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Article I — Purpose and Interpretation

§ 21-101 Short title.

This Chapter shall be known, and may be cited, as the "Alburtis Zoning Ordinance of 1975."

§ 21-102 Purpose.

The purpose of this Chapter is to promote the public health, safety, morals and the general welfare of the present and future inhabitants of the Borough of Alburtis by:

(a) Assuring maximum compatibility between all present and future land uses and making the wisest possible use of the limited land remaining in the Borough.

(b) Selectively maintaining and increasing employment opportunities in the Borough.

(c) Providing a variety of housing opportunities for a diversified population in the Borough.

(d) Enhancing the quality of the Borough's visual and natural environment and conserving valuable natural resources to make the Borough a safer, healthier and more pleasant place in which to live.

(e) Realizing the downtown's full economic potential by eliminating problems, by preserving and enhancing current assets, and by continuing and expanding business activities.

(f) Facilitating the implementation of a safe and efficient transportation network to serve both local and regional traffic while minimizing the negative effects the network has on the natural environment and the quality of life in the Borough.

(g) Promoting the widest possible range of public services with high quality and with maximum efficiency.

(h) Carrying out the goals of the Alburtis Comprehensive Plan.

(i) Continuing to make the Borough a place in which residents have a strong identity.

(j) Preserving the natural, scenic, and historic values in the environment and preserving forests, wetlands, aquifers, and flood plains.

(k) Preserving and assuring adequate light and air and access to incidental solar energy.

§ 21-103 Scope.

From and after the effective date of this Chapter, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the Borough of Alburtis, shall be in conformity with the provisions of this Chapter.

§ 21-104 Zoning Permits.

No construction or alteration of a principal building, no establishment of a use, and no construction or alteration of specified structures in this Chapter shall occur without a zoning permit issued by the Borough Zoning Officer.

§ 21-105 Interpretation.

In applying and interpreting the provisions of this Chapter, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, ordinance or regulation shall be controlling. Conversely, where the provisions of this Chapter impose greater restrictions than

those of any statute or ordinance or regulations, the provisions of this Chapter shall be controlling.

§ 21-106 Commitment to Fair Housing.

The Borough of Alburtis is committed to promoting, through fair and lawful procedures, the opportunity for each person to obtain housing without regard to his/her race, color, religion, sex, handicap/disability, familial status, or national origin. This commitment is grounded upon a recognition of the right of every person to have access to adequate housing of his/her choice without regard to his/her race, color, religion, sex, handicap/disability, familial status, or national origin. All Borough ordinances shall be interpreted so as not to discriminate against any person on the basis of race, color, religion, sex, handicap/disability, familial status, or national origin in violation of the federal Fair Housing Act, 42 U.S.C. § 3601 *et seq.*, and the regulations issued thereunder.

Article II — Definitions and Usage

§ 21-201 Word Usage.

For the purposes of this Chapter, unless otherwise expressly stated, certain words and terms used herein shall be interpreted as follows:

(a) Words used in the present tense include the future.

(b) The singular includes the plural, and the plural includes the singular.

(c) The word "person" includes a corporation, partnership, trust, organization, association, or any other legal entity, as well as an individual.

(d) The word "lot" includes the word "plot," "parcel," "tract," "land" or "piece of ground."

(e) The word "shall" is always mandatory; the word "may" is permissive.

(f) The word "structure" includes the word "building."

(g) The words "used" and "occupied" include the words "intended, arranged, or designed to be used or occupied."

(h) The word "Borough" means the Borough of Alburtis, Lehigh County, Pennsylvania.

(i) The term "Council" means the Borough Council of Alburtis.

(j) The term "Planning Commission" means the Planning Commission of the Borough of Alburtis.

(k) The term "Board" means the Zoning Hearing Board of the Borough of Alburtis.

(l) Any word or term not defined herein shall be used with a meaning of standard usage.

§ 21-202 Definitions—In General.

For purposes of this Chapter, the terms defined in the remaining Sections of this Article II shall have the meanings indicated, whether with or without initial capital letters, unless the context in which they are used clearly indicates a different meaning.

§ 21-203 Accessory Building, Structure, or Use.

The term "Accessory Building, Structure, or Use" shall mean a building, structure, or use or portion of a building, structure, or use customarily incidental or subordinate to the principal building, structure, or use and located on the same lot as such building, structure, or use. "Accessory buildings, structures, or uses" include, but may not be limited to, a private garage, garden shed or barn, private playhouse, private greenhouse, private swimming pool, and the like.

§ 21-204 Adult Book Store.

The term "Adult Book Store" shall mean a commercial establishment having as a substantial or significant portion of its stock and trade, books, magazines, photographs, pamphlets, newspapers, films or other materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, or an establishment with a segment or section devoted to the sale or display of such material.

§ 21-205 Adult Motion Picture Theater.

The term "Adult Motion Picture Theater" shall mean a building or establishment used in whole or in part for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, for observation by patrons therein.

§ 21-206 Alley.

The term "Alley" shall mean a public thoroughfare having a right-of-way width of twenty (20) feet or less, regardless of how named.

§ 21-207 Alteration.

The term "Alteration", as applied to a building or structure, shall mean a change or rearrangement in the load-bearing and non-load-bearing structural members, resulting in the extension of any side or the increase in height. The moving of the building or structure from one location or position to another, or the conversion of one use to another by virtue of interior change, shall also constitute an "alteration" of a building or structure.

§ 21-208 Animal Husbandry.

The term "Animal Husbandry" shall mean concerning the domestic affairs and breeding of animals, which may include the raising and keeping of livestock and poultry.

§ 21-209 Basement.

