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TITLE, PURPOSE, INTERPRETATION AND APPLICATION

§100. Title.

This Chapter shall be known as and may be cited as the “Borough of Wyomissing Zoning Ordinance of 2003.”

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §1)

§101. Purpose.

This Chapter is enacted to promote the public health and safety and the general welfare of the residents and occupants of the Borough of Wyomissing (the “Borough”) by securing safety from fire, panic, flood and other dangers and accomplishing the following community development objectives:

- A. Encourage the most appropriate use of land and buildings.
- B. Prevent the overcrowding of land.
- C. Avoid undue traffic and population congestion.
- D. Provide for adequate areas for vehicular parking and loading.
- E. Provide for adequate light and air.
- F. Conserve the value of land and buildings.
- G. Provide for adequate transportation, water, sewerage, school and other public facilities.
- H. Encourage the harmonious and orderly development of land.
- I. Maintain the character of existing residential neighborhoods.

(Ord. 1234, 2/11/2003, §1)

§102. Interpretation.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the Borough. Where the provisions of this Chapter impose greater restrictions than those of any other Borough statute, or-

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dinance or regulation, the provisions of this Chapter shall take precedence. Where the provisions of any other Borough statute, ordinance or regulation impose greater restrictions than this Chapter, the provisions of such other Borough statute, ordinance or regulation shall be complied with unless otherwise stated in this Chapter.

(Ord. 1234, 2/11/2003, §1)

§103. Application.

Except as hereinafter provided, no building, structure, land or parts thereof in the Borough shall be used or occupied, erected, constructed, assembled, moved, enlarged, removed, reconstructed or structurally altered unless in conformity with the provisions of this Chapter. This Chapter shall not apply to the Borough where the Borough requires a special exception or variance to permit the Borough to construct, modify, change or place a structure, building, land use, sign side yard, setback, etc., for Borough use. In these circumstances, the Borough shall require no special exception or variance.

(Ord. 1234, 2/11/2003, §1)

PART 2

DEFINITIONS

§200. General.

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

(Ord. 1234, 2/11/2003, §1)

§201. Specific Terms.

ACCESSORY BUILDING or STRUCTURE – a building or structure subordinate to the principal building, and detached from the principal building, on a lot and used for purposes customarily incidental to those of the principal building. Earth satellite receiving dishes are included in this definition.

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 ARCADE — Any place to which the public is permitted or invited wherein coin-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

ADULT BOOKSTORE — any establishment or place to which the public is permitted or invited:

- A. which has 1% or more of its stock in trade or 1% or more of the floor area devoted to customer sales consisting of the following items: (i) books, magazines or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas; and/or (ii) instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or

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B. wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas.

ADULT CABARET — A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- A. Persons who appear in the state of nudity; or
- B. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
- C. Films, motion pictures, video cassettes, slides, digital imagery, digital video discs (DVDs) or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of one or more of such photographic reproductions; or
- D. Offers sleeping rooms for rent more than one time in one calendar day during five or more calendar days in any continuous 30- day period.

ADULT MOTION PICTURE THEATER — A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, digital imagery, digital video discs (DVDs) or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

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

ADULT THEATER — any theater, auditorium, concert hall or other place of assembly featuring live performances which are distinguished or characterized by emphasis on depiction, description or display of sexual activities or exposed male or female genital areas for observation by patrons.

ALTERATION, STRUCTURAL — any enlargement of a building or structure; the moving of a building or structure from one location to another; any change in or addition to the structural parts of a building or structure; any change in the means of egress from or access to a building or structure.

APPROVED PRIVATE STREET — a right-of-way which provides the primary vehicular access to a lot, not dedicated or deeded to the Borough, but approved by the Borough Council and shown on a recorded subdivision plan.

BASEMENT — a story partly below the finished grade but having 1/2 or more of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

BOROUGH — Borough of Wyomissing, Berks County, Pennsylvania.

BOROUGH COUNCIL — Borough Council of the Borough of Wyomissing.

BUFFER STRIP — a continuous strip of landscaped land which is clear of all buildings and paved areas.

BUILDING — a structure enclosed within exterior walls or firewalls, built, erected and framed of component structural parts, designed for the enclosure and support of individuals, animals or property of any kind.

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

BUILDING COVERAGE – the percentage of the horizontal surface area at grade level of a lot covered buildings and other structures. Retaining walls shall not be included in the calculation of building coverage.

BUILDING HEIGHT- the vertical distance from grade plane to the top of the highest ridge of the roof, in the case of a pitched roof, or the highest parapet or cornice level, in the case of a flat roof.

BUILDING SETBACK – the minimum distance a building or structure must be set back from a street right of way line (except the right-of-way of a service street). See Appendix A attached to this Chapter which is a list of the approximate portion of street right-of-way outside the curb face for the listed streets. Appendix A shall be used only as an aid to the users of this ordinance, and shall not be interpreted as a surveyed distance or as a legally determinative measurement. Appendix A may be amended, supplemented or replaced by the Borough Council, without amending this Ordinance, by adopting a resolution.

BUILDING SETBACK LINE — the line within a property establishing the minimum required distance between any building or structure or portions thereof to be erected or altered and a street right-of-way (except the right-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line which abuts the property and the building setback line shall be parallel to said right-of-way line. A building setback line may be established farther from a street right-of-way line than the minimum building setback established for a zoning district.

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CARTWAY — the portion of a street right-of-way, whether paved or unpaved, intended for vehicular use.

CELL SITE — a geographic area or zone surrounding a transmitter in a cellular telephone system.

CELLAR — a story partly below the finished grade, having more than 1/2 of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building.

CLUB or LODGE — an association of persons for some common nonprofit activity, not including groups organized primarily to render a service which is customarily carried on as a business.

COMMERCIAL SCHOOL — a school for the teaching of a trade or skill, carried on as a business.

COMMON OPEN SPACE — an area or areas of land or an area of water (excluding stormwater detention facilities), or a combination of land and water, within the parcel 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 required open areas between buildings and street rights-of-way, driveways, parking areas and property lines of the parcel.

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 semidetached dwelling, one townhouse or one two-family detached dwelling is located.

COMMUNICATIONS ANTENNA — any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals including, without limitation, a cell site, omnidirectional and whip antennae, or directional and panel antennae, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate those devices. This definition shall not include private residence mounted satellite dishes not exceeding three feet in diameter or television antennae or amateur radio equipment including, without limitation, ham or citizen band radio antennae that do not exceed 50 feet in height from the ground in the R-1 Low Density Residential District, R-1A Low Density Residential District, R-2 Suburban Residential District, R-2A Suburban Residential District, R-3 Medium Density Residential District, R-3A Medium Density Residential District, and 70 feet in all other zoning districts.

COMMUNICATIONS EQUIPMENT BUILDING — an unmanned building or cabinet containing communications equipment required for the operation of com-

munications towers and antennae and covering an area on the ground not greater than 250 feet.

COMMUNICATIONS TOWER — a structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennae.

CORNER LOT — a lot abutting two or more intersecting public or private streets, or at the point of abrupt change of direction of a single street (an interior angle of less than 135°).

CURB FACE — the surface of a curb facing the cartway of a street; where the curb is rolled or incorporates a gutter, the curb face shall be measured from the point of the rolled curb or gutter closest to the center of the street.

DISTANCE BETWEEN BUILDINGS — this measurement shall be made at the closest point.

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

APARTMENT BUILDING — a building on a single lot arranged, intended, or designed to be occupied as a residence for three or more families, and in which the dwelling units may be separated horizontally and/or vertically.

APARTMENT UNIT — a dwelling unit within an apartment building or dwelling unit in combination with a commercial use as permitted in this Chapter.

SINGLE-FAMILY DETACHED DWELLING — a building arranged, intended or designed to be occupied exclusively as a residence for one family and having no party wall with an adjacent building.

SINGLE-FAMILY SEMIDETACHED DWELLING — a building arranged, intended or designed to be occupied exclusively as a residence for two families, one family living on each side of a common or party wall.

TOWNHOUSE — a building arranged, intended or designed to be occupied exclusively as a residence for one family which is one of a group of three or more such buildings, placed side by side and separated by unpierced party walls, each dwelling having at least one separate entrance from the outside.

TWO-FAMILY DETACHED DWELLING — a building arranged, intended or designed to be occupied exclusively as a residence for two families, with

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one family living wholly or partly over the other and with no common wall with an adjacent building.

DWELLING UNIT — a building or structure or portion thereof providing one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit.

ESCORT — A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY OR SERVICE — A person or business association which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

FAMILY –

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

FAMILY DAY CARE HOME — Any premise other than the person's own home, whether operated for profit or not for profit, in which day care is provided at any time to four or more persons who are not relatives of the caregiver.

FINANCIAL INSTITUTION — bank, savings and loan association, savings bank, investment company, investment manager, investment banker, securities broker/dealer, philanthropic foundation or other similar uses as determined by the Zoning Officer.

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

FORESTRY — the management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

GRADE — the level of the ground adjacent to a building, structure, exposed storage or sign.

GRADE PLANE – a reference plane representing the average of the finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and lot line, or where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

GROUP HOME FOR THE HANDICAPPED – A dwelling shared by not more than four handicapped persons and not more than two live-in staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. All such uses shall have licensed staff on-site at all times and shall provide on-site support services through a licensed social service agency.

As used herein, the term “handicapped” shall mean having: (i) a physical or mental impairment that substantially limits one or more of such person’s major life activities so that such person is incapable of living independently; (ii) a record of having such an impairment; or (iii) being regarded as having such an impairment. However, “handicapped” shall not include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term “group home for the handicapped” shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

HEIGHT OF A COMMUNICATIONS TOWER — the vertical distance measured from the ground level to the highest point on a communications tower, including antennae mounted on the tower.

HIGHWAY ACCESS POINT — a place of egress from or access to a street or highway created by a driveway or another street or highway.

HIGHWAY FRONTAGE — the lot dimension measured along the right-of-way line of any one street or highway abutting a lot.

HOME OCCUPATION – CLASS I – A “No-impact home-based business”, which is 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.

HOME OCCUPATION – CLASS II – A nonprofessional or professional business use that shall be conducted in a nonobtrusive manner entirely within a residence located in the applicable residential zoning district that does not change or affect the residence’s

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physical character or have any exterior evidence of the home occupation as an incidental or secondary use, except as provided in Section 622.

HOME OCCUPATION – CLASS III – A nonprofessional or professional business use that shall be conducted within a residence located in the applicable residential zoning district that does not change or affect the residence’s physical character or have any exterior evidence of the home occupation as an incidental or secondary use, except as provided in Section 622.

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

LIVING UNIT FOR THE ELDERLY — a dwelling unit in which at least one resident shall be at least 60 years of age.

LOT — a designated parcel tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The area and depth of a lot abutting a street shall be determined by measurements to the street line.

LOT LINE – a line forming the front, rear or side boundary of a lot.

FRONT LOT LINE – the line separating a lot from a street right-of-way.

REAR LOT LINE – the lot line which is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least 10 feet long.

LOT OF RECORD — a lot or parcel recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania.

LOT SIZE — the area of a lot, excluding land contained within street right-of-way lines.

LOT WIDTH — the distance between side lot lines, determined by establishing the shortest straight-line distance. It shall not be measured along an arc.

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

MOTEL — a group of attached or detached buildings containing individual living or sleeping units designed for temporary use by tourists or transients generally traveling by motor vehicle.

MUNICIPAL USE — buildings, structures or land owned and maintained by the Borough. This definition shall include communications towers and antennae that may be permitted by special exception on buildings, structures or land owned by the Borough in any zoning district where a municipal use is permitted.

NONCONFORMING BUILDING, LOT, STRUCTURE OR USE — a building, lot, structure or use which does not conform to the regulations of the zoning district in which it is located, either at the time of enactment of this Chapter or as a result of subsequent amendments thereto, but which lawfully existed prior to the enactment of this Chapter. Nonconforming structures include, but are not limited to, nonconforming signs.

NUDE MODEL STUDIO — Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or A STATE OF NUDITY — The appearance of a human bare buttock, anus, male genitals, female genitals or female breast.

NONCONFORMING USE — any structure, object of natural growth or use of land which is inconsistent with the provisions of this Chapter or any amendment thereto and which is in existence as of the effective date of this Chapter or of any such amendment hereto, as the case may be.

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

OTHER ADULT-ORIENTED RETAIL, COMMERCIAL SERVICE OR ENTERTAINMENT ESTABLISHMENT — any other business or club which primarily offers its patrons or members retail goods, commercial services or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.

OPEN AREA — ground upon which no principal or accessory buildings, structures or uses and paved areas are permitted.

PARKING SPACE — a space within a building or on a lot, used for the parking of a motor vehicle.

PARTY WALL — a wall used or adopted for joint service between two buildings or parts thereof.

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PAVED AREA — the percentage of a lot covered by paving.

PAVING — hard material such as concrete, asphalt, brick or stone treated to decrease its permeability applied to a lot in order to smooth or firm the surface of the lot.

PERSON — an individual, firm, partnership, corporation, company, association, joint stock association or governmental entity, including a trustee, a receiver, an assignee or a similar representative of any of them.

PREMISES — a descriptive word to include all improvements, buildings, structures and land on or within a lot.

PRIMARY SURFACE — a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Part 3 of this Chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

PRINCIPAL BUILDING — a building in which a principal use on a lot is conducted.

PRINCIPAL USE — the main or primary purpose for which any land, structure or building is designed, arranged or intended, and for which they may be occupied or maintained under the terms of this Chapter.

PROFESSIONAL — doctor, surgeon, dentist, psychiatrist, psychologist, chiropractor and licensed professional persons offering similar medical care; optician, architect, artist, accountant, insurance agent, real estate broker, teacher, engineer, lawyer, musician, surveyor, landscape architect, land planner, systems analyst, computer programmer or other similar uses as determined by the Zoning Officer.

PUBLIC ROAD — a public thoroughfare, including a street, road, lane, alley, court or similar terms, which has been dedicated or deeded to the Borough and accepted by it.

PUBLIC SCHOOL — a school owned and operated by the Wyomissing Area School District or Wilson Area School District.

PUBLIC UTILITY TRANSMISSION TOWER — a structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

RESTAURANT –

STANDARD RESTAURANT — any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

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

CARRY-OUT RESTAURANT — any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

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

FAST-FOOD RESTAURANT — any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:

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

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

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

RETIREMENT COMMUNITY — a development consisting of a building or group of buildings designed and used specifically for the residence and care of elderly and disabled persons.

RIGHT-OF-WAY — the total width of any land reserved or dedicated as a street, road, lane, alley, and crosswalk or for other public or semipublic uses.

SANITARY SEWAGE SYSTEM, PUBLIC — a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

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

SEMI-NUDE — a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SERVICE STREET — a minor right-of-way providing secondary vehicular access to the side or rear of two or more properties, which is not the primary means of access to the properties.

SEXUAL ENCOUNTER CENTER — a business or commercial enterprise that as one of its primary business purposes, offers for any consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS — an adult arcade, adult bookstore, or adult video store, adult cabaret, adult motion picture theater, escort agency or service, nude model studio, or sexual encounter center.

SHOPPING CENTER — a group of commercial establishments built on a site that is planned, developed, owned and managed as an operating unit related in location, size and type of shops to the trade area that the unit serves.

SIGHT TRIANGLE — an area within which no vision-obstructing object is permitted beyond 2 1/2 feet of the center line grades of intersecting streets.

SIGN — any structure, wall or other surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representations used for announcement, direction, information, attraction or advertisement.

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

HEIGHT OF SIGN — the vertical distance measured from the average grade at the lowest point of the sign to its highest point. A supporting structure shall be used in determining the lowest or highest point of a sign.

SIGN, FREESTANDING — an independently supported sign not attached to any building.

SPECIAL EXCEPTION — permission granted by the Zoning Hearing Board, with appropriate restrictions, to undertake certain activities specified in this Chapter or to occupy or use land, buildings or structures for a specific purpose or in a certain manner specified in this Chapter.

SPECIFIED ANATOMICAL AREAS — less than completely or opaquely covered human genitals, pubic region, or human male genitals in a discernibly turgid state, even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — includes the following:

- A. The fondling or other erotic touching of human genitals, pubic region or anus;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- C. Masturbation, actual or simulated;

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- D. Excretory functions as part of or in connection with any of the activities set forth herein.

STORY — the portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

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

STREET FRONTAGE – the lot dimension measured along the right-of-way line of any one street or highway abutting a lot.

STREET LINE – The street right-of-way line.

STRUCTURE — anything built, constructed or erected which requires location on the ground or attachment to something located on the ground, including a mobile object, constructed or installed by man including, but not limited to, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

STUDIO — the working place of a painter, sculptor, photographer or such other similar artistic endeavor as determined by the Zoning Officer; a place for the study of an art such as dancing, singing or acting, or such other similar artistic endeavor as determined by the Zoning Officer.

SWIMMING POOL — a pool used for swimming or bathing which has a depth in any part of 26 inches or more.

TREE — any object of natural growth.

USE — the specific purpose for which land, a sign or a structure or building is designed, arranged, intended or for which it may be occupied or maintained, or any activity, occupation, business or operation which may be carried on, thereon or therein. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE — relief, granted by the Zoning Hearing Board, from the terms and conditions of this Chapter provided those conditions contained hereafter relating to establishing the entitlement to variances are found to exist by the Zoning Hearing Board.

WATER DISTRIBUTION SYSTEM — a system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

YARD — the open 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 Chapter, and not less in depth or width than the minimum required in each zoning district.

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

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

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

ZONING HEARING BOARD — Borough of Wyomissing Zoning Hearing Board.

ZONING OFFICER — that person appointed by the Borough of Wyomissing to issue zoning permits and who shall be charged with the duty of administering and enforcing this Ordinance.

ZONING ORDINANCE — Borough of Wyomissing Zoning Ordinance [this Chapter].

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §2; as amended by Ord. 1285, 10/14/2008, §1; as amended by Ord. 1288, 11/11/2008, §1)

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PART 3

ZONING DISTRICTS

§300. Types of Zoning Districts.

In order to carry out the objectives of this Chapter, the Borough of Wyomissing has been divided into the following zoning districts:

- R-1 Low Density Residential District
- R-1A Low Density Residential District
- R-2 Suburban Residential District
- R-2A Suburban Residential District
- R-3 Medium Density Residential District
- R-3A Medium Density Residential District
- R-4 Retirement Community District
- T-C Town Center Residential/Office District
- C-1 Neighborhood Commercial District
- C-2 Retail Commercial District
- I-1 Office/Research Park District
- I-2 Light Industrial District

(Ord. 1234, 2/11/2003, §1)

§301. Official Zoning Map.

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

“This is to certify that this is the official Zoning Map of the Borough of Wyomissing adopted _____, 2002.”

3. If the official zoning map is amended, an entry indicating the change and the date of the change shall be made on the map and the entry shall include the signatures of the President of Borough Council and the Borough Secretary.

¹ Editor's Note: The Zoning Map is on file in the Borough Office, available for view and copies may be obtained there.

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

“This is to certify that this is the official Zoning Map of the Borough of Wyomissing adopted _____, 2002.”

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1254, 4/12/2005)

§302. District Boundaries; Rules for Interpretation.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, lanes, alleys, creeks, rivers or railroad tracks, such center lines shall be construed to be such boundaries.
- B. Where district boundaries are indicated as approximately coinciding with lot lines or right-of-way lines, such lot lines or right-of-way lines shall be construed to be such boundaries.
- C. Where district boundaries are indicated as being approximately parallel to the right-of-way lines of streets or highways, lanes, alleys, creeks, rivers or railroad tracks, such district boundaries shall be construed as being parallel to the right-of-way lines at such distance as is indicated on the official zoning map. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- D. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets, highways or railroad tracks, such district boundaries shall be construed as being perpendicular to the right-of-way lines.
- E. Boundaries indicated as approximately following Borough limits shall be construed as following such limits.
- F. Boundaries indicated as extensions of features indicated in subsections (A) through (E), above, shall be so construed.

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- G. Where physical or contour features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (A) through (F), above, the Zoning Officer shall interpret the district boundaries.
- H. 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 property owner, 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.
- I. Where setback, screening or buffering requirements from zoning districts are imposed, zoning districts in adjacent municipalities shall be considered in addition to those in the Borough.

(Ord. 1234, 2/11/2003, §1)

§303. Application of District Regulations.

1. No building, structure or land shall be used or occupied and no building, structure or part thereof shall be erected, constructed, assembled, moved, enlarged, reconstructed, removed or structurally altered without the issuance of a zoning approval by the Zoning Officer or his/her concurrence in the issuance of a building permit.
2. Compliance with this Chapter in no way relieves responsibility of complying with other Borough ordinances.
3. No part of a yard, common open space, other open space or off-street parking or loading space required in connection with one structure, building or use of the land shall be included as part of a yard, common open space, open space or off-street parking or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Chapter or other Borough ordinances or regulations.
3. No yard or lot existing at the time of passage of this Chapter which meets the requirements of this Chapter shall be reduced in dimension or area below the minimum requirements set forth in this Chapter. A yard or lot existing at the time of passage of this Chapter shall not be further reduced below the minimum requirements of this Chapter.
4. Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be provided contiguous along the street line of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one street, but does not have to be pro-

vided along the street line of each street on which the lot fronts, unless otherwise required by this Chapter.

