, modification, or repeal originated by them to the Borough Planning Commission. Within thirty (30) days of the submission of said proposal, the Planning Commission shall submit to the Borough Council a report containing the Commission's recommendations, including any additions or modifications to the original proposal.
2. Proposal Originated by Borough Planning Commission. The Borough Planning Commission may at any time transmit to the Borough Council any proposal for the amendment, supplement, change, modification, or repeal of this Ordinance.

#### Section 1003. HEARINGS

1. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon. No such amendment shall become effective until after such hearing, at which parties in interest and citizens shall have an opportunity to be heard. If, after any public hearing held on an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
2. Public notice, as defined by law, shall be given of the time, place, and the general nature of such hearing and shall be published in a newspaper of general circulation in the Borough. Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing.

3. No hearing shall be held before or during the thirty (30) day period in which the Borough Planning Commission has been directed to review and report its recommendations to the Borough Council.
4. At least forty-five (45) days prior to the public hearing on the proposed amendment, the Borough Council shall submit the amendment to the County Planning Commission for review and recommendations.

Section 1004. PROCEDURE UPON CURATIVE AMENDMENTS

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

A fee, to be determined by resolution of the Borough Council, shall be paid at the time of submission of a written request for the amendment of the zoning ordinance in order to cover costs incurred by the Borough. No request for amendment shall be considered unless it is accompanied by the required fee.

ARTICLE XI

VALIDITY

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 Sinking Spring Borough, Berks County, Pennsylvania, hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, sentence, clause, phrase and word thereof irrespective of the fact of any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be illegal, unconstitutional or invalid.

ARTICLE XII

REPEALER

Any ordinances or parts of ordinances inconsistent with the provisions of this Zoning Ordinance are hereby expressly repealed.

ARTICLE XIII

EFFECTIVE DATE

The Zoning Ordinance shall become effective ten (10) days after its adoption by Borough Council of the Borough of Sinking Spring, Berks County, Pennsylvania.

Enacted and ordained as an Ordinance this 28<sup>th</sup> day of July, 2010

BOROUGH OF SINKING SPRING

By: [Signature]  
President of Council

Attest: [Signature]  
Secretary

Approved as an Ordinance the 28<sup>th</sup> day of July, 2010

[Signature]  
Mayor