The term "Basement" shall mean a story partly underground but having one-half (1/2) or more of its height (measured from floor to ceiling) above the average level of the adjoining ground. A "basement" shall be counted as a story for the purpose of height measurement or determining square footage only if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet, or if it is used for business or as a dwelling unit.

§ 21-210 Bed and Breakfast.

The term "Bed and Breakfast" shall mean the use and occupancy of a single family detached dwelling for accommodating transient guests for rent.

§ 21-211 Boarding and Rooming House.

The term "Boarding and Rooming House" shall mean a building, other than a hotel or motel, containing a single dwelling unit where lodging is provided, with or without meals, for three (3) or more persons who are not members of the operator's family, and by prearrangement for definite periods of time and for compensation, whether direct or indirect, but not to include rest homes or homes for the aged.

§ 21-212 Building.

The term "Building" shall mean any structure having a roof supported by columns, piers, or walls, including storage sheds (but not structures on wheels or originally designed with wheels), and any unroofed platform, terrace, or porch having a vertical face higher than three (3) feet above the level of the ground from which the height of the building is measured.

§ 21-213 Building and Structure Height.

The "Height" of a building or structure shall mean a vertical distance measured at the front of the building to a point midway between the highest and lowest points of the roof, *provided that* the chimneys, spires, towers, elevator penthouses, tanks, and similar projections shall not be included in calculating the height. Public utility lines are exempt from height restrictions in this chapter.

§ 21-214 Building Area.

The "Area" of a building shall mean the aggregate of the floor areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

§ 21-215 Building Configuration.

The term "Building Configuration" shall mean the arrangement of a building or group of buildings in one of following manners:

(a) Detached — A structure with enclosing walls but no common or party wall.

(b) Semi-detached — A structure with enclosing walls and one (1) party wall in common with an adjacent building.

(c) Attached — A structure with enclosing walls as well as two (2) party walls in common with adjacent buildings.

§ 21-216 Building Coverage.

The term "Building Coverage" shall mean the percentage of the lot area covered by the building area.

§ 21-217 Building Setback Line.

The term "Building Setback Line" shall mean the line parallel to the street right-of-way line at a distance equal to the minimum depth of the front yard required for the district in which the lot is located.

§ 21-218 Business Office.

The term "Business Office" shall mean a business establishment which does not offer on the premises a product or merchandise for sale to the public, but offers a service to the public. However, personal services such as barber and beauty shops and repair services are not to be included within the definition of "business offices."

§ 21-219 Cabaret.

The term "Cabaret" shall mean a club, restaurant, bar, tavern, theater, hall, or similar place or establishment which features male/female entertainers, including, but not limited to, topless or bottomless dancers, entertainers, strippers, or employees, whose performance or activities include, even though not limited to, simulated sex acts, live or actual sex acts, or other Specified Sexual Activities, and/or reveal or display Specified Anatomical Areas for observation by patrons.

§ 21-220 Car Wash.

The term "Car Wash" shall mean a building or portion thereof where automobiles are cleaned, using a conveyor, blower, steam-cleaning equipment, or other device.

§ 21-221 Cellar.

The term "Cellar" shall mean a story partly underground and having more than one-half (1/2) of its height (measured from floor to ceiling) below the average level of the adjoining ground. A "cellar" shall not be considered a "story" in determining the permissible number of stories.

§ 21-222 Center Line of Street or Road.

The term "Center Line of Street or Road" shall mean a line equidistant from and parallel to the street right-of-way or property lines on each side of the street or road.

§ 21-223 Church.

The term "Church" shall mean a building or group of buildings, including customary accessory buildings, designed or intended for public worship. For the purpose of this Chapter, the word "church" shall include: chapels, cathedrals, temples, and similar designations, as well as parish houses, convents, and such accessory uses.

§ 21-224 Club, Lodge, or Social Building.

The term "Club, Lodge, or Social Building" shall mean a building to house a club or social organization not conducted for private profit, and which is not an adjunct to or operated by or in connection with, a public tavern, café, or other public place.

§ 21-225 Commercial Motor Vehicle.

The term "Commercial Motor Vehicle" shall mean any vehicle other than a passenger car, station wagon, motorcycle, or similar vehicle, and pickup or other truck less than eighty (80) inches in width, one hundred ninety-six (196) inches in length, and gross vehicle weight range of ten thousand (10,000) pounds. Construction or other similar vehicles or equipment not designed and intended for passenger use or for on-the-road hauling shall be deemed "commercial motor vehicles."

§ 21-226 Composting Facility.

The term "Composting Facility" shall mean a facility using land for processing of municipal waste by composting. The term includes land thereby affected during the lifetime of the operations, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation, and storage facilities, closure and postclosure care and maintenance activities, and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a facility for composting residential municipal waste that is located at the site where the waste was generated.

§ 21-227 Comprehensive Plan.

The term "Comprehensive Plan" shall mean the official Comprehensive Plan for the Borough of Alburtis, Pennsylvania, including recommendations for land use, transportation, and community facilities.

§ 21-228 Conditional Use.

The term "Conditional Use" shall mean a use or structure which requires the review of the proposed use or structure by the Planning Commission, the submission of the Planning Commission's recommendations to the Council, and the final approval of the proposed use or structure by the Council.

§ 21-229 Council.

The term "Council" shall mean the Borough Council of the Borough of Alburtis, Pennsylvania.

§ 21-230 Court.

The term "Court" shall mean an unobstructed open area bounded on three (3) or more sides by the walls of a building or buildings. It does not include any such area with no windows opening upon it.

§ 21-231 Day-Care Center.

The term "Day-Care Center" shall mean any premises in which child day care is provided simultaneously for children who are not relatives of the operator. Nursery schools are deemed to be "day-care centers."

§ 21-232 Density.