- 5. Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be provided contiguous along the building setback line established from one street. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two or more streets. In the case of a corner lot, the minimum lot width must be provided along the building setback line established from one street, but does not have to be provided along the building setback line established from each street on which the lot fronts.
- 6. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirement of the applicable zoning district shall be used in establishing such building setback line.

(Ord. 1234, 2/11/2003, §1)

§304. Minimum Building Setback Requirements (Districts R-1A & R-2A).

ROAD NAME	MINIMUM BUILDING SETBACK
Abington Drive	25 feet
Bristol Court	25 feet (35 feet on back of court)
Buckingham Drive	35 feet
Cheltenham Drive	25 feet
Christine Drive	25 feet
Daleview Road	25 feet
Darlin Drive	30 feet
Deborah Drive	35 feet
Devonshire Drive	25 feet
Dorchester Drive	25 feet
Downing Drive	35 feet
East Park Road	25 feet
Edgedale Court	30 feet
Gail Circle (north side)	35 feet
Gail Circle (south side)	30 feet

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ROAD NAME	MINIMUM BUILDING SETBACK
Grandview Boulevard	40 feet
Hawthorne Road	30 feet
Hillside Road	15 feet
Lawndale Road	25 feet
Margaret Drive	25 feet
Mayfair Road	25 feet
Merrymount Road	30 feet
Northfield Drive	30 feet
Overhill Road (south of Hawthorne Road)	25 feet
Overhill Road (north of Hawthorne Road)	30 feet
Park Road	30 feet
Parliament Drive	25 feet
Robert Road	35 feet
Seiberts Court	25 feet
Southampton Drive	35 feet
Telford Avenue	25 feet
Tewkesbury Drive	25 feet
Upland Road	30 feet
Valley Road	25 feet
Vista Road	25 feet
Warwick Drive	25 feet
Wellington Boulevard	35 feet
Wingert Road	25 feet
Woodland Road (south of State Hill Road)	30 feet
Woodside Avenue (Snyder Road)	30 feet
Wroxham Drive	25 feet
Wyomissing Hills Boulevard	30 feet

(Ord. 1234, 2/11/2003, §1)

PART 4

RESIDENTIAL DISTRICT REGULATIONS

§400. R-1 Low Density Residential District.

§401. Specific Intent.

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

(Ord. 1234, 2/11/2003, §1)

§402. Uses Permitted by Right.

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

- A. Single-family detached dwelling.
- B. Municipal use.
- C. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
- D. Forestry activities including, but not limited to, timber harvesting

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §3)

§403. Uses Permitted by Special Exception.

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- A. Public or private elementary, middle, junior or senior high school (for grades K-12).
- B. Family day care and group homes.

(Ord. 1234, 2/11/2003, §1)

§404. Area, Yard and Height Regulations.

ZONING

Maximum Permitted

Building Height:	35 feet
Building Coverage:	25%
Paved Area:	20%

Minimum Requirements

Lot Size:	12,000 Square Feet
Building Setback:	30 feet

Minimum Requirements

Side Yard

Total:	30 feet
Each Side:	15 feet
Rear Yard:	40 feet*
Lot Width	
At Street Line:	60 feet
At Building Setback Line:	100 feet

* Or 25% of the lot depth, whichever is less.

Where a residential lot in this district has an area of at least ½ acre (21,780 square feet), the maximum permitted building height of a single-family detached dwelling shall be the greater of 35 feet or one and one-half times the shortest distance measured from the structure to each Lot Line as defined in this Chapter; permitted projections into yards as defined in Section 616 of this Chapter shall not be considered part of the structure for purposes of the calculation under this sentence.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1285, 10/14/2008, §2)

§405. General Regulations Applicable.

In addition to the above regulations listed for this district, the general regulations of Part 6 of this Chapter shall apply unless specifically noted as not being applicable.

(Ord. 1234, 2/11/2003, §1)

§410. R-1A Low Density Residential District.

§411. Specific Intent.

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

(Ord. 1234, 2/11/2003, §1)

§412. Uses Permitted by Right.

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

- A. Single-family detached dwelling.
- B. Municipal use.
- C. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
- D. Forestry activities including, but not limited to, timber harvesting.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §4)

§413. Uses Permitted by Special Exception.

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- A. Church or similar place of worship, subject to:
 - (1) Minimum front, rear, and side yards shall be 50 feet.
- B. Public or private elementary, middle, junior or senior high school (for grades K-12).
- C. Private recreational use, including swimming, when said recreational use is in conjunction with the swimming facilities on the premises of a swimming association not organized for profit.
- D. Family day care and group homes.
- E. Accessory uses and structures to the above uses when on the same lot as the permitted use.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1282, 8/12/2008, §5)

§414. Area, Height and Yard Regulations.

Maximum Permitted

ZONING

Building Height:	35 feet
Building Coverage:	30%
Paved Area:	20%

Minimum Requirements

Lot Size:	10,000 square feet
Building Setback:	As designated in §304.

Side Yard

Total:	25 feet
Minimum Either Side:	10 feet

Rear Yard

Principal Building:	25 feet
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Lot Width

At Street Line:	60 feet
At Building Setback Line:	80 feet

(Ord. 1234, 2/11/2003, §1)

§415. General Regulations Applicable.

In addition to the above regulations listed for this district, the general regulations of Part 6 of this Chapter shall apply unless specifically noted as not being applicable.

(Ord. 1234, 2/11/2003, §1)

§420. R-2 Suburban Residential District.

§421. Specific Intent.

It is the purpose of this district to provide for the maintenance of existing single-family detached and semidetached residential areas.

(Ord. 1234, 2/11/2003, §1)

§422. Uses Permitted by Right.

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

- A. Single-family detached dwelling.

- B. Single-family semidetached dwelling.
- C. Municipal use.
- D. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
- E. Forestry activities including, but not limited to, timber harvesting.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §6)

§423. Uses Permitted by Special Exception.

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- A. Public or private elementary, middle, junior or senior high school (for grades K-12).

(Ord. 1234, 2/11/2003, §1)

§424. Area, Yard and Height Regulations.

Maximum Permitted	Single-Family Detached Dwelling	Single-Family Semidetached Dwelling	Nonresidential Uses
Building Height	35 feet	35 feet	35 feet
Building Coverage	25%	30%	25%
Paved Area	20%	20%	20%
Minimum Requirements			
Lot Size	12,000 sq. ft.	8,000 sq. ft.	12,000 sq. ft.
Building Setback	20 feet	20 feet	20 feet
Side Yard			
Total	3,020 feet	20 feet	30 feet
Each Side	15 feet	10 feet	15 feet
Minimum Requirements			
Rear Yard	40 feet*	40 feet*	40 feet*
Lot Width			

ZONING

Maximum Permitted	Single-Family Detached Dwelling	Single-Family Semidetached Dwelling	Nonresidential Uses
At Street Line	50 feet	50 feet	50 feet
At Building Set-back Line	80 feet	70 feet	80 feet

* Or 25% of the lot depth, whichever is less.

(Ord. 1234, 2/11/2003, §1)

§425. General Regulations Applicable.

In addition to the above regulations listed for this district, the general regulations of Part 6 of this Chapter shall apply unless specifically noted as not being applicable.

(Ord. 1234, 2/11/2003, §1)

§430. R-2A Suburban Residential District.

§431. Specific Intent.

It is the purpose of this district to provide for the maintenance of existing single-family detached and semi-detached residential areas.

(Ord. 1234, 2/11/2003, §1)

§432. Uses Permitted by Right.

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

- A. Single-family detached dwelling.
- B. Single family semi-detached dwelling.
- C. Municipal use.
- D. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
- E. Forestry activities including, but not limited to, timber harvesting.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §7)

§433. Uses Permitted by Special Exception.

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- A. Church or similar place of worship, subject to:
 - (1) Minimum front, rear, and side yards shall be 50 feet.
- B. Public or private elementary, middle, junior or senior high school (for grades K-12).
- C. Accessory uses and structures to the above uses when on the same lot as the permitted use.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §8)

§434. Area, Height and Yard Regulations.

Maximum Permitted	Single Family Detached Dwelling	Single Family Semi-Detached Dwelling	Nonresidential Uses
Building Height	35 feet	35 feet	35 feet
Building Coverage	30%	30%	30%
Paved Area	20%	20%	20%
Minimum Requirements			
Lot Size	10,000 sq. ft.	6,000 sq. ft. per dwelling unit	10,000 sq. ft.
Building Setback	As designated in §304.		
Side Yard			
Total	25 feet	25 feet	25 feet
Min. Either Side	10 feet	10 feet	10 feet
Rear Yard	25 feet	25 feet	25 feet
Lot Width			

ZONING

Maximum Permitted	Single Family Detached Dwelling	Single Family Semi-Detached Dwelling	Nonresidential Uses
at Street Line	60 feet	40 feet per dwelling unit	80 feet
at Building Set-back Line	80 feet	40 feet per dwelling unit	80 feet

(Ord. 1234, 2/11/2003, §1)

§435. General Regulations Applicable.

In addition to the above regulations listed for this district, the General Regulations of Part 6 of this Chapter shall apply unless specifically noted as not being applicable.

(Ord. 1234, 2/11/2003, §1)

§440. R-3 Medium Density Residential District.

§441. Specific Intent.

It is the purpose of this district to provide for development of multiple family dwellings at medium densities.

(Ord. 1234, 2/11/2003, §1)

§442. Uses Permitted by Right.

Land and buildings in an R-3 District may be used for the following purposes and no others:

- A. Municipal use.
- B. Development containing apartments and/or townhouses, subject to:
 - (1) The density of the development shall not exceed 10 dwelling units per acre. (In calculating this density, the total acreage of the tract minus the acreage of the tract within street rights-of-way shall be used.)
 - (2) The maximum building height at any point shall be 45 feet. The number of full stories exposed shall not exceed three.
 - (3) The minimum building setback from public streets shall be 50 feet.

- (4) A system for pedestrian circulation throughout the development shall be provided.
- (5) All structures shall be located a minimum of 50 feet from the property lines of the parcel.
- (6) No more than 20% of the total area of the parcel shall be covered by buildings.
- (7) No more than 20% of the total area of the parcel shall be paved surface such as streets, interior access drives, parking areas, sidewalks and courts.
- (8) Common parking areas and interior access drives shall be located a minimum of 25 feet from the property lines of the parcel.
- (9) All buildings shall be set back a minimum of 20 feet from all common parking areas and internal access drives and streets, except for off-street loading areas and areas at entrances to buildings where residents will enter and leave standing vehicles.
- (10) All principal buildings shall be separated by a minimum horizontal distance of 45 feet.
- (11) No less than 30% of the total area of the parcel shall be permanently set aside for noncommercial common open space purposes, such as parks, recreation or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facilities except as related to and incidental to open space uses.
- (12) All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
- (13) Entrances to and exits from parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the area.
- (14) No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- (15) Entrances to and exits from common parking areas shall be located a minimum of 50 feet from the point of intersection of the nearest public street cartway lines and the point of intersection of the nearest interior access drives.

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- (16) A system of paved walkways a minimum of four feet in width shall be provided for access between buildings and common parking areas, open space and recreation areas and other community facilities.
 - (17) A landscaping plan for the planned development prepared by a registered architect or registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough Planning Commission. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
 - (18) No more than six townhouses shall be permitted in a continuous row and the maximum length of a continuous row of townhouses shall be 160 feet. No more than three continuous townhouses shall have the same front setback and the variations in front setback shall be at least two feet.
 - (19) For buildings other than townhouses, there shall be no architecturally unbroken building face of more than 160 lineal feet. A building face shall be considered architecturally broken if there is a deflection in the building axis of at least 30° or, where there is no deflection in the building axis of at least 30°, an integral architectural feature of the building projects from the building face a minimum of 10 feet for a minimum distance of 10 feet along the building face. Such architectural feature shall extend the entire height of the building included within stories.
 - (20) Parking areas serving apartment buildings and townhouses shall not be designed or located to require cars to back into collector or arterial streets in order to leave the parking area.
 - (21) Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in vermin-proof containers.
- C. Accessory uses and structures to the above listed uses when on the same lot as the permitted use.
- D. Forestry activities including, but not limited to, timber harvesting.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §9)

§443. Uses Permitted by Special Exception.

No uses are permitted by special exception in this zoning district.

(Ord. 1234, 2/11/2003, §1)

§444. Area, Yard and Height Regulations.

The following requirements shall apply to uses not otherwise specified within this district:

Maximum Permitted

Building Height: 45 feet
Building Coverage: 25%
Paved Area: 40%

Minimum Requirements

Lot Size: 43,560 sq. ft.
Building Setback: 50 feet
Side Yard
Total: 100 feet
Each Side: 50 feet
Rear Yard: 50 feet
Lot Width
At Street Line: 150 feet
At Building Setback Line: 150 feet
Open Area: 35%

(Ord. 1234, 2/11/2003, §1)

§445. General Regulations Applicable.

In addition to the above regulations listed for this district, the general regulations of Part 6 of this Chapter shall apply unless specifically noted as not being applicable.

(Ord. 1234, 2/11/2003, §1)

§450. R-3A Medium Density Residential District.

§451. Specific Intent.

It is the purpose of this district to provide for development of multiple family dwellings at medium densities.

(Ord. 1234, 2/11/2003, §1)

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§452. Uses Permitted by Right.

Land and buildings in an R-3A District may be used for the following purposes and no others, unless a special exception as provided herein is granted:

- A. Single family detached dwelling.
- B. Single family semi-detached dwelling.
- C. Municipal use.
- D. A development containing townhouses and/or apartments, subject to:
 - (1) The development shall be serviced by public water supply and sewage disposal.
 - (2) All utilities shall be placed underground.
 - (3) The development shall be a minimum of five acres in size.
 - (4) All principal and accessory buildings and accessory swimming pools and tennis courts shall be set back at least 25 feet from street right-of-way lines and 50 feet from property lines of the development.
 - (5) The maximum height of all buildings shall be 30 feet. No building shall contain more than two stories.
 - (6) Where any townhouse or apartment building has a wall any portion of which faces a wall of another building, the following minimum horizontal distances between said walls shall apply:
 - (a) Where both walls contain a window or door, or windows or doors, not less than 75 feet building separation must be provided.
 - (b) Where only one wall contains a window or door, or windows or doors, not less than 50 feet building separation must be provided.
 - (c) Where both walls do not contain any windows or doors, not less than 30 feet building separation must be provided.
 - (7) The density of the development shall not exceed nine dwelling units per gross acre of land included within the development in the Medium Density Residential District. In making this calculation, land which is capable of further development or subdivision for additional dwellings shall not be counted unless the possibility of such development or subdivision is precluded by deed restriction or agreement in form ac-

ceptable to the Borough Solicitor and duly recorded in the Office of the Recorder of Deeds of Berks County, by transfer of development rights to the Borough or by dedication for public purposes or permanent open space to serve the development.

- (8) In determining the location, orientation and design of all buildings consideration shall be given to site terrain and other natural features.
- (9) A twenty-five-foot buffer yard shall be located along the sides and rear of any development within the R-3A Medium Density Residential District which is adjacent to an R-1, R-1A, R-2, or R-2A District. Also, a 50 feet buffer yard shall be located along the sides and rear of any development within the Medium Density Residential District which is adjacent to a Business District. This buffer yard shall be provided in accordance with the following standards:
 - (a) The buffer yard shall be measured from the District boundary line or from the street right-of-way line (where a street serves as the District boundary line). Buffer yards shall not be within an existing or future street right-of-way and shall be in addition to that right-of-way.
 - (b) The buffer yard may be coterminous with a required front, side, or rear yard, provided the larger yard requirement shall apply in case of conflict.
 - (c) The buffer yard shall be a landscaped area free of structures, materials or vehicular parking. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
 - (d) In all buffer yards, all areas not within the planting screen shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish and weeds. Said grass and ground cover shall be cut on a regular basis so that it will not exceed a height of six inches.
 - (e) Each buffer yard shall include a Planting Screen of trees, shrubs and/or other plant materials extending in a staggered and overlapping fashion the full length of the District boundary line to serve as a barrier to visibility, airborne particles, glare and noise. The noise level of normal and repetitive activity in the R-3A Medium Density Residential District detected as it comes through the screening into an adjacent R-1, R-1A, R-2, or R-2A District shall not exceed 60 dbA measured at ground level from the time a certificate of use and occupancy is issued.

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Each planting screen shall be in accordance with the following requirements:

- (i) Plant materials used in the planting screen shall be of such species and size as will produce, within two years, a complete year-round visual screen of at least eight feet in height.
 - (ii) The planting screen shall be permanently maintained by the landowner and any plant material that does not live shall be replaced within one year.
 - (iii) The planting screen shall be so placed that at maturity it will be at least three feet from any street or property line.
 - (iv) The Planting Screen shall be broken only at points of vehicular or pedestrian access.
 - (v) Clear sight triangles shall be provided at street intersections in accordance with the requirements of this Chapter and the Borough's Subdivision and Land Development Ordinance [Chapter 22].
 - (vi) The applicant shall submit plans showing the location and arrangement of each buffer yard and the placement, species and size of all plant materials.
- (10) If any dwelling units are to be sold under homeowner's and/or condominium agreements, such agreements or documents shall be approved by Borough Council prior to recording and filed with the subdivision or land development plan at the Borough Office.

Any proposed change to a condominium declaration shall be submitted to the Borough Council for review and approval.

- (11) No less than 25% of the total area of the parcel excluding street right-of-way shall be permanently set aside for noncommercial common open space purposes, such as parks, recreation or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facilities except as related to and incidental to open space uses.

The proper operation and maintenance of all common open spaces shall be secured by an appropriate organization with legal responsibility therefor. If the dwellings are sold, the organization may be a condominium, cooperative, corporation, association, trust or other appropriate nonprofit organization of the dwelling unit owners, organized in a manner found by the Borough Solicitor to be legally effective and

able to carry out its maintenance and operating responsibilities. It is the intention of this Chapter to authorize the remedies provided in Section 705(f)(2) and (3) of the Municipalities Planning code, and the same are hereby incorporated by reference.

- (12) Not more than 50% of the gross land area comprising a development shall be covered with buildings or other impervious ground cover, including parking areas, driveways, roads, sidewalks, recreation areas and any area covered in concrete, asphalt or other similar cover that does not absorb water.
- (13) A system of paved walkways a minimum of four feet in width shall be provided for access between buildings and common parking areas, open space and recreation areas, and other community facilities.
- (14) Parking areas shall be located at least 15 feet away from a wall containing windows and 10 feet away from a blank wall, except in cases where the parking areas are located within a building or attached garages or carports.

All parking areas, streets or driveways, except at points of ingress and egress, shall be located at least 50 feet from the boundary property line of the development.

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

Entrances to and exits from parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the areas.

No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping.

The terminus of the radius of an entrance to and exit from a common parking area shall be located a minimum of 50 feet from the point of intersection of any street right-of-way lines and the point of intersection of the nearest interior access drives.

Parking areas shall not be designed or located to require cars to back into public streets in order to leave the parking area.

Parking areas shall be designed to discourage rapid through travel from one parking area to another parking area, by use of speed bumps, etc. Entrance and exit ways and interior access ways shall be designed and have a width sufficient to allow vehicles to safely enter and leave a development site without blocking other vehicles entering, leaving or traveling within the development.

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- (15) A landscaping plan for the development prepared by a registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
- (16) All storage for other than private automobiles shall be architecturally attached to and be part of a dwelling and be structurally enclosed.
- (17) There shall be a minimum apartment unit area of 750 square feet. As used in this Section, "area" means the area of a horizontal section of the apartment unit taken at its greatest outside dimensions on the ground floor, including all attached structures.

There shall be a minimum townhouse building area of 900 square feet. As used in this Section, "townhouse building area" means the area of a horizontal section of the townhouse building taken at its greatest outside dimensions on the ground floor, including all attached structures.

- (18) For each apartment house, there shall be a yard, patio or other outdoor area immediately adjacent to the front, back or side of each dwelling of not less than 400 square feet in area for the exclusive use of the occupants of that dwelling. If a development is subdivided into lots, the same tests shall apply in determining the minimum size of the lot. For second floor apartments, there shall be a minimum external patio area of 110 square feet on the same level. For each townhouse, there shall be a yard, patio or other outdoor area immediately adjacent to the front, back or side of each dwelling of not less than 400 square feet in area for the exclusive use of the occupants of that dwelling. If a development is subdivided into lots, the same tests shall apply in determining the minimum size of the lot.
- (19) In the case of a development containing townhouses, the division of a development into lots is not required so long as the land upon which it is situated remains in a single undivided common ownership (including condominium ownership).