The term "Density" shall mean gross density as determined by dividing the total number of dwelling units by the gross land area.

§ 21-233 Dormitory.

The term "Dormitory" shall mean a building or portion thereof which contains living quarters for students, staff, or members of a college, university, boarding school, theological school, hospital, religious order, or comparable organization; *provided that* said building is either owned or managed by said organization and contains not more than one (1) cooking and eating area.

§ 21-234 Drive-In Service Places.

The term "Drive-In Service Places" shall mean an establishment or activity where patrons are served with food, soft drinks, ice cream, and similar confections, or where patrons are provided with professional or personal services for consumption outside the confines of the principal building or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons. Drive-in theater shall not be included.

§ 21-235 Dwelling.

(a) Dwelling. The term "Dwelling" shall mean a building containing one (1) or more dwelling units.

(b) Dwelling Unit. The term "Dwelling Unit" shall mean any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) family.

(c) Single-Family Detached Dwelling. The term "Single-Family Detached Dwelling" shall mean a building, commonly known as a "single-family house," designed for and occupied exclusively as a residence having only one (1) dwelling unit from ground to roof, independent outside access, and open space on all sides. Where a private garage is structurally attached to such a dwelling, it shall be considered as a part thereof. Each building shall be on-site conventionally constructed.

(d) Two-Family Detached Dwelling. The term "Two-Family Detached Dwelling" shall mean a single building, commonly known as a "twin" or "duplex," intended and designed to be occupied as a residence by two (2) families living independently of each other as separate housekeeping units. Each building shall be on-site conventionally constructed.

(e) Single-Family Attached Dwelling. The term "Single-Family Attached Dwelling" shall mean a building, commonly known as a "townhouse" or "row house," designed for and occupied exclusively as a residence for only one (1) family and having only one (1) dwelling unit from ground to roof, two (2) points of independent outside access, at least two (2) other dwellings built in conjunction therewith, and any portion of one (1) or two (2) unpierced party walls in common with an adjoining dwelling. Each building shall be on-site conventionally constructed.

(f) Multifamily Dwelling. The term "Multifamily Dwelling" shall mean a building, commonly known as an "apartment," containing three (3) or more dwelling units and designed to be occupied by three (3) or more families living independently of one another. Each building shall be on-site conventionally constructed.

§ 21-236 Elderly Housing.

(a) In General. The term "Elderly Housing" shall mean a housing facility or community (within the meaning of subsection (b)), which satisfies either the requirements of subsection (c) (relating to 62 and Over Housing) or the requirements of subsection (d) (relating to 55 and Over Housing).

(b) Housing Facility or Community. For purposes of this Section, the term "housing facility or community" means a dwelling or group of dwelling units governed by a common set of rules, regulations, or restrictions, including but not limited to a condominium association, a cooperative, a property governed by a homeowners' or resident association, a leased property under common private ownership, a mobile home park, and a manufactured housing community, *provided* that a portion or portions of a single building shall not constitute a "housing facility or community."

(c) 62 and Over Housing.

(1) In General. Except as provided in paragraph (2), housing satisfies the requirements of this subsection (c) if it is intended for, and *solely* occupied by, persons sixty-two (62) years of age or older.

(2) Exceptions. Housing still satisfies the requirements of this subsection (c) even though—

(A) there are unoccupied units, *provided* that such units are reserved for occupancy by persons sixty-two (62) years of age or older;

(B) there are units occupied by persons under sixty-two (62) years of age who are employees of the housing or family members of such employees residing in the same unit, *provided* the employees perform substantial duties directly related to the management or maintenance of the housing; and/or

(C) there are persons under sixty-two (62) years of age residing in such housing who have continuously resided in such housing since September 13, 1988 or earlier.

(d) 55 and Over Housing. Housing satisfies the requirements of this subsection (d) if—

(1) at least eighty percent (80%) of its occupied units are occupied by at least one person fifty-five (55) years of age or older (as further described in subsection (e) and with the exceptions provided in subsection (e));

(2) the housing facility or community published and adheres to policies and procedures that demonstrate its intent to operate as housing for persons fifty-five (55) years of age or older in accordance with this subsection (d) (as further described in subsection (f)); **and**

(3) the housing facility or community must be able to produce verification of compliance with paragraph (1) and subsection (e) through reliable surveys and affidavits whenever required in response to a request by the Borough or a complaint filed under title 24 of the Code of Federal Regulations (as further described in subsection (g)).

(e) 80% Occupancy. For purposes of subsection (d)(1)—

(1) Occupied Unit. The term "occupied unit" means—

(A) a dwelling unit that is actually occupied by one or more persons; or

(B) a temporarily vacant unit, if the primary occupant has resided in the unit during the past year and intends to return on a periodic basis.

(2) Occupied by a Person 55 and Over. A dwelling unit is considered to be occupied by at least one person fifty-five (55) years of age or older if—

(A) at least one occupant of the dwelling unit is fifty-five (55) years of age or older; or

(B) the dwelling unit is temporarily vacant, and at least one of the occupants of the dwelling unit immediately prior to the date on which it was temporarily vacated was fifty-five (55) years of age or older.

(3) Newly Constructed Housing. Newly constructed housing for first occupancy after March 12, 1989 need not comply with the requirements of subsection (d)(1) until at least twenty-five percent (25%) of the units are occupied. "Newly constructed housing" includes a facility or community that has been wholly unoccupied for at least ninety (90) days prior to re-occupancy due to renovation or rehabilitation.