The minimum width of a townhouse shall be 18 feet.

A development containing townhouses shall have a minimum of 500 feet frontage on a public street or private street approved by the Borough Council.

- (20) The maximum length of apartment buildings shall be 160 feet. As used in this Section, "building length" means the horizontal measurement of any continuous building wall, without regard to offsets.

The maximum length of a continuous row of townhouses shall be 160 feet. As used in this Section, "building length" means the horizontal measurement of any continuous building wall, without regard to offsets.

There shall be not less than three and not more than eight townhouses attached to each other by party walls. No more than four adjacent townhouses shall have the same back and front wall plane. The minimum variation or offset of front and back wall planes shall be five feet.

- (21) Stormwater detention basins shall not retain water for more than 48 hours after a storm.

Stormwater shall be taken from the site by underground drainage after it is detained and shall not drain into street or highway cartways.

- (22) Single family detached dwellings, single family semi-detached dwellings, and two family detached dwellings may be located within the development, subject to the requirements of §423 of this Chapter.

- E. Accessory uses and structures to the above listed uses when on the same lot as the permitted use.

- D. Forestry activities including, but not limited to, timber harvesting

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §10)

§453. Uses Permitted by Special Exception.

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- A. Mobile Home Park.

- (1) Site Requirements.

- (a) The minimum area of a mobile home park shall be 10 acres.

- (b) All mobile home parks shall be served by either a public or community sewage disposal system and by either a public or community water supply system and all must be approved by the Pennsylvania Department of Environmental Protection.

- (2) Area, Density, Width, Yard and Height Regulations for Mobile Homes and Accessory Structures within Mobile Home Parks.

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- (a) Minimum Mobile Home Lot Size per Mobile Home.
 - Single-Width Mobile Home: 5,000 sq. ft.
 - Double-Width Mobile Home: 10,000 sq. ft.
 - (b) Maximum Density of Mobile Homes: eight dwelling units (Dwelling Units) per acre
 - (c) Minimum Mobile Home Lot Width (Measured at the Minimum Building Setback Line): 40 feet
 - (d) Minimum Setback Line for Mobile Homes from property line of mobile home park and street line boundary: 50 feet
 - (e) Front Yard – Minimum (From streets internal to the mobile home park): 20 feet
 - (f) Minimum Side Yards: Total: 20 feet
 - One Side: 10 feet
 - (g) Minimum Distance Between Mobile Homes and Service or Accessory Building or Common Parking Facility: 30 feet
 - (h) Maximum Coverage.
 - (i) Building Coverage: 30%
 - (ii) Lot Coverage: 65%
 - (i) Maximum Height: 35 feet
- (3) Design Standards.
- (a) Street Layout and Construction.
 - (1) There shall be at least one street in the park which is circumstantial and from which lesser streets shall turn out so as to provide direct access to each lot and to each common space area of the tract.
 - (2) Cul-de-sac shall not exceed 600 feet in length and shall terminate in a turnaround having a fifty-foot radius to the outer edge of the cartway.
 - (3) There shall be at least two entrances from a public street into the park. Additional entrances may be approved by

the Borough if traffic conditions would warrant additional entrances.

- (4) Street design shall meet the requirements of this Chapter.
 - (5) All streets shall be hard surface and shall be constructed in accordance with Borough specifications.
- (b) Entrance to Mobile Home Park.
- (1) The main park entrance shall conform to the standards of the Pennsylvania Department of Transportation when the entrance is from a state road. A PennDOT Highway Occupancy Permit shall be obtained in such cases. When the entrance is from a Borough road, it shall conform to the requirements of this Chapter.
 - (2) The entrance shall take into account the traffic on the public street and that to be generated by the park residents. Acceleration and deceleration lanes may be required as well as two-lane entrances and two-lane exits.

(c) Stormwater Drainage.

Stormwater drainage shall be in accordance with the requirements set forth in the Borough of Wyomissing Subdivision and Land Development Ordinance, Ordinance No. 1125 and as amended.

- (d) Pedestrian Circulation System, Service and Accessory Buildings and Landscaping.
- (1) All mobile home parks shall contain a pedestrian circulation system which shall be designed, constructed, and maintained for safe and convenient movement from all mobile home spaces to principal destinations within the park and, if appropriate, shall provide safe and convenient access to pedestrian ways leading to destinations outside of the park. "Principal Destinations" include such uses as recreation areas, service buildings, storage areas, common parking and management offices.
 - (2) All pedestrian walks shall have a minimum width of four feet.
 - (3) All pedestrian walks shall be paved.

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- (4) All pedestrian walks must be provided with lighting units spaced, equipped, and installed to allow safe movement of pedestrians at night.
 - (5) All service and accessory buildings, including management offices, storage areas, laundry buildings and indoor recreation areas, shall conform to the requirements of the Borough Building Code. Attachments to mobile homes in the form of sheds and lean-tos are prohibited.
 - (6) The mobile home park shall have a structure designed and clearly identified as the office of the mobile home park manager.
 - (7) Service and accessory buildings located in a mobile home park shall be used only by the occupants of the park and their guests.
 - (8) Ground surfaces in all parts of a mobile home park must be paved or covered with grass or other suitable vegetation capable of preventing soil erosion and the emanation of dust.
 - (9) Park grounds must be kept free of vegetative growth which is poisonous or which may produce pollen or harbor rodents, insects or other pests harmful to man.
- (4) Solid Waste and Vector Control and Electric Distribution System.
- (a) The storage, collection and disposal of solid wastes from the mobile homes park shall be the responsibility of the mobile home park operator.
 - (b) The storage, collection and disposal of solid wastes must be conducted so as to prevent insect and rodent problems.
 - (c) All solid wastes must be stored in approved fly-tight, rodent-proof and watertight containers, and these containers shall be maintained in a clean condition.
 - (d) Solid waste containers must be distributed throughout the mobile home park in adequate numbers and be readily accessible to the mobile home spaces in use.
 - (e) Exterior storage areas for solid wastes must be a completely screened-in system to which every mobile home and service building shall be connected. Such system and connections shall be installed, inspected and maintained in accordance with the

specifications and rules of the appropriate utility company, the Borough and the State. The appropriate electric utility shall inspect all transformers and underground connections to all mobile homes located within mobile home parks and shall attach its dated "tag-of-approval" to each mobile home at a visible location before any mobile home is occupied.

- (f) Underground electric distribution lines are to be installed in all mobile home parks.
- (5) Required Permits and Application for Permits.
- (a) It shall be unlawful for any person to maintain, construct, alter or extend any mobile home park within the Borough, unless he holds a valid Certificate of Registration issued by the Pennsylvania Department of Environmental Protection and a valid occupancy permit issued by the Borough Council.
 - (b) Proof that a valid Certificate of Registration from the Pennsylvania Department of Environmental Protection is held shall be submitted to the Borough Manager each year.
 - (c) Every person holding a Certificate of Registration shall file notice in writing to the Pennsylvania Department of Environmental Protection and the Borough Manager within 10 days after having sold, transferred, given away or otherwise having disposed of interest in or control of any mobile home park.
 - (d) Mobile home parks in existence upon the effective date of this Chapter shall be required to meet only the standards of the Pennsylvania Department of Environmental Protection, the Borough Zoning Ordinance and other applicable Borough ordinances, as a prerequisite to the issuing of an occupancy permit by the Borough. The standards of the Department of Environmental Resources, the Borough Zoning Ordinance, other applicable Borough Ordinances and the standards prescribed in this Chapter shall be met before an occupancy permit is issued by the Borough for a mobile home park constructed or expanded after the effective date of this Chapter.
 - (e) A representative of the Borough may inspect a mobile home park at reasonable intervals and at reasonable times to determine compliance with this Chapter.
 - (f) A copy of the occupancy permit for a mobile home park issued by the Borough shall at all times be posted in the office of the mobile home park manager.

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- (g) Applications for occupancy permits for mobile home parks shall be filed with the Borough Code Enforcement Officer, using application forms available from the Borough Office.
- (h) Accompanying all applications for occupancy permits shall be three copies of all information which was submitted to the Pennsylvania Department of Environmental Resources when an application for a Certificate of Registration from that body was filed.
- (i) An application for an occupancy permit for a mobile home park shall be accompanied by three copies of plans for the mobile home park and three copies of any supplemental drawings which shall contain all information necessary to allow the Borough Council to determine that all the requirements of this Chapter have been met.
- (j) The Borough Code Enforcement Officer shall act on each application for an occupancy permit for a mobile home park and shall issue an occupancy permit when the application is approved, providing proof that the Pennsylvania Department of Environmental Protection has issued a Certificate of Registration is submitted to the Borough. The occupancy permit shall be valid for a period of one year from the date it is issued.
- (k) An annual permit fee shall be required for each mobile home park. An occupancy permit must be renewed each year and will not be renewed by the Borough unless the annual permit fee is paid to the Borough and the Borough determines that all the standards of the Pennsylvania Department of Environmental Protection are met. In the case of mobile home parks constructed or expanded after the effective date of this Chapter, the Borough must also determine that the standards of this Chapter are met.
- (l) An application for renewal of an occupancy permit for a mobile home park must be submitted each year. Application forms shall be obtained from the Borough Office. Only an application need be submitted when an occupancy permit is to be renewed. A plan of the mobile home park is not required when a permit is to be renewed.
- (m) After the effective date of this Chapter, before the area, number of mobile home spaces, road system, service facilities, sewer facilities, water facilities or any other aspect of a mobile home park which is regulated by this Chapter may be altered or expanded, this alteration or expansion must be approved by the Borough Planning Commission. Plans which indicate all pro-

posed modifications shall be filed with the Borough Zoning Officer, who will submit the plans to the Planning Commission.

(6) Supervision of Park.

- (a) The person to whom an occupancy permit for a mobile home park is issued shall operate the park in compliance with this Chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) A register containing the names of all park occupants, the make, model and serial number of each mobile home, the date of arrival of each mobile home in the park, and the lot number upon which the mobile home is parked, and the date of departure from the park shall be maintained by the person to whom an occupancy permit for a mobile home park was issued. The register shall be available to any person whom the Borough Council authorizes to inspect the park and shall be kept within the office of the mobile home park manager.
- (c) A space within a mobile home park shall be rented for periods of 180 days or more.
- (d) Whenever the ownership or management of any mobile home park changes, the new owner or manager of the mobile home park shall notify the Borough Manager of the change.

(7) Notices, Hearings and Orders.

- (a) Whenever, after inspection of any mobile home park, it is determined by the Borough Code Enforcement Officer that conditions or practices exist which are in violation of any provision of this Chapter, the Borough Manager shall give notice in writing to the person to whom an occupancy permit for a mobile home park was issued, advising such person that unless such conditions or practices are corrected within a reasonable period of time specified within the notice, the permit to operate a mobile home park in the Borough will be suspended. At the end of the specified period of time the mobile home park will be reinspected by the Borough Code Enforcement Officer. If the conditions or practices in violation of this Chapter have not been corrected, the Borough Code Enforcement Officer shall suspend the occupancy permit and give notice in writing of such suspension to the person to whom the permit was issued.
- (b) The written notice advising that conditions or practices exist which are in violation of this Chapter and that these conditions

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or practices may result in the suspension of an occupancy permit for a mobile home park shall:

- (1) Be in writing.
 - (2) Include a statement of the reasons for its issuance.
 - (3) Allow a reasonable time for the performance of any act it requires.
 - (4) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.
 - (5) Be served upon the person to whom an occupancy permit for a mobile home park was issued.
- (c) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter, or of any regulation adopted pursuant thereto, any request and shall be granted a hearing on the matter before the Borough Council provided that such a person shall file with the Borough Manager a written petition requesting such hearing and setting forth a brief statement of the grounds for the request for the hearing within 10 days after the notice was served.
- (d) Upon receipt of such petition, the Borough Council shall set a place and time for the hearing and shall give the petitioner written notice thereof. At the hearing, the petitioner will be given an opportunity to show why the notice which was issued should be modified or withdrawn. The hearing shall be held not later than 10 days after the day on which the petition was filed. Upon written application by the petitioner, the Borough Council may waive this ten-day requirement when in their judgment the petitioner has submitted sufficient reasons for such a postponement.
- (e) After the hearing has been held, the Borough Council shall make findings as to the compliance with the provisions of this Chapter and shall issue an order in writing sustaining, modifying or withdrawing the notice provided for in subsection (a)(7)(a) of this Section. Upon failure to comply with the conditions of the sustained or modified notice, the Borough Council shall suspend the occupancy permit for the mobile home park in question and give notice in writing of such suspension to the person to whom the permit was issued.

- (f) Any person aggrieved by the decision of the Borough Council may seek relief in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Pennsylvania.

B. Two-Family Detached Dwelling.

(Ord. 1234, 2/11/2003, §1)

§454. Area, Height and Yard Regulations.

Maximum Permitted	Single Family Detached Dwelling or Nonresidential Use	Single Family Semi-Detached Dwelling	Two Family Detached Dwelling
Building Height	35 feet	35 feet	35 feet
Building Coverage	30%	30%	30%
Paved Area	20%	20%	20%
Minimum Requirements			
Lot Size	10,000 sq. ft.	6,000 sq. ft. per dwelling unit	12,000 sq. ft.
Building Setback	As designated in §304.		
Side Yard			
Total	25 feet	25 feet	25 feet
Min. Either Side	10 feet	10 feet	10 feet
Rear Yard	25 feet	25 feet	25 feet
Lot Width			
at Street Line	60 feet	40 feet per dwelling unit	40 feet per dwelling unit
at Building Setback Line	80 feet	50 feet per dwelling unit	50 feet per dwelling unit

(Ord. 1234, 2/11/2003, §1)

§455. General Regulations Applicable.

In addition to the above regulations listed for this district, the general regulations of Part 6 of this Chapter shall apply unless specifically noted as not being applicable.

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(Ord. 1234, 2/11/2003, §1)

§460. R-4 Retirement Community District.

§461. Specific Intent.

It is the purpose of this district to provide for residential and physical health care facilities for elderly and disabled persons within a planned retirement community, which community is intended to include the amenities which are typical or commonly associated with such planned retirement communities.

(Ord. 1234, 2/11/2003, §1)

§462. Application Procedure.

1. Any retirement community shall be considered a land development and the plan for such community is subject to review by the Borough Planning Commission and approval by the Borough Council pursuant to the provisions of the Borough's Subdivision and Land Development Ordinance [Chapter 22]. The plan for any retirement community is subject to the standards of this R-4 District and the Borough's Subdivision and Land Development Ordinance [Chapter 22].
2. In the event of any conflict between the provisions of this R-4 District and any other provisions of this Chapter or Subdivision and Land Development Ordinance [Chapter 22], the provisions of this R-4 District shall control.

(Ord. 1234, 2/11/2003, §1)

§463. Uses Permitted by Right.

Land and buildings in an R-4 Retirement Community District may be used only for the purpose of a retirement community (hereafter referred to as the "community"). The community is subject to the following requirements:

- A. Living units for the elderly, including single-family detached dwellings, single-family semidetached dwellings, townhouses or apartment units, shall be the principal use within the community. In addition, common facilities required to support the needs of persons living within the community, including the elderly and disabled persons regardless of age, shall be provided. Such common facilities may include the following:
 - (1) Dining facilities including kitchens and accessory facilities for residents and their guests.

- (2) Social rooms, chapels, meeting rooms and overnight guest rooms for guests of residents.
 - (3) Health care facilities including, but not limited to, clinic, rehabilitation services, nursing care, convalescent care, intermediate care, extended care, personal care, laboratory and such other similar facilities required to supply the health care needs of the residents of the community.
 - (4) Administrative offices used in the management of the community and health care facilities.
 - (5) Activity, craft and hobby shops, recreation facilities, gift shops, personal service facilities and similar type uses, exclusively for the use of residents and their guests.
 - (6) Accessory buildings and uses customarily incidental to the above uses.
- B. The minimum size parcel shall be 20 acres.
 - C. Maximum building height at any point shall be 45 feet. The number of full stories exposed shall not exceed four.
 - D. Minimum building setback from public streets shall be 50 feet.
 - E. All structures shall be located a minimum of 50 feet from the property lines of the parcel.
 - F. No more than 20% of the total area of the parcel shall be covered by buildings.
 - G. No more than 20% of the total area of the parcel shall be paved surface such as streets, interior access drives, parking areas, sidewalks and courts.
 - H. Common parking areas and interior access drives shall be located a minimum of 25 feet from the property lines of the parcel.
 - I. All buildings shall be set back a minimum of 20 feet from all common parking areas and internal access drives and streets, except for off-street loading areas and areas at entrances to buildings where residents will enter and leave standing vehicles.
 - J. All principal buildings shall be separated by a minimum horizontal distance of 45 feet.
 - K. No less than 30% of the total area of the parcel shall be permanently set aside for noncommercial common open space purposes, such as parks, recreation or conservation of natural features. The common open space

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areas shall be suitable for the designated purpose and contain no structure or parking facilities except as related to and incidental to open space uses.

- L. Each community shall be built as a single legal entity and shall be retained in single ownership. Fee simple absolute sale of units shall be prohibited. All common facilities to support the needs of the residents of the community shall remain under a single ownership.
- M. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
- N. Entrances to and exits from parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the areas.
- O. No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- P. Entrances to and exits from common parking areas shall be located a minimum of 50 feet from the point of intersection of the nearest public street cartway lines and the point of intersection of the nearest interior access drives.
- Q. Minimum parking requirements shall be as follows:
 - (1) Living units for the elderly: one space per dwelling unit.
 - (2) Nursing homes, personal care facilities and other care facilities: one space per employee on the largest shift plus one space for each four beds.
 - (3) Gift shops, personal services facilities and similar type uses: one space for each 200 square feet of gross floor area.
- R. A system of paved walkways a minimum of five feet in width shall be provided for access between buildings and common parking areas, open space and recreation areas, and other community facilities.
- S. A landscaping plan for the retirement community prepared by a registered architect or registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough Planning Commission. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
- T. Identification signs for retirement communities are permitted provided that no more than one such sign shall be erected at each exterior public street access to the retirement community. No such sign shall be closer than 10 feet to a lot line, and the area on one side of any such sign shall not exceed 25 square feet. No part of any sign shall exceed eight feet in height.

- U. No more than six townhouses shall be permitted in a continuous row and the maximum length of a continuous row of townhouses shall be 160 feet. No more than three continuous townhouses shall have the same front setback and the variations in front setback shall be at least two feet.
- V. For buildings other than townhouses, there shall be no architecturally unbroken building face of more than 160 lineal feet. A building face shall be considered architecturally broken if there is a deflection in the building axis of at least 30° or, where there is no deflection in the building axis of at least 30°, an integral architectural feature of the building projects from the building face a minimum of 10 feet for a minimum distance of 10 feet along the building face. Such architectural feature shall extend the entire height of the building included within stories.

Forestry activities including, but not limited to, timber harvesting shall be a use permitted by right in this district.

(Ord. 1234, 2/11/2003, §1)

§470. T-C Town Center Residential/Office District.

§471. Specific Intent.

It is the purpose of this district to integrate limited office development into existing residential or mixed use neighborhoods in central portions of the Borough, provided such office development is accomplished in a manner which will conserve the residential qualities of the neighborhood and surrounding neighborhoods. Such conservation is to be accomplished by consideration of the architectural characteristics of the neighborhood, providing landscaping and buffering adjoining residential areas and minimizing adverse impacts from parking, environmental factors and signage on residential areas.

(Ord. 1234, 2/11/2003, §1)

§472. Uses Permitted by Right.

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

- A. Single-family detached dwelling.
- B. Municipal use.
- C. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

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- D. Forestry activities including, but not limited to, timber harvesting.

(Ord. 1234, 2/11/2003, §1)

§473. Uses Permitted by Special Exception.

1. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- A. Financial institution.
- B. Business, professional or governmental office.
- C. Dwelling unit on a story above a use permitted by special exception in this district provided that the number of dwelling units shall not exceed two.
- D. Two-family detached dwelling.
- E. Church or similar place of worship.
- F. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

2. Continuation of Uses Permitted by Special Exception in the T-C Town Center Residential/Office District. Where a special exception for a use permitted under Section 473.1 was previously approved by the Zoning Hearing Board, a new special exception use permitted under Section 473.1 may be established without a new approval from the Zoning Hearing Board if each of the following conditions are satisfied:

- A. The new use is specifically permitted by this Section.
- B. The new use is substantially similar to the previously approved use.
- C. The new use will not occupy substantially more space than the previously approved use.
- D. The new use must be applied for within one year from the previously approved use's discontinuation.
- E. The new use's hours of operation will be similar to the previously approved use.
- F. The new use will not require more employees than the previously approved use.

- G. The new use will not require more parking than the previously approved use.
- H. The services and utilities, including public water, sanitary sewers and stormwater drainage, will be adequately available to serve the new use.
- I. The public's health, safety or welfare will not be adversely affected by the new use.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1295, 5/12/2009, §1)

§474. Area, Yard and Height Regulations.