(4) Exceptions. Housing still satisfies the requirements of subsection (d)(1) even though—

(A) there are unoccupied units, *provided* that at least eighty percent (80%) of the occupied units are occupied by at least one person fifty-five (55) years of age or older;

(B) there are units occupied by persons under fifty-five (55) years of age who are employees of the housing facility or community or family members of such employees residing in the same unit, *provided* the employees perform substantial duties directly related to the management or maintenance of the housing facility or community;

(C) there are units occupied by persons under the age of fifty-five (55) who are necessary to provide a reasonable accommodation to disabled residents as required by 24 C.F.R. § 100.204; and/or

(D) the housing was in existence on September 13, 1988, and at that time under eighty percent (80%) of the occupied units were occupied by at least one person fifty-five (55) years of age or older, *provided* that at least eighty percent (80%) of the units occupied by new occupants after September 13, 1988 are occupied by at least one person fifty-five (55) years of age or older.

(5) Fractions of a Unit. Where application of the eighty percent (80%) rule results in a fraction of a unit, that unit shall be considered to be included in the units that must be occupied by at least one person fifty-five (55) years of age or older.

(6) Age Restrictions for Units Not Occupied By At Least One Person Age 55 or Over. The housing facility or community may determine the age restriction, if any, for units that are not occupied by at least one person fifty-five (55) years of age or older, so long as the housing facility or community complies with the provisions of subsection (f).

(f) Intent to Operate as 55 and Over Housing. For purposes of subsection (d)(2):

(1) The following factors, among others, are considered relevant in determining whether a housing facility or community has complied with the requirements of subsection (d)(2):

(A) The manner in which the housing facility or community is described to prospective residents;

(B) Any advertising designed to attract prospective residents;

(C) Lease provisions;

(D) Written rules, regulations, covenants, deed or other restrictions;

(E) The maintenance and consistent application of relevant procedures;

(F) Actual practices of the housing facility or community; and

(G) Public posting in common areas of statements describing the facility or community as housing for persons fifty-five (55) years of age or older.

(2) Phrases such as "adult living", "adult community", or similar statements in any written advertisement or prospectus are not consistent with the intent that the housing facility or community intends to operate as housing for persons fifty-five (55) years of age or older.

(3) A housing facility or community may allow occupancy by families with children as long as it meets the requirements of subsections (d)(1), (d)(2), (e), and (f)(1).

(g) Verification of Occupancy. For purposes of demonstrating compliance with subsection (d)(3)—

(1) A housing facility or community must have procedures for routinely determining the occupancy of each unit, including the identification of whether at least one occupant of each unit is fifty-five (55) years of age or older. Such procedures may be part of a normal leasing or purchasing arrangement, and must provide for regular updates (at least once every two years), through surveys or other means, of the initial information supplied by the occupants of the housing facility or community. A survey may include information regarding whether any units are occupied by persons described in subsection (e)(4)(B), (C), and (D).

(2) Any of the following documents are considered reliable documentation of the age of the occupants of the housing facility or community: driver's license; birth certificate; passport; immigration card; military identification; any other state, local, national, or international official documents containing a birth date of comparable reliability; or a certification in a lease, application, affidavit, or other document signed by any member of the household age eighteen (18) or older asserting that at least one person in the unit is fifty-five (55) years of age or older. A housing facility or community shall consider any one of these forms of verification as adequate for verification of age, provided that it contains specific information about current age or date of birth.

(3) The housing facility or community must establish and maintain appropriate policies to require that occupants comply with the age verification procedures required by this subsection (g).

(4) If the occupants of a particular dwelling unit refuse to comply with the age verification procedures, the housing facility or community may, if it has sufficient evidence, consider the unit to be occupied by at least one person fifty-five (55) years of age or older. Such evidence may include:

(A) Government records or documents, such as a local household census;

(B) Prior forms or applications; or

(C) A statement from an individual who has personal knowledge of the age of the occupants. The individual's statement must set forth the basis for such knowledge and be signed under the penalty of perjury.

(5) A summary of occupancy surveys shall be available for inspection upon reasonable notice and request by any person.

(h) Construction. The definition provided by this Section is included in order to *expand* the opportunities for residential uses primarily occupied by older persons. Thus, other provisions of this Chapter may permit Elderly Housing under certain conditions and in certain locations even though similar residential uses which do not qualify as Elderly Housing would not be so permitted. However, nothing in this Chapter shall be construed to prohibit any residential use which satisfies all applicable requirements of this Chapter merely because that use also qualifies as Elderly Housing. For example, an Elderly Housing development of single-family detached dwellings is permitted in the R-1 Low Density Residential Zoning District so long as it satisfies all applicable requirements for single-family detached dwellings in that zoning district.

§ 21-237 Electric Substation.

The term "Electric Substation" shall mean an assemblage of equipment for transforming electric power rather than for its generation or utilization.

§ 21-238 Essential Utilities.

The term "Essential Utilities" includes sewerage, water, gas, and electric lines and related appurtenances used to serve development within the Borough, but not including cross-country transmission lines or other utilities not required to serve the Borough.

§ 21-239 Extractive Operation.

The term "Extractive Operation" means any operation designed to remove any portion of the earth's composition by digging, borrowing, burrowing, quarrying, stripping, scouring, mining, or the like.

§ 21-240 Facade.

The term "Facade" shall mean the total wall surface, including door and window area, of a building's principal face. In the case of corner buildings which front on more than one (1) street, only one (1) face shall be used to calculate "facade" area.

§ 21-241 Family.

The term "Family" shall mean two (2) or more persons living together as a single housekeeping unit.

§ 21-242 Fence.

The term "Fence" shall mean an artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected.

§ 21-243 Garage.

(a) Public Parking Garage. The term "Public Parking Garage" shall mean a garage operated at a profit for the convenience of the general public in which no servicing, repairs, washing, or reconditioning of motor vehicles is carried on.

(b) Private Garage. The term "Private Garage" shall mean any accessory building adapted for the storage of motor vehicles owned and used by the owner or tenant and in which no business or other use is carried on and no service is rendered to the general public.

(c) Municipal Parking Facility. The term "Municipal Parking Facility" shall mean a facility owned and run by and for the benefit of the municipality for the parking of automobiles.

(d) Service Garage. The term "Service Garage" shall mean any garage other than a public parking garage, private garage, or municipal parking facility. A "service garage" may include servicing, repairs, washing, or reconditioning of motor vehicles and filling station facilities.

§ 21-244 Gasoline Service Station.

The term "Gasoline Service Station" shall mean buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories, or any combination thereof, are stored and sold at retail and normal mechanical service repairs are conducted, but not including body work, painting, spraying, or welding, or storage of automobiles not in operating condition and not on the premises for normal mechanical repairs.

§ 21-245 Governmental Uses.

The term "Governmental Uses" shall mean municipal, county, state or federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

§ 21-246 Gross Habitable Floor Area.

The term "Gross Habitable Floor Area" shall mean the sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy. Said areas shall be measured between the inside faces of exterior walls.

§ 21-247 Home Office or Business.

(a) In General. The term "Home Office or Business" shall mean a business or office conducted in the home or principal buildings of a lot used for residential purposes by members of the resident family, *provided* that:

(1) no person may be employed in a "home office or business" who is not a member of the resident family if the "home office or business" is located in a residential District (R-1, R-2, or R-3);

(2) at least eight hundred (800) square feet of the habitable floor space of the home shall be preserved free from all business or office use;

(3) the use is clearly incidental and secondary to the residential use of the home and does not change the residential character of the home;

(4) signs indicating products made or services rendered shall be in accord with this Chapter;

(5) adequate space for off-street parking and loading shall be provided if adjacent on-street parking is not ordinarily sufficient;

(6) if the use does not qualify as "Non-Intrusive" under subsection (b) below, no more than a total of two (2) vehicles shall be utilized by the home offices or businesses conducted on the property (regardless of whether such vehicles are also used for other purposes);

(7) there shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such "home office or business" other than a sign;

(8) no machinery or equipment that would produce noise, odor, vibration, light, or electrical interference beyond the bounds of the immediate property (or outside of the dwelling unit, in the case of multifamily dwellings) shall be permitted; and

(9) no hazardous materials shall be present on the property at any time in connection with the home office or business.

(A) For purposes of this paragraph (9), the term "hazardous materials" shall mean any material described in clauses (I), (II), or (III), *unless* they are excluded under subparagraph (B):

(I) any source, byproduct, or special nuclear material, as defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 *et seq.*;

(II) any substance designated as a hazardous substance by the U.S. Environmental Protection Agency and listed in Table 302.4 under 40 C.F.R. § 302.4 or the appendices to 40 C.F.R. § 302.4, if present in a quantity greater than or equal to the reportable quantity for such substance under 40 C.F.R. §§ 304.4 and 304.5; or

(III) any substance(s) which is/are or may become, when used in the home office or business, a solid waste (as defined in 40 C.F.R. § 261.2, other than a waste excluded under 40 C.F.R. § 261.4(b)) which exhibits or will exhibit any of the characteristics of a hazardous waste identified in 40 C.F.R. § 261.21 (relating to ignitability), 40 C.F.R. § 261.22 (relating to corrosivity), 40 C.F.R. § 261.23 (relating to reactivity), or 40 C.F.R. § 261.24 (relating to toxicity), if present or if will be present in a quantity greater than or equal to the reportable quantity for such substance(s) under 40 C.F.R. §§ 304.4 and 304.5;

(B) Notwithstanding subparagraph (A), none of the following shall be considered "hazardous materials" for purposes of this paragraph (9):

(I) food, drugs, cosmetics, or alcoholic beverages, if (i) contained in the packaging used for sale of such materials to consumers, (ii) intended for personal consumption by residents of the property, or (iii) used on the property in the same manner as in normal consumer use;

(II) any "consumer product" as defined under the Consumer Product Safety Act, 15 U.S.C. § 2051 *et seq.*, or "hazardous substance" as defined under the Federal Hazardous Substances Act, 15 U.S.C. § 1261 *et seq.*, if (i) contained in the packaging used for sale of such materials to consumers, (ii) intended for personal consumption by residents of the property, or (iii) used on the property in the same manner as in normal consumer/household use;

(III) motor oil or used motor oil.

A "hobby" shall be considered to be a "business" subject to the restrictions of this Chapter, and not an accessory use to residential uses, if consideration in excess of One Thousand Dollars ($1,000.00) per year, exclusive of the cost of materials, is charged or received by the resident(s) operating the hobby/business related to activities conducted at the residence.

(b) Non-Intrusive Home Office or Business. A Home Office or Business shall be considered "Non-Intrusive" if—

(1) no signs indicating products made or services rendered by the office or business are displayed on or in relation to the property; and

(2) the amount of traffic from customers or suppliers of the office or business does not increase the amount of traffic associated with the property beyond the amount of traffic normally associated with a residential dwelling unit.

(c) Intrusive Home Office or Business. A Home Office or Business shall be considered "Intrusive" if it does not qualify as a "Non-Intrusive" use under subsection (b).

§ 21-248 Hospital; Community Medical Center.

The terms "Hospital" or "Community Medical Center" shall mean a building used for the medical diagnosis, treatment, or other care of human ailments.

§ 21-249 Hotel, Motel, Motor Inn.

The terms "Hotel", "Motel", and "Motor Inn" shall mean a building containing ten (10) or more guest rooms, or a group of such buildings, especially designed for the temporary lodging of transient guests, *provided that* no room shall have cooking facilities of any kind. Such establishment shall furnish to the occupants customary hotel services, such as maid service and the furnishing and laundering of linen. Eating and drinking facilities may be accessory to the "hotel" or "motel."