Maximum Permitted

Building Height: 35 feet
Building Coverage: 40%
Paved Area: 40%

Minimum Requirements

Lot Size: 10,000 sq. ft.
Building Setback: 20 feet
Side Yard
Total: 20 feet
Each Side: 10 feet
Rear Yard: 10 feet
Lot Width
At Street Line: 100 feet
At Building Setback Line: 100 feet
Open Area: 30%

(Ord. 1234, 2/11/2003, §1)

§475. Additional Performance Standards for Nonresidential Uses.

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

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(Ord. 1234, 2/11/2003, §1)

§476. General Regulations Applicable.

In addition to the above regulations listed for this district, the general regulations of Part 6 of this Chapter shall apply unless specifically noted as not being applicable.

(Ord. 1234, 2/11/2003, §1)

PART 5

COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS

§500. C-1 Neighborhood Commercial District.

§501. Special Intent.

It is the purpose of this district to provide an area where one and two-family dwellings and certain commercial uses which will not have an adverse impact on residential neighborhoods may locate.

(Ord. 1234, 2/11/2003, §1)

§502. Uses Permitted by Right.

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

- A. Single-family detached dwelling.
- B. Single-family semidetached dwelling.
- C. Two-family detached dwelling.
- D. Municipal use.
- E. Church or similar place of worship.
- F. Library or post office.
- G. Business, professional or governmental offices.
- H. Financial institution.
- I. Fire company facilities, excluding social quarters.
- J. Retail sales of goods such as antiques, appliances, auto parts, beverages, bicycles, books (except adult book stores), carpeting, clothing, confections, drugs, dry goods, flowers, food, furniture, gifts, hardware, jewelry, liquor, newspapers, notions, office equipment, paint, personal and household supplies, phonograph records, photographic supplies, sporting goods, stationery, toys, tobacco and other similar uses as determined by the Zoning Officer.

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- K. Personal and household service establishments such as barber shops, beauty shops, laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants), tailor and seamstress shops, shoe and appliance repair shops, rental of medical equipment and other similar uses as determined by the Zoning Officer.
- L. Standard restaurant.
- M. Dwelling unit on a story above a commercial use, provided that the number of dwelling units shall not exceed two.
- N. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
- O. Forestry activities including, but not limited to, timber harvesting.

(Ord. 1234, 2/11/2003, §1)

§503. Uses Permitted by Special Exception.

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- A. Club or lodge, provided that all club and lodge activities shall be conducted within buildings or structures.
- B. Commercial school for the teaching of trades, arts or skills.
- C. Studio.
- D. Funeral home.
- E. State licensed nursery school or day care center.
- F. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(Ord. 1234, 2/11/2003, §1)

§504. Area, Yard and Height Regulations.

Maximum Permitted	Nonresidential Use	Single-Family Detached Dwelling	Single-Family Semidetached Dwelling	Two-Family Detached Dwelling
Building Height	40 feet	40 feet	40 feet	40 feet

Maximum Permitted	Nonresidential Use	Single-Family Detached Dwelling	Single-Family Semidetached Dwelling	Two-Family Detached Dwelling
Building Coverage	50%	25%	30%	25%
Paved Area	70%	20%	20%	20%
Minimum Requirements				
Lot Size				
Per Construction Site	20,000 sq. ft.	12,000 sq. ft.	8,000 sq. ft.	12,000 sq. ft.
Per Unit of Use	5,000 sq. ft.			
Minimum Requirements				
Lot Width				
At Street Line	150 feet	70 feet	50 feet	50 feet
At Building Setback Line	150 feet	80 feet	70 feet	80 feet
Building Setback	20 feet	20 feet	20 feet	20 feet
Side Yard				
Total	20 feet	30 feet	20 feet	30 feet
Each Side	10 feet	15 feet	10 feet	15 feet
Rear Yard	20 feet	40 feet	40 feet	40 feet
Open Area	20%	55%	50%	55%

(Ord. 1234, 2/11/2003, §1)

§505. Additional Performance Standards.

A landscaping plan for the site prepared by a registered architect or registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough Planning Commission. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan. A landscape screen shall be required along any lot line adjacent to a residential use and/or any lot line adjacent to any zoning district which permits a residential use.

(Ord. 1234, 2/11/2003, §1)

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§506. General Regulations Applicable.

In addition to the above regulations listed for this district, the general regulations of Part 6 of this Chapter shall apply unless specifically noted as not being applicable.

(Ord. 1234, 2/11/2003, §1)

§510. C-2 Retail Commercial District.

§511. Specific Intent.

It is the purpose of this district to provide an area for major retail development, such as shopping centers, to locate.

(Ord. 1234, 2/11/2003, §1)

§512. Uses Permitted by Right.

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

- A. Retail sales of goods such as antiques, appliances, auto parts, beverages, bicycles, books (except adult book stores), carpeting, clothing, confections, drugs, dry goods, flowers, food, furniture, gifts, hardware, jewelry, liquor, newspapers, notions, office equipment, paint, personal and household supplies, phonograph records, photographic supplies, sporting goods, stationery, toys, tobacco and other similar uses as determined by the Zoning Officer. A bakery with baking on the premises for sale only on the premises is permitted.
- B. Personal and household service establishments such as barber shops, beauty shops, laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants), tailor and seamstress shops, shoe and appliance repair shops, rental of medical equipment, and other similar uses as determined by the Zoning Officer.
- C. Municipal use.
- D. Indoor theater, but not an adult theater.
- E. Business, professional or governmental offices.
- F. Financial institution.

- G. Studio.
- H. Motel or hotel, including meeting rooms and auditoriums.
- I. Public or private elementary, middle, junior or senior high school and/or commercial school for the teaching of trades, arts or skills.
- J. Church or similar place of worship.
- K. Health fitness center.
- L. Fire company facilities, excluding social quarters.
- M. Library or post office.
- N. Standard restaurant, carry-out restaurant or fast-food restaurant.
- O. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
- P. Forestry activities including, but not limited to, timber harvesting.

(Ord. 1234, 2/11/2003, §1)

§513. Uses Permitted by Special Exception.

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- A. Motor vehicle service station, provided that:
 - (1) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
 - (2) All repair activities shall be performed within a building.
- B. Club or lodge, provided all club or lodge activities shall be conducted within buildings or structures.
- C. Bowling alley, skating rink, amusement room for the use of electronic and/or mechanical coin operated devices, and other similar indoor uses as determined by the Zoning Officer.
- D. State licensed nursery school or day care center.
- E. Nursing home, subject to:

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- (1) The maximum building height at any point shall be 45 feet. The number of full stories exposed shall not exceed three.
- (2) The minimum building setback from public streets shall be 50 feet.
- (3) All structures shall be located a minimum of 50 feet from the property lines of the parcel.
- (4) No more than 20% of the total area of the parcel shall be covered by buildings.
- (5) No more than 20% of the total area of the parcel shall be paved surface such as streets, interior access drives, parking areas, sidewalks and courts.
- (6) Common parking areas and interior access drives shall be located a minimum of 25 feet from the property lines of the parcel.
- (7) All buildings shall be set back a minimum of 20 feet from all common parking areas and internal access drives and streets, except for off-street loading areas and areas at entrances to buildings where residents will enter and leave standing vehicles.
- (8) All principal buildings shall be separated by a minimum horizontal distance of 45 feet.
- (9) No less than 30% of the total area of the parcel shall be permanently set aside for noncommercial common open space purposes, such as parks, recreation or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses.
- (10) All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may maneuver.
- (11) Entrances to and exits from parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the areas.
- (12) No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- (13) Entrances to and exits from common parking areas shall be located a minimum of 50 feet from the point of intersection of the nearest public street cartway lines and the point of intersection of the nearest interior access drives.

- (14) A system of paved walkways a minimum of five feet in width shall be provided for access between buildings and common parking areas, open space areas and other community facilities.
- (15) A landscaping plan for the nursing home prepared by a registered architect or registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough Planning Commission. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
- (16) There shall be no architecturally unbroken building face of more than 160 lineal feet. A building face shall be considered architecturally broken if there is a deflection in the building axis of at least 30° or, where there is no deflection in the building axis of at least 30°, an integral architectural feature of the building projects from the building face a minimum of 10 feet for a minimum distance of 10 feet along the building face. Such architectural feature shall extend the entire height of the building included within stories.

F. Funeral Home.

G. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use and not detrimental to the retail commercial district.

H. Communications towers and antennae subject to the regulations governing communications towers and antennae and the standards for these uses as special exceptions as set forth at §§623 and 624.

(Ord. 1234, 2/11/2003, §1)

§514. Area, Yard and Height Regulations.

Maximum Permitted

Building Height: 60 feet

Building Coverage: 30%

Paved Area: 70%

Minimum Requirements

Lot Size

Per Construction Site: 50,000 sq. ft.

Per Unit of Use: 5,000 sq. ft.

Building Setback: 40 feet

Side Yard

Total: 60 feet

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Each Side: 30 feet
Rear Yard: 30 feet
Lot Width
At Street Line: 150 feet
At Building Setback Line: 150 feet
Open Area: 20%

(Ord. 1234, 2/11/2003, §1)

§515. Additional Performance Standards.

1. The horizontal distance in feet at the closest place between any two principal buildings on the same lot shall not be less than the height of the highest building, measured in feet, but in no case less than 20 feet.
2. A landscaping plan for the site prepared by a registered architect or registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough Planning Commission. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan. A landscape screen shall be required along any lot line adjacent to any zoning district which permits a residential use.
3. For every one foot in building height above 40 feet, every required front, side and rear yard shall be increased by one foot.

(Ord. 1234, 2/11/2003, §1)

§516. General Regulations Applicable.

In addition to the above regulations listed for this district, the general regulations of Part 6 of this Chapter shall apply unless specifically noted as not being applicable.

(Ord. 1234, 2/11/2003, §1)

§520. I-1 Office/Research Park District.

§521. Specific Intent.

It is the purpose of this district to provide an area for office and research uses and certain uses designed to provide services to the employees of those uses and their business invitees.

(Ord. 1234, 2/11/2003, §1)

§522. Uses Permitted by Right.

Land and buildings in an I-1 District may be used for the following purposes and no others:

- A. Business, professional or governmental office.
- B. Financial institution.
- C. Municipal use.
- D. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development; provided, that there shall be no commercial production or storage of any commodity or substance except for storage necessary for scientific research.
- E. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
- F. Forestry activities including, but not limited to, timber harvesting.

(Ord. 1234, 2/11/2003, §1)

§523. Uses Permitted by Special Exception.

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- A. State licensed nursery school or day care center.
- B. Club or lodge, provided all club or lodge activities shall be conducted within buildings or structures.
- C. Interior service and convenience uses including, but not limited to, eating and drinking places, specialized retail food sales, barber/beauty shop, photo copy service, pharmacy and optician. All interior service and convenience uses shall not occupy more than a total of 10% of the total floor area of the building in which they are located. Public entrances to interior service and convenience uses shall be from the interior of the building. No public entrance to any interior service or convenience use shall be located less than 30 feet from an exterior exit to the building that is used by the public for ingress and egress. Exterior signage shall not be permitted for any service and convenience use

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- D. Communications towers and antennae subject to the regulations governing communications towers and antennae and the standards for these uses as special exceptions as set forth at §§623 and 624.

(Ord. 1234, 2/11/2003, §1)

§524. Area, Yard and Height Requirements.

Maximum Permitted

Building Height: 45 feet

Building Height Within 200 Feet of Residential Zoning District: 25 feet

Total of Building Coverage and Paved Area: 60%

Minimum Requirements

Lot Size: three acres

Building Setback: 50 feet

Side Yard

Total: 100 feet

Each Side: 50 feet

Rear Yard: 50 feet

Lot Width

At Street Line: 200 feet

At Building Setback Line: 300 feet

Open Area: 40%

(Ord. 1234, 2/11/2003, §1)

§525. Additional Performance Standards.

1. The horizontal distance in feet at the closest place between any two principal buildings on the same lot shall not be less than the height of the highest building, measured in feet, but in no case less than 20 feet.
2. For every one foot in building height above 40 feet, every required front, side and rear yard shall be increased by one foot.
3. Parking lots shall be a minimum of 25 feet from public streets, 20 feet from side and rear lot lines, 50 feet from any zoning district which permits a residential use and 20 feet from private roads.
4. A landscaping plan for the site prepared by a registered architect or registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough Planning Commission. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan. A

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

5. Trucks and trailers shall only be permitted on the premises for a temporary period not exceeding 12 hours and shall be kept in a screened loading area.
6. Truck or trailer loading and/or unloading activity shall not occur between the hours of 9:00 p.m. and 6:00 a.m.
7. Loading areas shall not front on a public street. In addition, loading areas shall be screened from all other buildings, properties and public streets.
8. Outside storage of any goods, materials, supplies or freight is prohibited
9. All uses permitted by right or special exception shall be carried on within a building.

(Ord. 1234, 2/11/2003, §1)

§526. General Regulations Applicable.

In addition to the above regulations listed for this district, the general regulations of Part 6 of this Chapter shall apply unless specifically noted as not being applicable.

(Ord. 1234, 2/11/2003, §1)

§530. I-2 Light Industrial District.

§531. Specific Intent.

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

(Ord. 1234, 2/11/2003, §1)

§532. Uses Permitted by Right.

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

- A. Business, professional or governmental office.
- B. Municipal use.

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- C. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development.
- D. Printing and publishing activities.
- E. Industrial operations involving the production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods and materials, provided that all such activities shall be carried on within a building.
- F. Warehousing and distributing of manufactured foods, goods and materials.
- G. Financial institution.
- H. Motel or hotel, including meeting rooms and auditoriums.
- I. Indoor theater, but not an adult theater.
- J. Standard restaurant, carry-out restaurant or fast food restaurant. Also, drive-in restaurant provided it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to place and pick up orders, as demonstrated by traffic plans and studies submitted by the applicant and approved by the Borough.
- K. Health fitness center.
- L. Motor vehicle service station or repair garage, provided that:
 - (1) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
 - (2) All repair activities shall be performed within a building.
- M. Personal and household service establishments such as barber shops, beauty shops, laundromats, laundry and dry cleaning establishments, tailor and seamstress shops, shoe and appliance repair shops, rental of medical equipment and other similar uses as determined by the Zoning Officer.
- N. Retail and wholesale sales of goods such as antiques, appliances, auto parts, beverages, bicycles, books (except adult book stores), carpeting, clothing, confections, drugs, dry goods, flowers, food, furniture, gifts, hardware, jewelry, liquor, newspapers, notions, office equipment, paint, personal and household supplies, phonograph records, photographic supplies, sporting goods, stationery, toys, tobacco and other similar uses as determined by the Zoning Officer.

- O. Fire company, including social quarters maintained and operated by the fire company and/or its affiliated organizations.
- P. Shop of a carpenter, electrician, metal worker, cabinet maker, upholsterer, plumber, mason, painter, home builder, heating contractor or similar skilled tradesman.
- Q. Accessory structures and uses to the above permitted uses when on the same lot as the permitted use.
- R. Forestry activities including, but not limited to, timber harvesting.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §11)

§533. Uses Permitted by Special Exception.

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- A. Adult arcade, adult book store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage establishment, nude model studio, sexual encounter center, or other sexually oriented business or adult oriented retail, commercial service or entertainment establishment, which in addition to meeting the standards for special exceptions in this Chapter meet the following specific requirements:
 - (1) The lot or property line of such business shall not be located within 500 feet of any other district.
 - (2) The lot or property line of such business shall not be located within 500 feet of the lot or property line of any religious structure, school, playground or other recreational area, day care facility or public library.
 - (3) The lot or property line of such business shall not be located within 1,000 feet of the lot or property line of another such business.
 - (4) There shall be no display of materials which are characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas that can be seen from the exterior of the building.
 - (5) Not more than one such business or activity shall be permitted within any one building or lot.
 - (6) The Zoning Hearing Board shall review and approve all exterior signs for compatibility with adjacent uses. Such signs shall not be characte-

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rized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.

- (7) No such business or activity may change to another type of such business or activity, except upon application to and approval by the Zoning Hearing Board of such change as a special exception subject to the criteria set forth herein.

- B. State licensed nursery school or day care center.
- C. Communications towers and antennae subject to the regulations governing communications towers and antennae and the standards for these uses as special exceptions as set forth at §§623 and 624.

(Ord. 1234, 2/11/2003, §1)

§534. Area, Yard and Height Requirements.

Maximum Permitted

Building Height: 60 feet
Building Coverage: 30%
Paved Area: 60%

Minimum Requirements

Lot Size: 50,000 sq. ft.
Building Setback: 40 feet
Side Yard
Total: 60 feet
Each Side: 30 feet
Rear Yard: 30 feet
Lot Width
At Street Line: 150 feet
At Building Setback Line: 200 feet
Open Area: 20%

(Ord. 1234, 2/11/2003, §1)

§535. Additional Performance Standards.

1. The horizontal distance in feet at the closest place between any two principal buildings on the same lot shall not be less than the height of the highest building, measured in feet, but in no case less than 20 feet.

2. For every one foot in building height above 40 feet, every required front, side and rear yard shall be increased by one foot.
3. A landscaping plan for the site prepared by a registered architect or registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough Planning Commission. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan. A landscape screen shall be required along any lot line adjacent to any zoning district which permits a residential use.

(Ord. 1234, 2/11/2003, §1)

§536. General Regulations Applicable.

In addition to the above regulations listed for this district, the general regulations of Part 6 of this Chapter shall apply unless specifically noted as not being applicable.

(Ord. 1234, 2/11/2003, §1)

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PART 5-A

COMMERCIAL AND INDUSTRIAL REDEVELOPMENT OVERLAY DISTRICT

§501A. Specific Intent.

1. In addition to the conventional commercial and industrial zoning districts established by this Part, there shall be established a Commercial and Industrial Redevelopment Overlay District.
2. The Commercial and Industrial Redevelopment Overlay District shall not be an independent zoning district, but shall be a set of special zoning regulations to be applied over and above the zoning regulations otherwise controlling upon a tract of land, as enabled by and described in Section 605 of the Pennsylvania Municipalities Planning Code. The district upon which the overlay district is superimposed is referred to herein as the “underlying district”.
3. The purpose of this overlay district is to provide an incentive for the redevelopment of commercial and industrial sites within the Borough of Wyomissing by permitting certain uses or combinations of uses not otherwise permitted in the underlying district and by permitting a greater density of development than that which would be otherwise permitted in the underlying district, so as to promote the public health, safety and general welfare of the residents and inhabitants of the Borough.
4. A secondary and subordinate purpose of this overlay district is to encourage respect for the historic and architectural identity of the structures and neighborhoods in which redevelopment may occur under the terms of this Part.
5. The Commercial and Industrial Redevelopment Overlay District shall be available throughout those portions of the Commercial and Industrial Districts of the Borough of Wyomissing located to the south of the Warren Street Bypass, provided the following requirements are met:
 - A. A site proposed for redevelopment shall be under single and separate ownership, or in the case of multiple ownership, the lot or lots shall be redeveloped according to a single overall plan.
 - B. The site proposed for redevelopment shall be a minimum of ten (10) acres in area. If the site is not a single, contiguous parcel, no part of the site shall be separated by more the one hundred (100) feet from another part of the site. If a site containing a minimum of ten (10) acres is approved under this Section, or was approved under a previously enacted version of a regulation on the same topic, smaller adjacent properties may qualify under this Section at a later date as long as the smaller adjacent properties are within the boundaries of this District and the other requirements of this Section (other than minimum site acreage) are met.

- C. The site proposed for redevelopment shall be occupied by existing commercial or industrial development, and the following shall apply: (1) the majority of the existing commercial or industrial development was originally constructed at least fifty (50) years prior to the proposed redevelopment; and (2) due to changing economic or technological conditions, the existing commercial or industrial development is no longer appropriate.
 - D. The site is not required to be located within a single underlying zoning district, but all portions of the site which are planned to be redeveloped in accordance with this Part shall be located within a commercial or industrial zoning district or within fifty (50) feet of such a district.
 - E. Land may be added to an established redevelopment site, provided the revised redevelopment site, as modified by the addition of land, continues to meet the requirements of this Part.
 - F. Plans for redevelopment shall demonstrate, to the extent practically achievable, respect for the historic and architectural identity of the structures and neighborhoods in which redevelopment may occur under the terms of this Part.
 - G. Plans for redevelopment shall include a schedule for completion of the development, which schedule shall be subject to the approval of the Borough Council.
6. To the extent any regulation in this Part conflicts with any regulation in any other Part of this Chapter, the regulation in this Part shall be controlling.

§502A. Uses Permitted by Right.

Land and buildings in the Commercial and Industrial Redevelopment Overlay District may be used for any one (1) or combination of the following purposes and no others, unless a special exception as provided in Section 533 is granted:

- A. All uses and accessory uses permitted by right in any of the underlying commercial or industrial districts which comprise the site, except as follows:
 - (1) Single-family detached dwelling, single-family semidetached dwelling, and two-family detached dwelling uses shall be permitted in the C-1 Neighborhood Commercial District portion of any redevelopment site, but not within any portion of the redevelopment site located in any other underlying district.
 - (2) Industrial operations involving the production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods and materials, provided that all such activities shall be carried on within a building, shall be permitted in the I-2

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Light Industrial District portion of any redevelopment site, but not within any portion of the redevelopment site located in any other underlying district.

- B. Development containing apartments and/or townhouses, above one or more non-residential uses permitted in any of the underlying commercial or industrial districts which comprise the site. No new residential use under this Section 502A.B shall be allowed on the first floor level of any property in this District. Residential uses by right under this Section 502A.B shall not occupy more than thirty (30) percent of the combined area available for occupation within the redevelopment site.
- C. Development containing apartments and/or townhouses intended to be “55 or Over Housing” within the meaning of the Fair Housing Act (42 U.S.C.A. 3601 et seq.), so as to qualify as “housing for older persons” within the meaning of the Fair Housing Act, above one or more non-residential uses permitted in any of the underlying commercial or industrial districts which comprise the site. No new residential use under this Section 502A.C shall be allowed on the first floor level of any property in this District. The following conditions shall also apply:
- (1) The restriction shall be subject to all applicable Federal and State laws concerning “housing for older persons”. Occupancy of any dwelling unit shall be restricted to persons 55 years of age or older (“age qualified”), provided, however, that a person who is age qualified may occupy such unit with such person’s spouse, regardless of age, and with a child 19 years of age or older who is not enrolled in a secondary school. No occupancy shall be permitted by any person under the age of 19 unless such person is a handicapped dependent protected by the provisions of the Fair Housing Act. A permanent resident is a person who resides in a dwelling unit for ninety (90) or more consecutive days. Permitted visitations shall not exceed ninety (90) consecutive days.
 - (2) Accompanying the plan for redevelopment shall be a declaration of restrictive covenants (“Declaration”) which must be approved by the Borough Council and recorded by the developer. The Declaration’s restrictions shall insure that the proposed development will function as depicted on the plan for redevelopment and be in compliance with the Federal Fair Housing Act Amendments of 1988, or as subsequently amended. The following are the minimum requirements for the Declaration:
 - (i) Residency qualifications applicable to the development shall be included in the Declaration. Residents shall be limited by deed and lease to households including one permanent resident age fifty-five (55) years or older and shall prohibit permanent occupancy by any person age nineteen (19) or younger, except as follows: (a) individual units may

occasionally house persons younger than nineteen (19) years of age, such as grandchildren, provided they reside within the unit for less than ninety (90) days in any calendar year; or (b) members of a household shall not be required to vacate a dwelling unit if a resident age fifty-five (55) or older leaves the household due to death, divorce, or placement in a nursing/assisted care facility and the remaining household members would qualify for residency if the departed resident were still present in the household.

- (ii) The applicant shall prove to the satisfaction of the Borough Council that an appropriate entity will have authority to assure compliance with the age limitation.
 - (3) Residential uses by right under this Section 502A.C shall not occupy more than eighty (80) percent of the combined area available for occupation within the redevelopment site. Where uses under Section 502A.B and Section 502A.C are combined within a single redevelopment site, the eighty (80) percent combined area regulation under this paragraph shall apply to the sum of the areas of the two uses, but in no event shall the use under Section 502A.B exceed thirty (30) percent of the total combined area for occupation within the redevelopment site.
 - (4) No single building may include a use under Section 502A.B and Section 502A.C. Where both uses occur within a single redevelopment site, the uses must be located within separate buildings.
- D. Any combination of the above uses, subject to the limitations set forth in this Section 502A.

§503A. Uses Permitted by Special Exception.

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Part:

- A. All uses and accessory uses permitted by special exception in any of the underlying commercial or industrial district which comprise the site, excluding the adult uses listed in Section 533(A).
- B. Development containing apartments and/or townhouses above one or more non-residential uses permitted in any of the underlying commercial or industrial districts which comprise the redevelopment site. No new residential uses shall be allowed on the first floor level of any property in this District. Residential uses under Section 502A.B and this Section 503A.B, together, shall not occupy more than sixty (60) percent of the combined area available for occupation within the redevelopment site. Where uses under Section 502A.B and this Section 503A.B are proposed

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to occur along with the use under Section 502A.C, the eighty (80) percent combined area regulation under Section 502A.C(3) shall apply to the sum of the areas of the three uses, but in no event shall the use under Section 502A.B and the use under Section 503A.B, together, exceed sixty (60) percent of the total combined area for occupation within the redevelopment site. No single building may include a use under Section 502A.B or Section 503A.B with a use under Section 502A.C. Where uses under Section 502A.B or Section 503A.B occur within a single redevelopment site with a use under Section 502A.C, the uses must be located within separate buildings.

§504A. Area, Yard and Height Requirements.

Maximum Permitted

Building Height	75 feet
Building Coverage	60% within the overall redevelopment site
Paved Area	75% within the overall redevelopment site

Minimum Requirements

Lot Size	15,000 square feet
Building Setback	20 feet where the building setback line is along the perimeter of the redevelopment site or along the right-of-way of a public roadway which passes through the redevelopment site; 0 feet where the building setback line is along the boundary of another lot within the redevelopment site.
Side Yard	20 feet as to each side yard which is along the perimeter of the redevelopment site or along the right-of-way of a public roadway which passes through the redevelopment site; 0 feet where the side yard is along the boundary of another lot within the redevelopment site.
Rear Yard	20 feet where the rear yard is along the perimeter of the redevelopment site or along the right-of-way of a public roadway which passes through the redevelopment site; 0 feet where the rear yard is along the boundary of another lot within the redevelopment site.

Lot Width

At Street Line	100 feet
At Building Setback Line	100 feet

Open Area* 10% within the overall redevelopment site.

*For purposes of this Section, Open Area is ground upon which no principal or accessory buildings, structures, or uses and paved area are permitted; provided, however, notwithstanding anything in this Part to the contrary, Open Area shall include any area of a lot, including the area above a building or structure, covered by grass or other permeable landscape material, such as, but not limited to, mulch, gravel, landscape stone, landscaping pavers, or park benches; and provided further, at least 5% of the overall redevelopment site shall consist of Open Area exclusive of any area above a building or structure.

§505A. Additional Performance Standards.

1. The horizontal distance in feet at the closest place between any principal buildings on the same lot shall not be less than twenty-five (25) feet.
2. A landscaping plan for the site prepared by a registered architect or registered landscape architect shall be submitted to the Borough, and is subject to approval by the Borough Planning Commission.
3. Within the overall redevelopment site, the regulations under Section 606C(3) shall permit wall attached signs for uses located within the redevelopment site to be placed on any building facade, regardless of whether the sign faces a street and regardless of where the advertised use is located within the redevelopment site.
4. Within the overall redevelopment site, in addition to all of the other signs permitted under this Part, one (1) sign facing each direction of travel and not exceed six (6) square feet in area shall be permitted at each street intersection and at each driveway intersection, outside of the legal right-of-way, to identify the overall redevelopment site and to provide directional information to visitors and residents of the overall redevelopment site.
5. When a part of the overall redevelopment site is separated from another by no more than one hundred (100) feet in accordance with Section 501A(4)(B) above:
 - A. Within the overall redevelopment site, the minimum distance between the centerline of a driveway where it intersects a street and the centerline of another driveway on the same lot or another lot (including another lot which is outside of the overall development site) where that other driveway intersects the same street shall be one hundred (100) feet.
 - B. The centerline of a driveway where it intersects a street shall be a minimum of seventy-five (75) feet from a lot line, provided that it may be less than seventy-five (75) feet from a lot line if it will be at least one hundred (100) feet from the nearest driveway on the adjoining lot (including an adjoining lot which is outside of the overall redevelopment site).

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- C. The minimum distance between the centerline of a driveway where it intersects a street and the intersection of street cartway lines (except in the case of a street intersecting the street the driveway intersects directly opposite from the driveway) shall be one hundred (100) feet.
6. The following off-street parking requirements shall apply to the listed uses:
- A. Townhouses 2 spaces for each unit
 - B. Apartments 1.5 spaces for each unit
 - C. Office 1 space for each 250 square feet of gross floor area
 - D. Hotel 1 space per unit
 - E. Restaurant 1 space per 3 seats plus 1 space for each employee on the shift of greatest employment
 - F. Retail/Service 1 space per each 300 square feet of gross floor area
 - G. Uses within the overall redevelopment site may share off-street parking spaces where the combination of uses are compatible in terms of days and hours of usage for purposes of sharing parking spaces in accordance with the following table. The following table shall be applied by determining the number of spaces needed for each land use listed in the table on an individual basis, then multiplying such number of spaces by the percentage listed for such use under each time period column, then totaling each time period column. The greatest total number for any of the time period columns shall be the minimum number of off-street parking spaces which shall be provided within the overall redevelopment site for the combination of uses listed in the table.

<u>Land Use</u>	<u>Weekdays</u>			<u>Weekends</u>		
	1 am to 7am	7am to 6pm	6pm to 1am	1am to 7am	7am to 6pm	6pm to 1am
Office	5%	100%	5%	0%	15%	0%
Retail sales and service	0%	100%	80%	0%	100%	60%
Restaurant (not 24 hours)	20%	70%	100%	30%	75%	100%

Residential	100%	60%	100%	100%	75%	95%
Hotel-Guest Rooms, with or without restaurant and/or lounge (in hotel)	100%	55%	100%	100%	55%	100%

- H. Off-street parking spaces serving a principal use are not required to be located on the same lot as the principal use, provided the lot on which the off-street parking spaces are located is within the redevelopment site, and provided the use of the parking spaces is dedicated to the lot on which the principal use is located by deed restriction, easement, or other recorded instrument.

(Ord. 1286, 10/14/2008, §1).

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PART 6

GENERAL REGULATIONS

§600. Compliance with Other Borough Regulations.

In addition to complying with the requirements of this Chapter, the requirements of all other Borough ordinances and regulations including, but not limited to, the Borough Subdivision and Land Development Ordinance [Chapter 22], the Borough Building Code [Chapter 4], the Borough Plumbing Code [Chapter 4], the Borough ordinance controlling flood boundary areas [Chapter 8] and the Borough ordinance requiring fences or enclosures around swimming pools [Chapter 23] shall be applicable.

(Ord. 1234, 2/11/2003, §1)

§601. Access to Structures.

Every building and structure hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Borough Council, or on a lot for which a legally recorded right of access to a public street or approved private street exists. After the effective date of this Chapter, no lot shall be created unless it abuts a public street or a private street approved by the Borough Council.

(Ord. 1234, 2/11/2003, §1)

§602. Residential Accessory Buildings, Structures and Uses.

1. General. The following general regulations shall apply to residential accessory structures, regardless of zoning district:
 - A. No accessory building or structure shall be permitted within any required front or side yard and within five feet of the rear lot line. The minimum distance between an accessory building or structure within a rear yard and a side lot line shall be the side yard requirement of the applicable zoning district, except that an accessory building or structure no greater than 100 square feet in area and no greater than 10 feet in height may be placed no less than five feet from the side lot line. In the case of a lot on which a principal building existed on the effective date of this Chapter, an accessory building thereto may be located closer to a side lot line than permitted above, provided that the accessory building is not located closer to the side lot line than the principal building or five feet, whichever is greater.
 - B. The maximum height of any accessory building or structure shall be 15 feet. No such building or structure shall exceed one story in height.

- C. The minimum distance between any accessory buildings or structures shall be five feet. The minimum distance between any accessory building or structure and a principal building on the same lot shall be five feet, except for detached garages.
 - D. No permanent accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.
 - E. The horizontal surface area at grade level of all residential accessory buildings and structures, combined, on a lot, shall not exceed forty (40) percent of the horizontal surface area at grade level of the principal building on the same lot.
 - F. Accessory uses shall include, but not be limited to, a detached garage, shed, pavilion, gazebo, swimming pool or other similar use. The horizontal surface area occupied by a residential accessory use shall not exceed forty (40) percent of the horizontal surface area at grade occupied by the principal structure on the same lot.
2. Use Regulations. The following specific use regulations shall apply to residential accessory uses, regardless of zoning district:
- A. Swimming Pool.
 - (1) A screen planting shall be established and maintained between the pool and lot lines within 20 feet of the pool.
 - (2) Each person owning or occupying land on which there is situated a swimming pool designed to contain a water depth of 26 inches or more at any point shall erect and maintain thereon an adequate chain link wire or wooden fence with no external handholds or footholds, entirely enclosing the swimming pool. Such fence, including gates or doors, shall be not less than five feet above the underlying ground and grade of land outside the fence within four feet and shall not have openings, holes or gaps greater than three inches in any dimension. A dwelling or other building may be used as part of or all of such enclosure. Each gate or door shall be provided with hardware for permanent locking devices and shall be self-closing and self-latching with the latch located at four feet above the underlying ground or surface, or if operable only from the inside the latch may be located at least 44 inches above the underlying ground or surface. In the case of aboveground swimming pools, that portion of the pool wall extending above the ground may be included as part of the fence provided it will be at least five feet above the grade of the underlying ground and grade of land outside the pool within four feet of the pool. Aboveground pools shall have a ladder or stairway which can be removed or rendered unusable

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and the entrance to the swimming pool shall be capable of being securely closed to a height of five feet.

- B. Detached Garages and Carports. The maximum length of any side of the garage or carport serving a single-family dwelling shall be 36 feet. Detached garages and carports shall be located at least 10 feet from a dwelling.
- C. Apartment and Townhouse Accessory Uses. Shall be restricted to uses designed solely for residents of the apartment and townhouse units. One office per project for the purposes of administering and renting dwelling units may be established. One "sample" apartment or townhouse for display purposes shall be permitted for each type of dwelling unit to be constructed.
- D. Tennis Courts. Shall have permanent fences at least 10 feet in height behind each baseline, extending at least the full width of the playing area. A permanent fence at least 10 feet in height and a screen planting shall be established and maintained between the tennis court and lot lines within 20 feet of the tennis court.
- E. Keeping of Animals. The keeping of domestic farm animals such as a horse, pig, goat, cow, steer, sheep, buffalo or a chicken, duck, rooster, goose, pigeon or other fowl shall not be considered a permitted accessory use.
- F. Earth Satellite Receiving Dishes. Shall not be roof mounted. Not more than one such dish shall be placed on any one lot and all such dishes shall be screened from adjoining properties and streets in accordance with the applicable provisions of this Chapter.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §12)

§603. Nonresidential Accessory Buildings, Structures and Uses.

- 1. General. The following general regulations shall apply to nonresidential accessory structures, regardless of zoning district:
 - A. No building or structure shall be located within any required front, side and rear yard unless otherwise permitted by this Chapter.
 - B. The minimum distance between any accessory buildings or structures shall be five feet. The minimum distance between any accessory building or structure and a principal building shall be five feet. Notwithstanding the above, any detached garage or carport shall be separated from any other building or structure by a minimum of 10 feet.
- 2. Use Regulations. The following specific use regulations shall apply to nonresidential accessory uses, regardless of zoning district:

A. Storage Facilities.

- (1) All storage facilities shall be located in areas which have direct access to a street or driveway. The outdoor storage of materials shall be screened from view from adjoining properties and streets. Such storage shall be limited to the normal operations conducted on the premises and shall not exceed 16 feet in height. Storage areas shall not be located within required front, side and rear yards.
- (2) All outdoor storage facilities for fuel, raw materials and products; and all fuel, raw materials and products stored outdoors shall be enclosed by a fence adequate for the protection of the public, as approved by the Borough.
- (3) No materials shall be deposited upon a lot in such a form or manner that they may be transferred off the lot by natural causes or forces.
- (4) All materials capable of causing fumes or dust or which constitute a fire hazard or which are edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.
- (5) Tractor trailer trucks shall not be used for storage and/or sales of materials.

B. Recreation Facilities. Such facilities shall not be located within required front, side and rear yards.

C. Earth Satellite Receiving Dishes. Not more than one such dish shall be placed on any one lot and all such dishes shall be screened from adjoining properties and streets in accordance with the applicable provisions of this Chapter.

§604. Landscaping.

1. Where district regulations require buffer yards, screening, planting strips and the like, these shall be subject to approval of the Zoning Officer prior to planting, unless approval power is otherwise designated by this Chapter. The type and density of planting shall adequately provide the required screening effect year-round.
2. Plant materials used in screen planting shall be at least five feet in height when planted.
3. The screen planting shall be maintained permanently and plant material which does not live shall be replaced.

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4. Plantings shall be placed so they will not infringe upon street rights-of-way or adjoining properties upon maturity.
5. Screen plantings shall be broken only at points of vehicular or pedestrian access.

(Ord. 1234, 2/11/2003, §1)

§605. Lighting.

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

(Ord. 1234, 2/11/2003, §1)

§606. Signs.

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

A. General.

- (1) Except in the case of school warning signs, traffic control signs and similar municipal signs, signs shall not contain moving parts nor use flashing or intermittent illumination and the source of light shall be steady and stationary.
- (2) 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.
- (3) No signs other than school warning signs, official traffic signs and similar municipal signs shall be erected within the right-of-way lines of any street or extend over any street right-of-way.
- (4) Every sign shall be kept in good condition. Peeling paint shall be repaired and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced and similar maintenance tasks shall be performed when necessary.
- (5) No sign shall be utilized in a manner which produces a noxious glare or a light intensity greater than one foot-candle beyond the lot boundaries. No direct beams of light shall be directed toward adjacent

properties or public roads and all light sources shall be shielded from adjoining properties and streets.

- (6) The distance from the ground to the highest part of any freestanding sign shall not exceed six feet in R-1, R-1A, R-2, R-2A, R-3, R-3A R-4, T-C and C-1 Zoning Districts. The distance from the ground to the highest part of any free standing sign in a C-2 and I-2 District shall not exceed 30 feet; and 20 feet in I-1 Districts. No portion of a sign which is attached to a building, supported by a building or which projects from a building shall extend above the height of the building.
- (7) No sign shall be erected or located as to prevent free ingress to or egress from any window, door or fire escape.
- (8) No sign which emits smoke, visible vapors or particulates, sound or odor shall be permitted.
- (9) No portion of any sign shall project over any lot line.
- (10) Red, green or amber lights, except those contained within a school warning sign, traffic control sign or similar municipal sign, shall not be so located that they could create a danger by being construed as traffic lights.
- (11) The area immediately surrounding each sign shall be kept in a clean, sanitary and healthful condition. No accumulations of loose paper, bottles, cans, garbage or similar items shall be permitted.
- (12) Any sign which becomes dilapidated or which creates a hazard to the public health, safety or welfare shall be removed at the expense of the owner or lessee. The Borough Zoning Officer shall make such determination as to state of repair.
- (13) No sign shall project more than 12 inches from the building wall to which it is attached, except that in C-1, C-2, I-1 and I-2 Districts, signs may project from the front of a building perpendicularly to the front of the building a distance of not more than four feet provided that such signs are entirely located underneath a roof overhang or similar architectural feature, such signs are no more than 12 square feet in area on any one side, and the lowest portion of all sign facings are at least eight feet above the ground.
- (14) Signs shall be erected on the property on which the use or event referred to in the sign is conducted.
- (15) A sign shall be removed when the use or event to which it refers is terminated.

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- (16) Signs on mobile stands which can be moved from place to place are prohibited.
- (17) A sign affixed to any vehicle or other object in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or object but becomes a primary purpose in itself, shall be prohibited.
- (18) Banner, inflatable, A-frame, tent, and other types of nonpermanent signs, are prohibited with the following exceptions:
 - (a) Those placed by the Borough.
 - (b) Those approved and issued a temporary zoning permit by the Zoning Officer, but in no case for longer than 30 days and not to exceed one approval each 6 months.
 - (c) A-frame and tent signs located on properties adjacent to Penn Avenue and State Hill Road that are used for commercial purposes, during business hours only and removed at all other times, and not exceeding four feet on a side without lighting. Such temporary signs may only be placed on sidewalk, yard and parking areas, but must have a minimum clearance area of five feet for pedestrians. Such temporary signs may not be used in weather conditions likely to cause the sign to blow over or become unstable. No permit shall be required for signs used under this paragraph.

Permitted banner, inflatable, A-frame, tent, and other nonpermanent signs, except those placed by the Borough, shall comply with all pertinent regulations applicable to permanent signs.