§ 21-250 Household Pets.

The term "Household Pets" shall mean domestic animals normally considered to be kept in or in conjunction with a dwelling unit for the pleasure of the resident family, such as dogs, cats, small birds, gerbils, and other similar pets normally sold by retail pet stores.

§ 21-251 Junkyard.

The term "Junkyard" shall mean any place where discarded materials or articles, including but not limited to scrap metal, scrapped or abandoned or junked motor vehicles, machinery, equipment, paper, glass containers, and structures, are stored, disposed of, or accumulated.

§ 21-252 Kennel.

The term "Kennel" shall mean a place where three (3) or more household pets are kept, boarded, trained, raised, or bred for compensation.

§ 21-253 Landowner.

The term "Landowner" shall mean the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

§ 21-254 Lot.

(a) In General. The term "Lot" means a parcel of land used or set aside and available for use as the site of one (1) or more buildings and buildings accessory thereto or for any other purpose, in one (1) ownership, and not divided by a street, nor including any land within the limits of a public or private way upon which said lot abuts, even if the ownership to such way is in the owner of the lot. A "lot" for the purpose of this Chapter may or may not coincide with a "lot" of record. When there is doubt as to whether a tract is comprised of more than one (1) "lot," recourse may be had to the nature of the recorded description of the tract.

(b) Corner Lot. The term "Corner Lot" shall mean a lot which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangents to the curve at the points beginning with the lot or at the points of intersection of the side lot lines with the street right-of-way lines intersect at an interior angle of less than one hundred thirty-five degrees (135°).

(c) Interior Lot. The term "Interior Lot" shall mean a lot fronting on a street but having side lot lines in common with adjacent lots.

(d) Lot Coverage. The term "Lot Coverage" shall mean the percentage of the lot area that is occupied by the building area.

(e) Lot Depth. The term "Lot Depth" shall mean the distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

(f) Lot Width. The term "Lot Width" shall mean the distance between the midpoints of straight lines connecting front and rear lot lines at each side of the lot, which may also be measured across the rear of the required front yard (setback line); *provided*, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width, except in the case of lots on the turning circle of culs-de-sac, where the eighty-percent requirement shall not apply.

§ 21-255 Lot Line.

(a) In General. The term "Lot Line" shall mean any boundary line of a lot. (*See* § 21-254(a) for the definition of a lot. Note, for example, that certain boundary line(s) of a lot whose recorded description includes area within a street right-of-way are the street line(s) rather than the property lines in the recorded description of the tract.)

(b) Front. The term "Front Lot Line" shall mean a lot line which is also a street line. (Note that an alley having a right-of-way width of twenty (20) feet or less is not a "street" under § 21-285(a) and so does not form a "street line.")

(c) Rear. The term "Rear Lot Line" shall mean any lot line which is parallel to or within forty-five degrees (45°) of being parallel to a front lot line, except for a lot line that is itself a front lot line, and except that in the case of a corner lot there shall be no rear lot lines, only front lot lines and side lot lines. In the case of a lot having no street frontage or a lot of an odd shape, the landowner may designate any lot line or group of connected lot lines which together constitute at least twenty percent (20%) of the circumference of the lot as the "Rear Lot Line(s)" of the lot.

(d) Side. The term "Side Lot Line" shall mean any lot line which is not a front lot line or a rear lot line.

§ 21-256 Massage; Certain Health Care Professions Utilizing Massage.

(a) Massage. The term "Massage" shall mean any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided, or some third party on his or her behalf, will pay money or give any other consideration or any gratuity therefor.

(b) Massage Therapy. The term "Massage Therapy" shall mean a profession dealing with those practices using the application of a system of structured touch to the human body, which may include, but is not limited to, holding, pressure, positioning , and causing movement of the body by manual means. The term includes complementary methods, including the external application of water, heat, cold, lubricants, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands. The term does not include the diagnosis of illness or disease, medical procedures, chiropractic adjustment, electrical stimulation, ultrasound, prescription of medicines or the use of modalities for which a license to practice medicine, chiropractic, physical therapy, occupational therapy, podiatry, or other practice of the healing arts is required.

(c) Movement Education. The term "Movement Education" shall mean the art and science of teaching self-awareness and habitual movement patters by verbally and physically guiding the student in the self-discovery of alternative and improved postures, coordination, and choices of behavior.

(d) Reflexology. The term "Reflexology" shall mean a science based on the premise that there are zones and reflex areas in the feet and hands which correspond to all glands, organs, parts, and systems of the body. The term incorporates the physical act of applying specific pressure using thumb, finger, and hand techniques to these reflex areas. The term does not include the diagnosis of illness or disease, medical procedures, chiropractic adjustment, electrical stimulation, ultrasound, prescription of medicines or the use of modalities for which a license to practice medicine, chiropractic, physical therapy, occupational therapy, podiatry, or other practice of the healing arts is required.

(e) Somatic Practices. The term "Somatic Practices" shall mean complementary health care practice systems of activities including, but not limited to, touch, verbal interaction, and movement in order to assess and assist an individual in making changes in breathing, movement, and lifestyle patterns. The term does not include the diagnosis of illness or disease, medical procedures, chiropractic adjustment, electrical stimulation, ultrasound, prescription of medicines or the use of modalities for which a license to practice medicine, chiropractic, physical therapy, occupational therapy, podiatry, or other practice of the healing arts is required.

(f) Medically-Related Professions. For purposes of this Chapter, practitioners of message therapy, movement education, reflexology, or somatic practices who are licensed or certified by the Commonwealth of Pennsylvania to so practice shall be considered professionals in a medically-related profession.