- (19) Any sign that has a message that can change, whether manually, mechanically or electrically, must obtain special exception approval from the Zoning Hearing Board.
- B. Signs Permitted in all Zoning Districts. The following signs are permitted in all zoning districts provided that they comply with all general sign regulations in subsection (A) above:
- (1) Official traffic or street name signs and other official Federal, State, County or Borough government signs. Height and area for these signs shall be as determined by the respective Federal, State, County or Borough governing body.
 - (2) Identification sign or bulletin or announcement boards for schools, churches, municipal buildings or similar permitted uses; provided, that:

- (a) No more than two of these signs shall face any one street.
 - (b) No side of any sign, excluding signs consisting of open lettering attached to a building, shall exceed 25 square feet in area. A sign consisting of open lettering attached to a building shall not have a height exceeding 10 feet nor an area exceeding 10% of the building wall to which it is attached.
 - (c) No sign shall be located within 10 feet of a front lot line or within the side yard requirement of a side lot line, except signs attached to existing buildings.
- (3) Signs advertising the rental or sale of premises, the sale or development of a residential subdivision, the work of contractors, charitable events and political elections and candidates, temporary in nature; provided, that:
- (a) Except as provided in paragraph (d), no side of any sign shall exceed 25 square feet in area.
 - (b) No more than one sign shall be posted to advertise the rental or sale of any one property, except for one additional sign advertising an “open house” for a period of no more than four days.
 - (c) No sign shall be closer than five feet to a front lot line and no sign shall be placed closer than the side yard requirement to a side lot line, except those attached to existing buildings.
 - (d) No side of any sign under this paragraph (3) being placed in a residential district of the Borough shall exceed six (6) square feet in area.
 - (e) No permit shall be required for signs advertising rental or sale of premises, the work of contractors, and political elections and candidates.
- (4) Signs advertising a lawful nonconforming use; provided, that:
- (a) No side of any sign shall exceed 25 square feet in area.
 - (b) No more than one sign shall face any one street.
 - (c) No sign shall be located within 10 feet of a front lot line or within the side yard requirement of a side lot line, except signs attached to existing buildings.

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- (5) Signs necessary for the identification and protection of public utility facilities; provided, that no side of any sign shall exceed 10 square feet in area.
 - (6) Signs within a residential development to direct persons to a rental office or sample unit within that development; provided, that no side of any sign shall exceed four square feet in area
 - (7) Identifying signs for the purpose of indicating the name of residential development, provided that no more than one sign shall be allowed for each entrance to the development from a public street and no sign shall exceed 25 square feet in area.
 - (8) Trespassing signs and signs indicating the private nature of premises. No side of any sign shall exceed two square feet in area.
- C. Requirements for Signs in C-2, I-1 and I-2 Districts. In addition to signs permitted in all zoning districts by subsection (B), above, signs advertising a business or other permitted use are permitted, provided that they comply with all general sign regulations in subsection (A), above, and the following:
- (1) In the case where a lot contains only one use, the total area of all signs (exclusive of signs consisting of open lettering attached to a building) placed on or facing any one street shall not exceed 100 square feet.
 - (2) In the case where a lot contains more than one use, exclusive of the signs permitted to be attached to the building as noted below, the total area of all signs placed on or facing any one street shall not exceed 100 square feet; provided, that the total area may be increased to a maximum of 160 square feet if the street frontage on which the signs are placed or face is at least 300 feet. No more than 100 square feet of such sign area shall be devoted to one use.
 - (3) No more than one freestanding sign and/or no more than one wall attached sign shall face any one street; except that in the case of a lot containing more than one commercial or industrial use, for each commercial or industrial use located within that lot, one sign may be attached to that portion of the building housing the use.
 - (4) A sign attached to a building wall (including open lettering) shall not have an area exceeding 10% of the building wall to which it is attached, or two square feet of area for each one foot of building height plus two square feet of area for each one foot of building length of the wall to which it is attached, whichever is less. A sign attached to a building wall shall not have a height exceeding 10 feet.

- (5) In the case of a corner lot, the number of freestanding signs shall be limited to one sign facing each street, provided that each such street frontage equals or exceeds the minimum lot width required in the applicable zoning district.
 - (6) A sign consisting of open lettering attached to a building shall include only the name of the business or industry to which it applies and shall face a street.
 - (7) No portion of a freestanding sign shall be located closer than 10 feet to a street line nor closer than the side yard requirement to a side lot line.
- D. Requirements for Signs in T-C and C-1 Districts. In addition to signs permitted in all zoning districts by subsection (B), above, signs advertising a business or other permitted use are permitted provided that they comply with all general sign regulations in subsection (A), above, and the following:
- (1) The total area of all signs placed on or facing any one street shall not exceed 25 square feet. No single sign shall exceed 15 square feet in area. (In the case of a two-sided sign, the area maximum applies to one side of the sign.)
 - (2) No more than one freestanding sign and/or no more than one wall attached sign shall face any one street.
 - (3) A sign attached to a building wall (including open lettering) shall not have an area exceeding 10% of the building wall to which it is attached, or two square feet of area for each one foot of building height plus two square feet of area for each one foot of building length of the wall to which it is attached, whichever is less. The total area limitation of subsection (1), above, shall apply. A sign attached to a building wall shall not have a height exceeding 10 feet.
 - (4) In the case of a corner lot, the number of freestanding signs shall be limited to one sign facing each street, provided that each such street frontage equals or exceeds the minimum lot width required in the applicable zoning district.
 - (5) A sign consisting of open lettering attached to a building shall include only the name of the business or industry to which it applies and shall face a street.
 - (6) No portion of a freestanding sign shall be located within a street right-of-way nor within the required side yard.
- E. Outdoor Advertising Controls.

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- (1) "Outdoor advertising sign" shall mean a sign whose surface is provided gratis, leased or purchased:
 - (a) To advertise goods, products, services, etc., that are not sold, created, produced, manufactured or distributed on the premises where the sign is located; or,
 - (b) To communicate messages of a nonadvertising or a noncommercial purpose that do not relate to the premises where the sign is located.
- (2) Standards. Within 660 feet of the outward edge of the right-of-way lines of any street and its ramps, outdoor advertising signs shall be permitted as follows in the I-2 Light Industrial District:
 - (a) Spacing Requirements. Outdoor advertising signs shall not be permitted within 500 feet of any other outdoor advertising sign, including existing nonconforming signs on the same side of the right-of-way line and facing in the same direction of any street, bridges or bridge approachways; provided, that this spacing requirement shall not apply to on-premises or accessory signs, public service signs, highway directional signs or any other advertising sign which is within the six-hundred-sixty-foot boundary.
 - (b) Distances From Residentially Zoned Property. No sign face of 1,000 square feet or more in area shall be erected within 100 feet of any residentially zoned property.
 - (c) Area Regulations. The maximum sign area of any outdoor advertising sign shall be 1,000 square feet per face, not to exceed 2,000 square feet per face for back-to-back or V-shaped signs.
 - (d) Height Regulations. The top edge of any outdoor advertising sign shall not be located more than 25 feet above the road surface from which the advertising message is principally visible or intended to be visible.
 - (e) Sign Face Regulations. No more than two sign faces or advertising messages shall be permitted on any one lot.
 - (f) Illuminated, Animated, Flashing and Revolving Sign Regulations.
 - (1) Signs may be illuminated; provided, that the illumination shall be focused upon the sign itself to prevent glare upon the surrounding areas.

- (2) Flashing signs or signs with intermittent illumination shall not be permitted.
 - (3) Signs which revolve shall not be permitted.
 - (4) Outdoor advertising signs shall not be illuminated between the hours of 1:00 a.m. and 6:00 a.m.
 - (5) No outdoor advertising sign shall be permitted which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of any street or highway or in a residential property within the Borough or which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which interferes with any driver's operation of a motor vehicle.
 - (6) No outdoor advertising sign shall be illuminated in such a way that interferes with the effectiveness of or obscures any traffic sign, device or signal.
- (g) Illustration And Occupancy.
- (1) No outdoor advertising sign shall be used to illustrate any lewd, pornographic or lascivious acts.
 - (2) No outdoor advertising sign shall be occupied by any person(s) except for construction and/or maintenance of the outdoor advertising sign.
- (h) Construction.
- (1) All outdoor advertising signs shall be constructed and maintained in accordance with standards established by ordinance or resolution of Borough Council or, if none, by the Borough Zoning Officer.
 - (2) All outdoor advertising signs shall be constructed in such a manner as to avoid physical interference with Borough traffic signs, signals and devices and to avoid obstruction of motor vehicle drivers' view of approaching, merging or intersecting traffic.
- (i) Abandonment.
- (1) An outdoor advertising sign which does not have bona fide advertising for 12 consecutive months shall be deemed

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abandoned and shall be removed by applicant within 30 days after written notice from the Borough.

- (2) Prior to any construction of an outdoor advertising sign, the applicant shall post a bond or other security in amount and form acceptable to the Borough Zoning Officer for the removal of all outdoor advertising signs in the event that the outdoor advertising signs are abandoned and not removed by the applicant in accordance with subsection (i)(1).

(j) Conformance to Federal and State Law.

- (1) All outdoor advertising signs shall conform to any and all laws of the United States and the Commonwealth of Pennsylvania regarding outdoor advertising signs.

(Ord. 1234, 2/11/2003, §1; as added by Ord. 1254, 4/12/05, §1 as amended by Ord. 1283, 8/12/2008, §13; as amended by Ord. 1295, 5/12/09 §2)

§607. Acceleration and Deceleration Lanes.

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

(Ord. 1234, 2/11/2003, §1)

§608. Loading Areas.

1. Paved off-street loading and unloading spaces, with proper access from a street, driveway or alley, shall be provided on any lot on which a building for trade, business, industry or warehousing, or other use similarly involving large volume receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities and pedestrian ways. Loading areas shall not be located within required front yards and shall not be located within 10 feet of any side or rear lot line. All loading and unloading shall be conducted within or adjacent to a building.

2. The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one loading space shall be provided for each use. When a zoning approval or building permit is applied for, the application shall show all provisions for off-street loading and include supporting data (data on number, frequency and size of vehicles which will use the loading facilities) which justify the number and size of spaces provided. Number and size of spaces required shall be approved by the Zoning Officer unless otherwise indicated in this Chapter.
3. All areas for off-street unloading and loading shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways for entrance to and egress from such loading areas.

(Ord. 1234, 2/11/2003, §1)

§609. Off-Street Parking.

1. In all zoning districts, off-street parking facilities shall be provided whenever:
 - A. A building is constructed or a new use established.
 - B. The use of an existing building or a lot is changed to a use requiring more parking facilities.
 - C. An existing building or use is altered so as to increase the amount of parking spaces required.
2. Each parking space shall have minimum dimensions of nine feet by 18 feet. In addition, appropriate driveways, aisles and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley or driveway shall be provided. When parking spaces are provided parallel to a driveway or aisle, the minimum dimensions of the spaces shall be 10 feet by 22 feet.
3. Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in parking facilities within 300 feet of the building served, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided within the lot boundaries.
4. Joint parking facilities for two 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.

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5. All parking spaces and means of access, other than those relating to a dwelling, shall be illuminated during night hours of use.
6. All common parking areas and access drives shall be paved, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The maximum grade of areas used for parking shall not exceed 6% and the maximum grade of access drives shall not exceed 10%. Surface water shall not be concentrated onto public sidewalks or other lots.
7. Areas necessary to fulfill the off-street parking requirements of this Chapter shall be used solely for that purpose. All off-street parking areas shall be maintained in at least a mud-free, dust-free condition.
8. Off-street parking facilities existing at the effective date of this Chapter shall not be subsequently reduced to an amount less than that required under this Chapter for a similar new building or use.
9. The width of aisles in parking areas shall be no less than listed in the following table:

Angle of Parking	One-Way	Aisle Width Two-Way
90°	20 feet	24 feet
60°	18 feet	Not Permitted
45°	15 feet	Not Permitted
30°	12 feet	Not Permitted

10. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below 1/4 may be disregarded and any fraction 1/4 or greater shall necessitate the provision of a full parking space.
11. Parking areas for nonresidential uses shall be designed such that vehicles will not back out onto public streets.
12. The design of parking areas shall be such to prevent to the greatest extent possible the stack-up of vehicles on a public street at entrance to parking areas.
13. Where parking requirements are determined by the number of seats and only temporary seats are provided, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage.
14. Parking areas shall be arranged so that no portion of any vehicle parked within a designated parking space can extend over any lot line of the lot on which it is parked.
15. Parking areas for nonresidential uses which are designed to contain more than four vehicles shall be screened from the view of any lands zoned R-1, R-1A, R-2, R-

2A, R-3, R-3A or R-4 and residential uses within T-C Districts which are adjacent to the land on which the nonresidential parking area is located.

16. Parking areas and access drives for nonresidential uses shall be located a minimum of 10 feet from a street right-of-way line or lot line, unless otherwise specified in this Chapter, and the area between the parking area or access drive and the lot line or street right-of-way line shall be landscaped.
17. Maneuvering areas shall be provided to facilitate leaving the end spaces in parking areas.
18. For purposes of traffic channelization, definition of parking areas and the reduction of visual monotony, an area equivalent, at minimum, to 10% of all surface parking areas shall be devoted to interior parking lot vegetative cover. Such areas shall be in addition to any other landscaping or buffering requirements of this Chapter. To further assist in traffic channelization, raised islands shall be placed at the ends of parking bays on an alternating basis, such that the end of the bay adjacent to a driving aisle or road is clearly delineated. The island surface, preferably covered with vegetative material, shall be designed so as not to impair visibility needed for traffic flow and turning movements. The alternate bays without raised islands shall be defined by pavement markings.
19. All areas for off-street parking shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking areas.
20. The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitor and customer parking. One parking space shall be provided per company vehicle to be parked on the premises. Minimum off-street parking requirements shall be as follows, unless otherwise established in this Chapter:

- | | | |
|----|---|--|
| A. | Residential Uses | Two parking spaces per dwelling unit. |
| B. | Industrial, Wholesaling or Warehousing Establishment, Laboratory, Research Center | One space per employee on the shift of greatest employment or one space per 1,000 square feet of gross floor area, whichever results in more parking spaces. |
| C. | Restaurant, Tavern or Similar Use | One space for each three seats plus one space for each employee on the shift of greatest employment. |

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D.	Retail and Service Establishments	One space for each 200 square feet of gross floor area.
E.	Office Buildings	One space for each 250 square feet of gross floor area.
F.	Medical, Dental and Paramedical Offices and Clinic	One space per employee, five spaces for each person engaged in practice.
G.	Nursing Home, Personal Care Facilities and Similar Uses	One space per employee on largest shift plus one space for each four beds.
H.	Funeral Home	One space for each three seats.
I.	Auditorium, Theater, Municipal Building, Place of Worship, Club or Lodge, or Other Place of Public Assemblage	One space for each three seats plus one space per employee.
J.	Library or Museum	One space per 300 square feet of gross floor area.
K.	Nursery Schools and Day Care Centers	One space per employee plus one space for loading and unloading of children for each three children accommodated in the school.
L.	Schools	Two spaces per each administrative staff member, plus 1 2/10 spaces per each additional staff member, plus 1/4 space per seat in gymnasium.
M.	Motel or Hotel	One space for each rental unit plus one space for each employee on the shift of greatest employment.
N.	Motor Vehicle Service Station or Repair Garage	Two parking spaces per service bay, plus one space per employee on the shift of greatest employment.
O.	Bowling Alley	Five spaces per alley plus one space for each employee on the shift of greatest employment.
P.	Outdoor Recreational Facility	One space per employee on the largest shift plus one space per three people of total capacity.
Q.	Shopping Center	Five spaces per 1,000 square feet of gross leasable area.

R.	Indoor Recreational Facility or Place of Amusement	One space per 50 square feet devoted to patron use
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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.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §14)

§610. Driveways.

1. The following standards shall apply to all driveways:
 - A. No driveway shall be constructed in such a manner so as to create a drainage or sedimentation problem on an adjacent property or street.
 - B. Driveways shall be paved.
 - C. Two-way driveway entrances shall not intersect streets at angles of less than 60° nor more than 120°.
 - D. All requirements of applicable Borough ordinances shall be complied with.
 - E. The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the flow of vehicular traffic on adjacent streets. Driveways shall not be located in such a manner that they will cause a hazard to the movement of normal traffic or cause areas of undue traffic congestion on streets or highways.
2. The following standards shall apply to residential driveways:
 - A. Driveway entrances or exits into a street from a corner lot on which a single-family or two-family dwelling is constructed shall be located at least 40 feet from the intersection of any street right-of-way lines.
 - B. No driveway serving a dwelling shall be located within two feet of any side lot line, except in the case of driveways which adjoin one another or shared driveways.
3. The following standards shall apply to nonresidential driveways:
 - A. The minimum distance between the center line of a driveway where it intersects a street and the center line of another driveway on the same lot or another lot where that other driveway intersects the same street shall be 150 feet. The center line of a driveway where it intersects a street shall be a minimum of 75 feet from a lot line, provided that it may be less than 75 feet from a lot line if it will be at least 150 feet from the nearest driveway on the

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adjoining lot. The minimum distance between the center line of a driveway where it intersects a street and the intersection of street cartway lines (except in the case of a street intersecting the street the driveway intersects directly opposite from the driveway) shall be 150 feet. In the case of a use containing between 100,000 and 300,000 square feet of gross leasable area, the distance shall be increased to 200 feet. In the case of a use containing more than 300,000 square feet of gross leasable area, the distance shall be increased to 250 feet.

- B. No use shall have more than two accessways to any one street for each 500 feet of frontage.
- C. The width, excluding radii, of entrances to and exits from parking areas, measured at the street line, shall conform to the following schedule:

Width in Feet

	Minimum	Maximum
One Way	12	24
Two Way	24	36

Each lane provided shall be a minimum of 12 feet in width. The radius of the edge of the driveway apron shall be at least 15 feet and no more than 35 feet, unless otherwise required by Borough ordinance. Provided, that along State legislative routes, if these standards are in conflict with Pennsylvania Department of Transportation requirements, driveways shall be designed to conform as closely as possible to the requirements of this Chapter, while conforming to the requirements of the Pennsylvania Department of Transportation.

(Ord. 1234, 2/11/2003, §1)

§611. Storage or Parking of Vehicles.

1. Automotive vehicles and recreational vehicles of any type without current license plates and required inspection stickers, shall not be parked or stored on any property within an R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4 or T-C District other than in completely enclosed buildings. Except for storage in completely enclosed buildings, plus one (1) such vehicle not stored in a completely enclosed building, recreational vehicles, including but not limited to boats and trailers, may be parked on a lot for no more than forty-eight (48) hours for loading and unloading purposes and are otherwise not permitted in the zoning districts in this provision.
2. No tractor or trailer from a tractor trailer truck, other than a vehicle used in conjunction with a lawful conforming or nonconforming use, shall be parked or stored on any property within an R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4 or T-C District unless it is parked or stored within a completely enclosed building.

3. The above subsections notwithstanding, moving vans, construction vehicles, delivery vehicles and similar vehicles may be parked temporarily (not to exceed 24 hours) within R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4 and T-C Districts outside completely enclosed buildings during the conduct of business of serving lawful uses within the districts.
4. The installation or parking of tents, trailers, or any other facility that may in any way restrict or hamper parking or the flow of vehicles in or around parking areas are prohibited except that the Zoning Officer may issue temporary zoning approval for such use upon approval of the Borough Manager at the time of application, but in no case longer than 90 days. The fee for granting the temporary permit granting approval shall be set by Borough Council and may be changed from time to time by resolution.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §15)

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§612. Prohibited Uses.

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

(Ord. 1234, 2/11/2003, §1)

§613. Front Yard Exceptions.

1. 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 Chapter. 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.

2. When an unimproved residential lot, or an improved residential lot upon which a building addition is proposed, is situated adjacent to at least one (1) improved residential lot with a front yard dimension greater than the minimum required for the zoning district in which the unimproved residential lot, or improved residential lot upon which a building addition is proposed, is located, the front yard required for the unimproved residential lot, or improved residential lot upon which a building addition is proposed, shall be increased (but not decreased) to a depth equal to the actual front yard of the adjoining improved residential lot which is nearest to the required front yard setback. For the purpose of this Section, an unimproved residential lot shall be the same as a vacant lot (including a residential lot which has become vacant due to the demolition of existing improvements on the residential lot) and an improved residential lot shall be one on which a dwelling is erected.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §16)

§614. Fences, Walls and Hedges.

1. Except as otherwise provided in this Chapter, fences, walls and hedges may be placed within front, rear and side yards; provided, that no fence, wall or hedge shall be erected or planted within the right-of-way lines of any street, nor shall they encroach upon any street right-of-way at any time.
2. Fences, walls and hedges shall comply with the corner lot restrictions of this Chapter.

3. No fence or wall, except a retaining wall, shall exceed six feet in height, unless otherwise required by this Chapter.
4. Fences shall be constructed of wood, chain link or similar appropriate materials approved by the Zoning Officer, be of uniform construction and be constructed in a workmanlike manner.

(Ord. 1234, 2/11/2003, §1)

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§615. Corner Lot Restrictions.

1. On every corner lot, a yard equal in depth to the front yard requirement of the zoning district in which the corner lot is located shall be provided on each side of the lot which is adjacent to a street.
2. Clear sight triangles shall be provided at all street intersections and intersections of driveways with streets. Within such triangles nothing, except street signs, traffic lights or signs, utility poles and mailboxes, which impedes vision beyond 2 1/2 feet above the center line grades of the intersecting streets shall be erected, placed, planted or allowed to grow. Such triangles shall be established from a distance of 75 feet from the point of intersection of the center lines of the intersecting streets, except that a clear sight triangle of 150 feet shall be provided for all intersections with arterial highways. At driveway intersections with streets, a triangle shall be established by connecting points a distance of 15 feet from the point of intersection of cartway lines.
3. Upon presentation of an application for establishment of a use on a corner lot, the Borough Zoning Officer shall designate which yard abutting a street will be considered the front yard. The yard opposite that yard shall meet the rear yard requirements of the applicable zoning district. Any yard adjoining a street which was not designated the front yard must meet the front yard requirements of the applicable zoning district, and the yard opposite that yard shall meet the side yard requirements of the applicable zoning district. In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no portion of the building will be placed closer to a street than the front yard requirement of the applicable zoning district, so that no portion of the rear of the building will be placed closer to a lot than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building will be placed closer to a lot line than the side yard requirement of the applicable zoning district.

(Ord. 1234, 2/11/2003, §1)

§616. Projecting Into Yards.

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 or open porches, provided that such terraces, patios or open porches are not roofed or otherwise enclosed by any wall exceeding 36 inches in height, are not closer than five feet to any lot line (except a lot line which is the projection of a party wall), and do not project further than five 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 feet into any required yard, and shall not be located closer than five 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 in height, do not project more than four feet into any required yard, and are not located closer than five feet to any lot line (except lot lines which are the projection of party walls).
- D. HVAC systems including, but not limited to, the following similar units: air conditioning, heat pumps, condensers, solar collectors, may project into a side yard or rear yard in residential zoning districts a maximum of four feet and may project into a side yard or rear yard in nonresidential zoning districts a maximum of six feet and are limited to a maximum height of six feet. All HVAC systems located outside of any building in any zoning district shall be properly screened with appropriate material as approved by the Zoning Officer.

(Ord. 1234, 2/11/2003, §1)

§617. Accessory Building Setback Exceptions.

On any lot on which a principal building existed at the effective date of this Chapter, an accessory building to such existing principal building which is constructed after the effective date of this Chapter does not have to be set back further from any street right-of-way than that principal building.

(Ord. 1234, 2/11/2003, §1)

§618. Height Exceptions and Maximums.

1. The building height limitations contained within this Chapter shall not apply to chimneys, spires, cupolas, antennas, elevator shafts, HVAC systems and other similar appurtenances usually required to be placed above the roof level; provided, they are not intended for human occupancy and comply with the other subsections of this Section.
2. No part of any airport hazard structure as herein defined shall exceed 100 feet in height above mean ground level, whether freestanding, affixed to, supported by, on the roof of, or in any way a part of any building.

(Ord. 1234, 2/11/2003, §1)

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§619. Removal of Natural Resources.

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

(Ord. 1234, 2/11/2003, §1)

§620. Floodplain Controls.

Floodplains shall be established and regulated in accordance with applicable ordinances of the Borough and other applicable governmental regulations.

(Ord. 1234, 2/11/2003, §1)

§621. Standards for Public Utility Uses.

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

(Ord. 1234, 2/11/2003, §1)

§622. Home Occupations.

1. Class I Home Occupations: By Right, Permit Required, No Special Exception Required. A residence in the R-1 “Low Density Residential District,” R-1A, “Low Density Residential District,” R-2 “Suburban Residential District,” R-2A “Suburban Residential District,” R-3 “Medium Density Residential District,” R-3A “Medium Density Residential District,” R-4 Retirement Community District,” may be used for a Class I Home Occupation. A Class I Home Occupation is a “No-impact home-based business”, which is 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. A Class I Home Occupation shall satisfy all of the following conditions:
 - 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 that 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 and may not occupy more than 25% of the habitable floor area.
2. Class II Home Occupation: By Right, Permit Required, No Special Exception Required. A residence in the R-1 "Low Density Residential District," R-1A, "Low Density Residential District," R-2 "Suburban Residential District," R-2A "Suburban Residential District," R-3 "Medium Density Residential District," R-3A "Medium Density Residential District," R-4 Retirement Community District," may be used for a Class II Home Occupation. A Class II Home Occupation is a nonprofessional or professional business use that shall be conducted in a nonobtrusive manner entirely within a residence located in the applicable residential zoning district that does not change or affect the residence's physical character or have any exterior evidence of the home occupation as an incidental or secondary use, except as provided herein. A Class II Home Occupation shall meet all of the following conditions:
- A. A "Structure" is defined to include a single or multifamily residence.
 - B. For purposes of this subsection, the primary use of the structure shall be a single-family residence.
 - C. Only a resident of the structure shall practice the home occupation within the structure.
 - D. A "resident" shall include an owner or a tenant in privity of contract with an owner, who lives, cooks, and sleeps in the structure.
 - E. No employees other than the resident or residents practicing the home occupation shall be engaged either on a noncompensatory or compensatory basis for the home occupation.

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- F. The home occupation shall be incidental or secondary to the structure's primary use as a residence and shall be limited to a nonprofessional or professional business. Examples of permissible home occupations include, but are not limited to, attorneys, realtors, insurance agents, financial planners, salespersons, artists, engineers, architects, tutors, music instructors, tailors, seamstresses, dressmakers or persons collecting, selling and/or creating crafts, dry goods, including retail sales of clothing, jewelry, food, linens or similar household items by home shows only, with no more than 4 home shows at the residence occupied by the home occupation per calendar year, items of personal adornment, or preparation of food and beverages. General and mechanical contractors shall be considered permissible home occupations, but shall be permitted to have only one business vehicle located at the property where the home occupation is located and may not include workshops, repair facilities, equipment trailers, excavation or other heavy equipment, or parking of vehicles with more than 2 axles or greater than 9,000 pounds of gross vehicle weight except in an enclosed structure. Nonpermissible home occupations shall include, but are not limited to, doctors, dentists, chiropractors, undertakers, veterinarians, barbers, beauticians, boarding houses, vehicle repair or inspection, printing, the sale of hard goods, building supplies, home and garden supplies, office supplies and equipment, or animal raising, training or boarding.
- G. The home occupation shall only be conducted in the structure's residential areas, attic, basement, or attached garage, and shall not be conducted in structures not attached to the residence.
- H. Not more than 30% of the total useable square footage of the structure's residential area, excluding attics, basements and garages, or other storage areas, unless those areas are personally used by the resident for sleeping, cooking or living purposes, shall be used for the home occupation.
- I. No outside structural modifications shall be made to accommodate the home occupation, except for exhaust ductwork or fans necessary to comply with applicable building, health, fire or safety codes; however, minor structural modifications may be made inside the structure to accommodate the home occupation.
- J. The home occupation shall not be visibly carried on outside of the structure's physical space or area.
- K. The practice of the home occupation shall not be visible from the structure's exterior, except for the single contractor's business vehicle permitted under paragraph F and the business identification information on a business vehicle permitted under paragraph M.
- L. No on-street or off-street parking shall be increased that alters the structure's primary use as a residence.

- M. No signs or advertisements shall exist on the structure or the property, other than business identification information typically painted on, or attached to, vehicles used in the operation of the business to notify the public of the home occupation.
 - N. No public advertisement of the address of the home occupation shall be made through newspapers, radio, or television to notify the public of the home occupation's existence. However, the use of internet advertising, business cards, the listing of the home occupation in a directory or in the publications of non-profit institutions, or mailed announcements of the home occupation are permitted.
 - O. No display of products related indirectly or directly to the home occupation shall be visible from the structure's exterior.
 - P. No storage of material or products related indirectly or directly to the home occupation shall be permitted outside of the structure or in open areas.
 - Q. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare shall be perceptible at or beyond the property's boundaries; i.e., the metes and bounds description of the property contained in the applicable deed within which the residence is situated.
 - R. No potentially dangerous or dangerous effluent from the home occupation shall be discharged into the air, storm or sanitary sewer, or otherwise.
 - S. The home occupation shall comply with all permit, license or regulatory requirements of any Federal, State or local agency.
3. Class III Home Occupation: Permit Required, Special Exception Required. A residence in the R-2 "Suburban Residential District", R-2A "Suburban Residential District", R-3 "Medium Density Residential District" and R-3A "Medium Density Residential District", may be used as a "Class III Home Occupation". A Class III Home Occupation is a nonprofessional or professional business use that shall be conducted within a residence located in the applicable residential zoning district that does not change or affect the residence's physical character or have any exterior evidence of the home occupation as an incidental or secondary use, except as provided herein. Before operating the Class III Home Occupation, a special exception shall be obtained that meets all of the following conditions:
- A. A "Structure" is defined to include a single or multifamily residence.
 - B. For purposes of this subsection, the primary use of the structure shall be a single-family residence.
 - C. A resident of the structure shall practice the home occupation within the structure.

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- D. A “resident” shall include an owner or a tenant in privity of contract with an owner, who lives, cooks, and sleeps in the structure.
- E. One non-resident employee, on either a compensatory or noncompensatory basis, may be employed by the resident to provide secretarial, clerical or other similar assistance. Any resident of the residence occupied by the home occupation may be engaged in the home occupation.
- F. The home occupation shall be incidental or secondary to the structure’s primary use as a residence and shall be limited to a nonprofessional or professional business. Examples of permissible home occupations include, but are not limited to, doctors, dentists, chiropractors, attorneys, realtors, insurance agents, financial planners, salespersons, artists, engineers, architects, tailors, seamstresses, dressmakers or persons collecting, selling and/or creating crafts, dry goods or items of personal adornment, preparation of food and beverages, barbers or beauticians. General and mechanical contractors shall be considered permissible home occupations, but shall be permitted to have only one business vehicle located at the property where the home occupation is located and may not include workshops, repair facilities, equipment trailers, excavation or other heavy equipment, or parking of vehicles with more than 2 axles or greater than 9,000 pounds of gross vehicle weight except in an enclosed structure. Nonpermissible home occupations shall include, but are not limited to, undertakers, veterinarians, boarding houses, vehicle repair or inspection, printing, the sale of hard goods, building supplies, home and garden supplies, office supplies and equipment, or animal raising, training or boarding.
- G. The home occupation shall only be conducted in the structure’s residential areas, attic, basement, or attached garage, and shall not be conducted in structures not attached to the residence.
- H. Not more than 30% of the total useable square footage of the structure’s residential area, excluding attics, basements and garages, or other storage areas, unless those areas are personally used by the resident for sleeping, cooking or living purposes, shall be used for the home occupation.
- I. No outside modifications shall be made to the structure, except for exhaust ductwork or fans necessary to comply with applicable building, health, fire or safety codes; however, minor structural modifications may be made inside the structure to accommodate the home occupation.
- J. The home occupation shall not be visibly carried on outside of the structure’s physical space or area.
- K. The practice of the home occupation shall not be visible from the structure’s exterior, except for the single contractor’s business vehicle permitted under

paragraph F and the business identification information on the small sign and business vehicle permitted under paragraph N.

- L. No display of products related indirectly or directly to the home occupation shall be visible from the structure's exterior.
- M. One off-street parking space shall be provided for each 150 square feet of floor area devoted to the home occupation's use, except in the case of dental, medical or paramedical offices and one off-street parking space shall be provided for each non-resident employee. In addition, four off-street parking spaces each shall be provided for the resident and any employee engaged in a dental, medical or paramedical practice.
- N. There shall be no outside advertising other than one one-sided sign of no more than two square feet in area identifying the home occupation and business identification information typically painted on, or attached to, vehicles used in the operation of the business.
- O. No storage of material or products related indirectly or directly to the home occupations shall be permitted outside of the structure or in open areas.
- P. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare shall be perceptible at or beyond the property's boundaries; i.e., the metes and bounds description of the property contained in the applicable deed within which the residence is situated.
- Q. No potentially dangerous or dangerous effluent from the home occupation shall be discharged into the air, storm or sanitary sewer, or otherwise.
- R. The home occupation shall comply with all permit, license or regulatory requirements of any Federal, State or local agency.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1288, 11/11/2008, §1)

§623. Regulations Governing Communications Towers and Antennae.

The following regulations for communications towers and antennae shall apply in any Zoning District where these uses are permitted by special exception pursuant to §624:

- A. Building mounted communications towers and antennae shall not be located on any single family dwelling or two family dwelling.
- B. Building mounted communications towers and antennae shall be permitted to exceed the height limitations of the applicable Zoning District by no more than 20 feet.
- C. Omnidirectional or whip communications antennae shall not exceed 20 feet in height and seven inches in diameter.

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- D. Directional or panel communications towers and antennae shall not exceed five feet in height and three feet in width.
- E. Communications towers and antennae shall be built and constructed according to then prevailing national standards.
- F. Any applicant proposing communications towers and antennae to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the communications towers and antennae location.
- G. Any applicant proposing communications towers or antennae to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the communications towers or antennae will be mounted on the structure for review by the Code Enforcement Officer for compliance with the Borough's Building Code and other applicable law.
- H. Any applicant proposing communications towers or antennae to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the communications towers or antennae are to be mounted so that installation and maintenance of the antennae and communications equipment building can be accomplished.
- I. Communications towers and antennae shall comply with all applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
- J. Communications towers and antennae shall not cause radio frequency interference with other communications facilities located in the Borough.
- K. A communications equipment building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
- L. The owner or operator of communications towers and antennae shall be licensed, if applicable, by the Federal Communications Commission (FCC) to operate these communications towers and antennae.

(Ord. 1234, 2/11/2003, §1)

§624. Standards for Communications Towers and Antennae as Special Exceptions.

In reviewing an application for the construction of communications towers and antennae as a special exception, the following standards shall be considered by the Zoning Hearing Board:

- A. The applicant shall demonstrate that it is licensed, if applicable, by the Federal Communications Commission (FCC) to operate a communications tower or antennae.
- B. The applicant shall demonstrate that the communications tower or antennae proposed to be mounted thereon shall comply with all applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
- C. Communications towers or antennae shall comply with all applicable Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation and applicable zoning regulations relating to airport clearance areas.
- D. The applicant shall demonstrate that a good faith effort has been made to design, build and construct the communications tower or antennae to blend in with its surroundings.
- E. Any applicant proposing construction of a communications tower or antennae shall demonstrate that a good faith effort has been made to obtain permission to mount the communications tower or antennae on an existing building, structure, communications tower or antennae in the Zoning District. A good faith effort shall require that all owners of potentially suitable structures within a 1/4 mile radius of the proposed communications tower or antennae site be contacted and that one or more of the following reasons for not selecting the existing building, structure, communications tower or antennae apply:
 - (1) The proposed communications tower or antennae and related equipment would exceed the structural capacity of the existing building, structure, communications tower or antennae and its reinforcement cannot be accomplished at a reasonable cost.
 - (2) The proposed communications tower or antennae and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, communications tower or antennae and the interference cannot be prevented at a reasonable cost.
 - (3) The existing buildings, structures, communications towers or antennae do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

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- (4) Addition of the proposed communications tower or antennae and related equipment would result in electromagnetic radiation from the building, structure, communications tower or antennae exceeding applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
 - (5) A commercially reasonable agreement could not be reached with the owners of the existing buildings, structures, communications towers or antennae.
- F. Access shall be provided to the communications tower or antennae and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.
- G. A communications tower or antennae may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- H. Recording of a plat of subdivision or land development shall be required for a parcel on which a communications tower or antennae is proposed to be constructed.
- I. The applicant shall demonstrate that the proposed height of the communications tower or antennae is the minimum height necessary to perform its function.
- J. The foundation and base of any communications tower or antennae shall be set back from the property line (not lease line) at least 100 feet and shall be set back from any other property line (not lease line) at least 50 feet.
- K. The base of a communications tower or antennae shall be landscaped to screen the foundation and base and communications equipment building from abutting properties.
- L. The communications equipment building shall comply with the required yards and height requirements of the applicable Zoning District for an accessory structure.
- M. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower or antennae will be designed and constructed in accordance with the current "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Borough's Building Code.

- N. The applicant shall submit a copy of its current Federal Communications Commission (FCC) license; the name, address and emergency telephone number for the operator of the communications tower or antennae; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower or antenna.
- O. All guy wires associated with guyed communications towers and antennae shall be clearly marked to be visible at all times and shall be located within a locked fenced enclosure.
- P. The site of a communications tower or antennae shall be secured by a locked fence with a minimum height of eight feet to limit accessibility by the general public.
- Q. Signs or lights shall be mounted on a communications tower and antennae as may be required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA) or any other governmental agency, including this Zoning Hearing Board.
- R. Communications towers and antennae shall be protected and maintained in accordance with the requirements of the Borough's Building Code.
- S. If a communications tower or antennae remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of the twelve-month period.
- T. One off-street parking space shall be provided within the fenced area.

(Ord. 1234, 2/11/2003, §1)

§625. Family Day Care and Group Homes.

The following general regulations shall apply to use of single-family detached dwellings as permitted by special Exception in the R-1 and R-1A Low Density Residential Districts:

- A. State licensed family day care home, subject to:
 - (1) All State licensing requirements shall be met.
 - (2) In addition to a minimum of two off-street parking spaces for the dwelling, one off-street parking space shall be provided for each non-resident employee.

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- (3) Provision shall be made for safe pickup and delivery of those being cared for such that those being cared for do not have to cross traffic areas to reach the car waiting to pick them up.
- (4) No sign for the family day care home shall be displayed.
- (5) There shall be no alteration to the outside of the dwelling that will alter the single family character of the dwelling, be inconsistent with the basic architecture of the dwelling or be incompatible with surrounding dwellings.

B. Group Home for the Handicapped, subject to:

- (1) No more than one group home shall be located in any one dwelling.
- (2) The premises where the group home is located shall be owned or leased by the sponsoring agency sponsoring the group home.
- (3) A licensed physician, licensed psychologist, counselor or social worker in the employ of or under contract to the sponsoring agency shall be responsible for the assignment of residents to the group home.
- (4) By design and intent, the group home shall provide for the long-term housing needs of its residents, not for the needs of transient individuals.
- (5) No less than one and no more than two live-in supervisors shall reside in the group home and at least one of those supervisors shall be on the premises during all hours in which any resident of the group home is on the premises.
- (6) No group home shall be located within 750 feet of another group home.
- (7) The dwelling unit shall not be altered in any manner that would change the single-family dwelling character of the group home.
- (8) One off-street parking space shall be provided for each supervisor assigned to the group home and two parking spaces shall be provided for visitors.
- (9) The sponsoring agency shall document to the Borough Council that all plumbing, heating, electrical, sanitary sewer, storm sewer and similar facilities meet the applicable ordinances, rules, regulations and laws of the Borough and/or the Commonwealth of Pennsylvania.

(Ord. 1234, 2/11/2003, §1)

PART 7

NONCONFORMING LOTS, USES, STRUCTURES AND BUILDINGS

§700. Statement of Intent.

1. The purpose and objective of the provisions established under this Part is to establish specific regulations pertaining to nonconforming uses, lots, land areas, building and/or structures.
2. As part of the establishment of zoning districts through the enactment of this Chapter, there exists or will exist certain nonconformities which, if lawful before this Chapter was enacted or amended, may be continued, subject to certain limitations, although such nonconformities would be otherwise prohibited, regulated or restricted under the terms of this Chapter or subsequent amendments thereto.
3. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Chapter or subsequent amendment thereto and on which actual building construction has been diligently conducted.

(Ord. 1234, 2/11/2003, §1; amended by Ord. 1295, 5/12/2009, §3)

§701. Nonconforming Lots of Record.

1. Any lot shown on a recorded subdivision or land development plan on the effective date of this Chapter which does not meet the minimum size or width requirements of the zoning district in which it is located, may be used for a use permitted by the regulations of that zoning district, provided that all yard, height, coverage and open space requirements of the zoning district shall be met. However, when a developer or applicant has had an application for approval of a preliminary or final subdivision plan, which has been approved prior to the effective date of this Chapter, no provision and/or regulation in this Chapter shall be applied to affect adversely the right of the developer or applicant to commence and complete any aspect of the approved preliminary or final plan within such time periods as are established within the Pennsylvania Municipalities Planning Code.
2. Any lot held in single and separate ownership on the effective date of this Zoning Ordinance, which does not meet the minimum size or width requirements of the zoning district in which it is located may be used for any use permitted in that zoning district, provided that all yard, height, coverage and open space requirements of the district are met. However, if two (2) or more lots, combination of lots, or portions of lots, which are adjacent and held under single ownership are of record at the time of passage or amendment of this Chapter, and if all or part

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of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Chapter.

3. No portion of a nonconforming lot or parcel of land shall be used or sold in a manner which diminishes compliance with lot width and/or lot area requirements established by this Chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Chapter.

(Ord. 1234, 2/11/2003, §1; amended by Ord. 1295, 5/12/2009, §3)

§702. Registration.