§ 21-257 Massage Parlor.

The term "Massage Parlor" shall mean 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, or medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist, or practitioner of message therapy, movement education, reflexology, or somatic practices, duly licensed or certified 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. In addition, this definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, or athletic facilities, and facilities for the welfare of the residents of the area.

§ 21-258 Minimum Habitable Floor Area.

The term "Minimum Habitable Floor Area" shall mean the minimum required floor area of a dwelling unit which is enclosed and usable for human occupancy. Said areas shall be measured from the inside face of all walls and shall not include areas not normally used as dwelling spaces, such as cellars and garages, air shafts, plumbing shafts, and mechanical equipment rooms.

§ 21-259 Mobile Home.

The term "Mobile Home" shall mean a transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For purposes of this Chapter, excluded from the definition of Mobile Home are travel trailers. Further, a Mobile Home shall not be construed as a temporary structure.

§ 21-260 Mobile Home Lot.

The term "Mobile Home Lot" shall mean a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

§ 21-261 Mobile Home Park.

The term "Mobile Home Park" shall mean a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

§ 21-262 Motor Vehicle Repair Shop.

The term "Motor Vehicle Repair Shop" shall mean a building, structure, or enclosure in which the general business of the major repairing of motor vehicles is conducted, including painting of the vehicle.

§ 21-263 Municipal Waste.

The term "Municipal Waste" shall mean any garbage, refuse, industrial lunchroom or office waste, and other material, including solid, liquid, semisolid, or contained gaseous material, resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act, 35 PA. STAT. ANN. § 6018.101 *et seq.*, from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include source-separated recyclable materials.

§ 21-264 Municipal Waste Landfill.

The term "Municipal Waste Landfill" shall mean a facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities, and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a construction/demolition waste landfill or a facility for the land application of sewage sludge.

§ 21-265 Nonconforming.

(a) Nonconforming Lot. The term "Nonconforming Lot" shall mean a lot that does not conform to the dimensional regulations prescribed by this Chapter for the district in which it is located, but which lot was in existence at the effective date of this Chapter and was lawful at the time it was established.

(b) Nonconforming Sign. The term "Nonconforming Sign" shall mean a sign which does not conform to the controls regulating signs in this Chapter for the district in which it is located, but which was in existence at the effective date of this Chapter and was lawful at the time it was established.

(c) Nonconforming Structure. The term "Nonconforming Structure" shall mean a structure that does not conform to the dimensional regulation prescribed by this Chapter for the district in which it is located or to regulations for off-street parking, off-street loading, or accessory buildings, but which structure was in existence at the effective date of this Chapter and was lawful at the time it was established.

(d) Nonconforming Use. The term "Nonconforming Use" shall mean a use of a building or lot that does not conform to the use regulations prescribed by this Chapter for the district in which it is located, but which was in existence at the effective date of this Chapter and was lawful at the time it was established.

§ 21-266 Official Map.

The term "Official Map" shall mean a map adopted by the Borough of Alburtis showing the exact location of the lines of existing and proposed public streets, watercourses, and public grounds, including widenings, narrowings, extensions, diminutions, openings, or closings of the same for the whole of the municipality.

§ 21-267 Official Review Agency.

The term "Official Review Agency" shall mean an agency appointed by Council to review certain proposals.

§ 21-268 Open Space or Area.

The terms "Open Space" or "Open Area" shall mean the total horizontal area of all uncovered open space, and includes recreation areas, pedestrian use areas, steep slopes, floodplains, and easements free of paving and structures. It does not include parking areas, streets, drives, and yard areas of not less than twenty (20) feet around all buildings.

§ 21-269 Parking.

(a) Parking Space. The term "Parking Space" shall mean any area not less than one hundred eighty (180) square feet for the parking of motor vehicles, for which there is practical access.

(b) Parking Area. The term "Parking Area" shall mean an area set aside for the parking of three (3) or more motor vehicles.

§ 21-270 Personal Service Establishment.

The term "Personal Service Establishment" shall mean a place primarily providing services, which do not involve retail sales or professional advisory services, oriented to serving personal needs, such as barber and beauty shops, shoe repair shops, household appliance repair shops, dry-cleaning and laundry pickups, shoeshine parlors, and other similar establishments.

§ 21-271 Plan (Certified)

The term "Plan" or "Certified Plan" shall mean a plan prepared by a registered professional engineer, architect, landscape architect, or surveyor.

§ 21-272 Planned Neighborhood Convenience Center.

The term "Planned Neighborhood Convenience Center" shall mean a totally planned commercial development on contiguous land under single ownership or control, intended and planned to primarily serve the daily and convenient shopping and personal needs of nearby residential developments.

§ 21-273 Planning Commission.

The term "Planning Commission" shall mean the Planning Commission of the Borough of Alburtis.

§ 21-274 Plat.

The term "Plat" shall mean the map or plan of a subdivision or land development, whether preliminary or final.

§ 21-275 Public Notice.

The term "Public Notice" shall mean a notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days before the date of the hearing.

§ 21-276 Recreation Space.

The term "Recreation Space" shall mean space and/or land devoted to diversional amusement, possibly encompassing athletic facilities.

§ 21-277 Recreational Vehicle or Unit.

The term "Recreational Vehicle" or "Recreational Unit" shall mean a vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure-time or recreational use. "Recreational vehicles or units" include travel trailers, truck-mounted campers, motor homes, folding tent campers, autos, busses or trucks adapted for vacation use, and other vehicles not suitable for daily conventional family transportation. Snowmobiles, minibikes, all-terrain vehicles, go-carts, and boat trailers are also deemed "recreational vehicles."

§ 21-278 Sectional or Modular House.