After the enactment of this Chapter, the Zoning Officer may assemble and maintain a listing of nonconforming uses, structures and lots, together with the reasons why the Zoning Officer identified them as nonconformities.

(Ord. 1234, 2/11/2003, §1; amended by Ord. 1295, 5/12/2009, §3)

§703. Nonconforming Uses of Land.

1. Lawful uses of land, which at the effective date of this Chapter, or subsequent amendments thereto, became nonconforming, may be continued by the present or any subsequent owner so long as the use remains otherwise lawful, subject to the provisions listed within this Part of this Chapter.
2. A nonconforming land use shall not be enlarged, increased and/or extended in order to occupy a greater area of land than was occupied at the effective date of enactment or amendment of this Chapter.
3. Whenever a nonconforming use has been discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be reestablished, except if the owner of such property files within thirty (30) days of the date of initial discontinuance a certificate of intention to maintain such use. If such certificate is filed within the said time, the right to reestablish such nonconforming use shall be extended by an additional twelve (12) month period.
4. A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use.
5. A nonconforming use may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Such determination shall be made through a special exception application to the Zoning Hearing Board, which shall take into consideration the following issues: the intent of the provisions for the zoning

district; the ability to change the use to a conforming use; traffic generation and congestion; noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, or other nuisances; external storage; solid waste disposal; sewer and water facilities; and the general impact of the use compared to the uses within five hundred (500) feet of the property lines.

6. No additional structures which do not conform to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.

(Ord. 1295, 5/12/2009, §3)

§704. Nonconforming Buildings or Structures.

1. Lawful nonconforming buildings or structures, which at the effective date of this Chapter became nonconforming by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the buildings or structures, may be continued so long as they remain otherwise lawful, subject to the provisions listed in the following subsections.
2. A nonconforming building or structure shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this Chapter.
3. A nonconforming building or structure shall not be enlarged, increased, repaired, maintained or modified in any manner, which will further violate any applicable dimensional requirements imposed by this Chapter. Where a portion of an existing building or structure encroaches into a setback area or exceeds a height limit under this Chapter, an addition to such existing building or structure may be constructed only where all portions of the addition are located within all of the applicable setbacks and below the height limit required under this Chapter.
4. Total future expansion of a nonconforming building or structure shall not exceed the following provisions:
 - A. The expansion may be permitted by right, provided that such expansion does not exceed fifty (50) percent of the gross floor area or ground area occupied by the building or structure at the time of the effective date of this Chapter.
 - B. The expansion may be permitted to exceed fifty (50) percent of the gross floor area or ground area occupied by the building or structure at the time of the effective date of this Chapter, provided that a special exception application is approved by the Zoning Hearing Board.
5. Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm or other similar active cause may be reconstructed in the same location, provided that:

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- A. The reconstructed building or structure shall not exceed the height, area or volume of the damaged or destroyed building or structure.
- B. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

(Ord. 1295, 5/12/2009, §3)

§705. Nonconforming Uses of Buildings or Structures.

1. Lawful nonconforming structures or buildings, or structures or buildings and land in combination, which exist at the effective date of this Chapter that would not be allowed in the district under the terms of this Chapter, may be continued so long as they remain otherwise lawful, subject to the provisions contained within this Part of this Chapter.
2. An existing structure devoted to a use not permitted by this Chapter within the zoning district where it is located may be enlarged, extended, constructed, reconstructed or structurally altered up to but not more than fifty (50) percent of its gross floor area and/or use area as it existed at the time of the passage of this Chapter or subsequent amendment, provided that the lot or lots upon which the nonconforming structure is situated were held under single ownership or long-term lease (10 years or more) and purchased or leased prior to the enactment of this Chapter.
3. Any enlargement, extension, construction, reconstruction or structural alteration must conform to all other regulations of the zoning district in which it is located.
4. Any nonconforming use may be extended throughout a building or structure which was in use for the nonconforming use at the time of adoption of this Chapter, but no such use shall be extended to occupy any land outside such building or structure unless provided for under this Part of this Chapter.
5. A nonconforming use of a structure, or premises and structure, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Such determination shall be made through a special exception application to the Zoning Hearing Board, which shall take into consideration the following issues: the intent of the provisions for the zoning district; the ability to change the use to a conforming use; traffic generation and congestion; noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, or other nuisances; external storage; solid waste disposal; sewer and water facilities; and the general impact of the use compared to the uses within five hundred (500) feet of the property lines.
6. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the

regulations for the district, and the nonconforming use may not thereafter be resumed. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.

7. Where a building or structure occupying a nonconforming use is involuntarily damaged or destroyed, the status of the nonconforming use shall be eliminated at that point in time. For the purpose of this subsection, damage or destruction shall be defined as a loss of more than seventy-five (75) percent of the market value at the time of the damage or destruction.

(Ord. 1295, 5/12/2009, §3)

§706. Movement and Replacement.

A building or structure containing a nonconforming use or a nonconforming building or structure may be voluntarily replaced by a new building or moved to another location on the same lot; provided, that the building or structure shall comply with all area, yard and height regulations and general regulations applicable to the zoning district in which it is located.

(Ord. 1295, 5/12/2009, §3)

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PART 8

ADMINISTRATION AND ENFORCEMENT

§800. Zoning Officer.

1. Appointment. A Zoning Officer and/or Assistant Zoning Officer(s) shall be appointed by Borough Council to administer and enforce this Chapter. The Zoning Officer shall not hold any elective office in the Borough. The Zoning Officer shall meet qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough Council a working knowledge of municipal zoning.
2. Duties and Powers. It shall be the duty of the Zoning Officer to enforce the provisions of this Chapter and the amendments thereto and he/she shall have such duties and powers as are conferred on him/her by this Chapter and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:
 - A. Review applications for zoning approval and building permits as set forth in this Chapter. Applicants must also submit to zoning officer for approval any stormwater and/or drainage plans when required by any of the Borough's stormwater management ordinances. Whenever a proposed improvement to a residential use property is proposed which will add more than thirty (30) percent to the horizontal surface area at grade level of any existing principal use structure, or add any new building or structure with a horizontal surface area at grade level greater than 1,000 square feet, or add any new or enlarged building or structure which would be located within five (5) feet of a required Building Setback or other Yard, the applicant is required to attach to the zoning permit application a grading plan, and a spot survey sealed by a licensed surveyor locating the lot boundaries adjacent to the proposed construction, the location of any Building Setback or other Yard adjacent to the proposed construction, and the location of the proposed new construction on the property; and, the proposed building or structure must be staked out on the property before the zoning permit is issued.
 - B. Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Chapter and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, approvals issued and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc., remain in existence.
 - C. Make inspections as required to fulfill his/her duties. In doing so, however, he/she shall first seek the permission of the land owner or tenant and, in the

event such permission cannot be voluntarily obtained, he/she shall have the right to take such other legal means as are authorized under the law.

- D. Issue approvals for buildings, structures and land uses for which subdivision and land development approval is required only after all necessary approvals have been secured and plans recorded.
- E. Issue approvals for special exception uses or for variances only after a special exception or variance has been approved by the Zoning Hearing Board in accordance with the regulations of this Chapter and the Pennsylvania Municipalities Planning Code.
- F. Issue approvals for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue approvals for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.
- G. Be responsible for keeping this Chapter and the official zoning map up to date so as to include all amendments thereto.
- H. Issue certificates of use and occupancy in accordance with the terms of this Chapter.
- I. Identify and register nonconforming structures and uses created as a result of the adoption of this Chapter and the official zoning map, or created as a result of amendments thereto.
- J. Submit a monthly report of his/her activities to the Borough Council and Borough Planning Commission and where appropriate, submit a report to the Zoning Hearing Board.
- K. Send enforcement notices as provided in this Chapter and the Pennsylvania Municipalities Planning Code, as amended.
- L. Institute civil enforcement proceedings as a means of enforcement when acting within the scope of the Officer's employment, when authorized by the Borough Council.

(Ord. 1234, 2/11/2003, §1; as amended by Ord. 1283, 8/12/2008, §17)

§801. Zoning Approval.

1. Requirements. No building, structure or sign, except temporary fences such as snow fences and fences around construction sites, shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to or structurally altered nor shall land, buildings and structures be put to any

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use or have the use for which they are used changed, without an approval therefor issued by the Zoning Officer. No such approval shall be issued unless there is conformity with the provisions of this Chapter, except upon written order from the Zoning Hearing Board in the form of a variance or special exception, or upon order from any court of competent jurisdiction.

2. Application Procedures. The application for a zoning approval or building permit shall be submitted to the Borough in writing on a form prescribed by the Borough. The application shall be submitted by the owner or lessee of any building, structure or land or the agent of either; provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by two sets of at least the following information:
 - A. A plan of the lot in question, drawn to scale, indicating the lot size and showing all dimensions of lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures.
 - B. The use, height, length, width and proportion of the total lot area covered of all proposed and existing buildings, structures and additions or alterations to buildings or structures, and the height, length, width and design of all signs.
 - C. A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of commercial and industrial uses, the floor area to be devoted to each use shall be indicated.
 - D. The location, dimensions and design of parking and loading areas including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic and provisions for outdoor lighting.
 - E. The location of all utility lines.
 - F. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Chapter.
3. Approval or Disapproval. Upon receipt of the zoning approval or building permit application and all accompanying information, the Zoning Officer shall examine them and determine compliance with this Chapter. Within 60 days from the date the Borough receives the application, a copy of the application and accompanying information containing the Zoning Officer's decision with respect to compliance with this Chapter shall be returned to the applicant. A copy shall be retained by the Zoning Officer. The zoning approval shall expire six months from the date of

approval of the application by the Zoning Officer; provided, that it may be extended at the discretion of the Zoning Officer for a period not exceeding one year. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefor, indicating the manner in which the application could be corrected and/or modified to obtain approval, and informing the applicant of his/her rights to appeal. The Zoning Officer shall revoke an approval issued under the provisions of this Chapter in case of any false statement or misrepresentation of fact in the application on which the approval was based or for any other cause set forth in this Chapter.

(Ord. 1234, 2/11/2003, §1)

§802. Certificate of Use and Occupancy.

1. Requirements. It shall be unlawful to use and/or occupy any building, structure or land or portion thereof for which zoning approval is required until a certificate of use and occupancy has been issued by the Borough. A certificate of use and occupancy shall not be issued unless such building, structure or land has been inspected by the Zoning Officer and he/she has determined that all provisions of this Chapter have been complied with.
2. Issuance. Upon receipt of written notification that the applicant is ready to use and occupy the premises for which a zoning application has been approved, the Zoning Officer shall inspect the premises within 10 days to determine compliance with the approved application and this Chapter. If in compliance, he/she shall approve and sign a certificate of use and occupancy for the use indicated on the approved application. A copy of the certificate of use and occupancy shall be retained by the Zoning Officer as part of the Borough records. If he/she finds that the work has not been performed or that the use of the premises does not comply with the approved application and this Chapter, the Zoning Officer shall refuse to approve and sign the certificate of use and occupancy and in writing give the reasons therefor and inform the applicant of his/her right of appeal
3. Temporary Certificate of Use and Occupancy. The Zoning Officer may issue a temporary certificate of use and occupancy for such temporary uses as tents, trailers and buildings on construction sites, and for the use of land for religious and other public and semipublic purposes or other temporary use and/or occupancy upon approval of the Borough Manager. Such temporary certificates shall be for the period of time to be determined by the Borough Manager at the time of application, but in no case shall any certificates, except those for uses on construction sites, be issued for more than six months.

(Ord. 1234, 2/11/2003, §1)

§803. Schedule of Fees, Charges and Expenses.

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

(Ord. 1234, 2/11/2003, §1)

§804. Amendments.

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

- A. Procedure. The following procedures shall be observed prior to making any amendment or change to this Chapter or parts thereof, including the official zoning map:
 - (1) All proposed amendments to this Chapter shall be submitted to the County Planning Commission for their recommendations at least 30 days prior to the public hearing.
 - (2) Any amendment not prepared by or emanating from the Borough Planning Commission shall be submitted by Borough Council to the Borough Planning Commission for its recommendation at least 30 days prior to the public hearing.
 - (3) Curative Amendments. The procedure upon curative amendments shall be as established in the Pennsylvania Municipalities Planning Code.

- B. Submission of Impact Statement. With a request for a zoning amendment initiated by other than the Borough Council or Borough Planning Commission, a statement indicating the impact of the zoning change on the Borough may be required to be submitted by Borough Council with the application for rezoning. The statement shall compare the impact on the Borough resulting from the existing zoning with the impact resulting from the proposed zoning, specifically discussing:
 - (1) Environmental Impact. The impact on wooded areas, floodplains, areas of high water table, wildlife habitats, stormwater runoff, erosion and sedimentation, historic sites, water quality, air quality, solid waste generation and noise levels.
 - (2) Traffic Impact. The impact on traffic generation per day and at peak hours, including numbers and routes expected to be used. An analysis

of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.

- (3) Services Impact. The demand for school, police, sewer, water, sanitation and road maintenance services.
 - (4) Fiscal Impact Analysis. The costs and revenues to the Borough.
- C. Public Hearing. The Borough Council shall hold a public hearing before voting on the enactment of any amendment or change. Public notice of such hearing shall be given as required by law. In addition, if the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, prior to voting on the amendment. The Borough Council shall vote on the proposed amendment within 90 days after the last public hearing. Enactment of amendments shall be in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, as amended.
- D. Mediation Option. The Borough may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Borough and mediating parties shall meet the stipulations and follow the procedures set forth in the Pennsylvania Municipalities Planning Code, as amended.

(Ord. 1234, 2/11/2003, §1)

§805. Enforcement Notice.

1. If it appears to the Borough Council that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided for in the Pennsylvania Municipalities Planning Code, as amended.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:

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- A. The name of the owner of record and any other person against whom the Borough intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(Ord. 1234, 2/11/2003, §1)

§806. Enforcement Remedies.

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

(Ord. 1234, 2/11/2003, §1)

§807. Appeals.

Proceedings for securing review of any ordinance or of any decision, determination or order of the Borough Council, their agencies, the Zoning Hearing Board or Zoning Offic-

er issued pursuant to this Chapter shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

(Ord. 1234, 2/11/2003, §1)

§808. Certificate of Intention to Continue a Nonconforming Use.

1. Scope. A certificate of intention shall be required in all instances where a nonconforming use is discontinued if the owner or operator of such use desires to maintain such a nonconforming use.
2. Procedure. The Zoning Officer shall maintain proper forms for the registration of any certificate of intention. It shall be incumbent upon the owner or applicant to file such a form with the Zoning Officer.
3. Notification. The proper adoption of this Chapter shall be considered effective notice to all owners or operators of nonconforming uses of the requirements for registration for the discontinuance of all nonconforming uses.
4. Filing. The Zoning Officer shall maintain a separate file for all certificates of intention.
5. Duration. A certificate of intention shall be valid for a one year period. See the Section of this Chapter which regulates the abandonment of nonconforming uses.

(Ord. 1234, 2/11/2003, §1)

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PART 9

ZONING HEARING BOARD

§900. Creation and Organization.

1. **Creation of Board.** The Borough Council shall appoint a Zoning Hearing Board, herein referred to as the "Board," consisting of residents of the Borough appointed by the Borough Council pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and serve and shall perform all the duties and have all the powers as prescribed by said Code and as herein provided. The Borough Council may appoint alternate members of the Board pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended. The alternate members may serve as provided for in said Code.
2. **Organization.** The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other ordinances of the Borough and laws of the Commonwealth of Pennsylvania, as it may deem necessary for the proper performance of its duties and for the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
3. **Meetings.** Meetings and hearings of the Board shall be held at the call of the Chairman and at such other times as the Board, by majority vote, may determine.
4. **Minutes and Records.** The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be filed with the Borough Secretary. Such records shall be the property of the Borough. The Board shall submit a monthly report of its activities to the Borough Council.

(Ord. 1234, 2/11/2003, §1)

§901. Public Hearings.

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

- A. Public notice as defined by law shall be given and written notice shall be given to the public, the applicant, adjoining property owners of the applicant property, the Zoning Officer, such other persons as the Borough Council shall designate by ordinance and to any person who has made timely request for the same. Notice shall also be posted in the Borough Hall. Written notices shall be given at such time and in such manner as shall be pre-

scribed in ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

- B. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Borough may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- C. The parties to the hearing shall be the Borough, 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.
- D. 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.
- E. 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.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- G. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- H. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with

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any party or his/her representative unless all parties are given an opportunity to be present.

- I. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his/her decision or findings are final, the Board shall make his/her report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in subsection (A) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- J. 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/her 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.
- K. The Borough Council may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearings may include compensation for the Secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- L. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

- M. Each subsequent hearing before the Board Hearing Officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the Applicant in writing or on the record.
- N. An Applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.
- O. Upon the request of the applicant, the Board Hearing Officer shall assure that the Applicant receives at least seven hours of hearing within the 100 days, including the first hearing.
- P. Persons opposed to an application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief.
- Q. An applicant may, upon request, be granted additional hearings to complete his case-in-chief, provided that the persons opposed to the application are granted an equal number of additional hearings.
- R. Persons opposed to the application may, upon the written consent on the record by the applicant and Borough, be granted additional hearings to complete their opposition to the applicant, provided the applicant is granted an equal number of additional hearings for rebuttal.

(Ord. 1234, 2/11/2003, §1)

§902. Functions of the Zoning Hearing Board.

The Zoning Hearing Board shall have the following functions:

- A. The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended.
- B. The jurisdictions of the Zoning Hearing Board and the Borough Council and the procedures to be followed by each, shall be as established in said Code.
- C. Parties to proceedings before the Zoning Hearing Board authorized by the Pennsylvania Municipalities Planning Code, as amended, may utilize mediation as an aid in completing such proceedings. The mediation option shall meet the stipulations and follow the procedures set forth in said Code.
- D. Variances. To authorize, upon appeal in specific cases, such variance(s) from the terms of this Chapter as will not be contrary to public interest, where a literal enforcement of the provisions of this Chapter will result in unnecessary hardship. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement

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the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, as amended. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (5) That the variance as granted by the Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - (6) Such other considerations as may be set forth in the Pennsylvania Municipalities Planning Code, from time to time.
- E. Special Exceptions. To issue, upon application, only such special exceptions which the Board by the provisions of this Chapter is specifically authorized to issue. The granting of a special exception when specifically authorized by the terms of this Chapter shall be subject to the following standards and criteria. The applicant for a special exception shall demonstrate, as a condition to approval of his/her application, compliance with these criteria and those criteria specified elsewhere in this Chapter for the use in question.
- (1) Such use shall be one which is specifically authorized as a special exception use in the zoning district wherein the applicant seeks a special exception.
 - (2) Such special exception shall only be granted subject to any applicable condition and safeguards as required by this Part.

- (3) Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
- (4) Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- (5) Services and utilities such as public water, sanitary sewers and stormwater drainage shall be made available to adequately service the proposed use by the applicant.
- (6) Control development of highway frontage so as to limit the number of points for ingress and egress, their location with due regard to safety factors, and encourage, where practicable, frontage of buildings and structures upon parallel marginal roads or on roads perpendicular to the highway.
- (7) Consider the desirability of the proposed location of an industrial or commercial use with respect to probable effects upon street or highway traffic, and assure adequate access arrangements to protect against undue traffic congestion and hazard.
- (8) Consider such other considerations as may be set forth in the Pennsylvania Municipalities Planning Code from time to time.

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

- F. To exercise any other power specifically granted to the Board under the terms of this Chapter or the Pennsylvania Municipalities Planning Code, as amended.

(Ord. 1234, 2/11/2003, §1)

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§903. Procedures for Application to the Zoning Hearing Board.

1. The Board shall act in accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Chapter. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Chapter involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Chapter, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. All appeals and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.
2. Applications and appeals, together with the required filing fee as established by the Borough Council, shall be submitted to the Secretary of the Zoning Hearing Board. As a minimum, all material required for a zoning approval shall be submitted with the application. The applicant shall also submit a description of the operations proposed in sufficient detail to indicate the effects of those operations proposed in producing traffic congestion, noise, glare, water pollution, fire hazards, safety hazards or other potentially harmful activities.

(Ord. 1234, 2/11/2003, §1)

§904. Expiration of Special Exceptions and Variances.

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to implement the proposed use or commence construction within 12 months from the date of authorization of the special exception or variance, unless an extension is granted by the Zoning Officer.

(Ord. 1234, 2/11/2003, §1)

§905. Review of Applications for Special Exceptions and Variances by the Borough Council.

The Secretary of the Zoning Hearing Board shall forward a copy of any application for a special exception or variance to the Borough Council for review and comment prior to the hearing held by the Board on such application.

(Ord. 1234, 2/11/2003, §1)

PART 10

PUBLIC UTILITY EXEMPTION

§1000. Public Utilities Corporation Exempted.

1. This Chapter shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public.
2. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

(Ord. 1234, 2/11/2003, §1)

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PART 11

ZONING MAP AMENDMENTS

(Reserved)