The term "Sectional House" or "Modular House" shall mean a single-family detached dwelling unit manufactured in two (2) or more sections, designed for permanent occupancy, with the appearance of conventionally constructed on-site single-family homes and transported to a building site in sections which are fastened together and mounted on a permanent foundation which provides a crawl space or cellar, ready for occupancy except for minor and incidental unpacking and assembly operation. For purposes of this Chapter, "sectional houses" include modular, prefabricated, and other similar types, but mobile homes and travel trailers are not considered as "sectional or modular houses."

§ 21-279 Setback Line.

The term "Setback Line" shall mean a line which, between it and the street or lot line, no building or other structure or portion thereof, except as provided in this Chapter, may be erected above grade level. The "setback line" is considered to be a vertical surface intersecting the ground on such line.

§ 21-280 Sign.

(a) In General. The term "Sign" shall mean any permanent or temporary structure or part thereof, or any device attached, painted, or represented, directly or indirectly, on a structure or other surface, that shall display or include any letter, word, insignia, flag or representation used as or which is in the nature of an advertisement, announcement, visual communication, or direction, or which is designed to attract the eye or bring the subject to the attention of the public. Flags of any governmental unit or branch thereof, or any charitable or religious organization, interior signs not visible from a public right-of-way or adjoining property, and cornerstones built into or attached to a wall of a building, are excluded.

(b) On-Premises Sign. The term "On-Premises Sign" shall mean a sign which directs attention to a person, business, profession, home occupation, or activity conducted on the same lot.

(c) Off-Premises Sign. The term "Off-Premises Sign" shall mean a sign which directs attention to a person, business, profession, product, home occupation, or activity not conducted on the same lot.

§ 21-281 Special Exception.

The term "Special Exception" shall mean a use permitted in a particular district by the Zoning Hearing Board pursuant to standards set forth in this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10601 *et seq*. and § 10901 *et seq*., when such use is not permitted by right under this Chapter.

§ 21-282 Specified Anatomical Areas.

The term "Specified Anatomical Areas" shall mean:

(a) Less than completely or opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or

(b) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

§ 21-283 Specified Sexual Activities.

The term "Specified Sexual Activities" shall mean:

(a) Human genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse, or sodomy; or

(c) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast(s).

§ 21-284 Story.

The term "Story" shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed a "story" in accordance with the provisions in §§ 21-209 and 21-221.

§ 21-285 Street.

(a) In General. The term "Street" shall mean a public or private way having a right-of-way width of more than twenty (20) feet, used or intended to be used for passage or travel by automotive vehicles. If private, such way must be used or intended to be used as the principal means of access to an abutting lot or lots or to more than two (2) dwellings on a lot on which a private way is exclusively used.

(b) Arterial Street or Highway. The term "Arterial Street" or "Arterial Highway" shall mean a major regional highway designed to carry heavy vehicular traffic into, out of, or through the regional area. There are no arterial streets or highways within the Borough of Alburtis.

(c) Collector Street. The term "Collector Street" shall mean a street which is designed or functions to carry a moderate volume of traffic, to intercept local streets, to provide routes to arterial roads and to community facilities, and to provide a limited amount of access to the abutting properties. Within the Borough of Alburtis, the following streets, at a minimum, function as "collector streets": Franklin Street; Main Street (from Franklin Street north to the Borough line); East Penn Avenue; West Penn Avenue; West Front Street; and Church Street.

(d) Local Street. The term "Local Street" means a street which provides access to the abutting properties and a route to collector streets.

§ 21-286 Street Line.

The term "Street Line" shall mean the dividing line between the street and the lot. The "street line" shall be the same as the legal right-of-way line, *provided* that the street right-of-way line shall be not less than sixteen and one-half (16 1/2) feet from the center line of any existing road or street, and that where a future right-of-way width for a road or street has been officially

established, then the street right-of-way line shall be the side line of the future right-of-way so established.

§ 21-287 Structure.

The term "Structure" shall mean a combination of materials assembled, constructed, or erected at a fixed location, including a building, the use of which requires location on the ground or attachment to something having location on the ground.

§ 21-288 Swimming Pool.

(a) In General. The term "Swimming Pool" shall mean any receptacle or artificially constructed pool for water, including spas, whirlpools, and jacuzzis, whether constructed on-site or preconstructed, having a walled depth of two (2) feet or more at any point within its perimeter, intended or adapted for the purposes of immersion or partial immersion of human beings therein, and including all appurtenant equipment.

(b) Noncommercial. The term "Noncommercial Swimming Pool" shall mean any swimming pool used or intended to be used for swimming or bathing by any family or persons residing on the premises and their guests. Such a pool shall not be operated for gain and shall be located on a lot only as an accessory use to the dwelling or dwellings, hotel, motel, private club, or fraternal or social organization.

(c) Commercial. The term "Commercial Swimming Pool" shall mean any swimming pool which is not a noncommercial swimming pool under subsection (b).

§ 21-289 Tilling of the Soil.

The term "Tilling of the Soil" shall mean the cultivation of soil and the raising and harvesting of products of the soil, including horticulture, nurserying, forestry, and the raising and keeping of field and truck crops.

§ 21-290 Trade School.

The term "Trade School" shall mean a commercial educational institution where trades are taught.

§ 21-291 Trash Management Facility.

The term "Trash Management Facility" shall mean a composting facility, municipal waste landfill, or a trash transfer facility.

§ 21-292 Trash Transfer Facility.

The term "Trash Transfer Facility" shall mean a facility which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. The term includes land affected during the lifetime of the operations, including, but not limited to, areas where storage or transfer actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection and transportation facilities, closure and postclosure care and maintenance activities, and other activities in which the natural surface has been disturbed as a result of or incidental to operation of a transfer station. A facility is a transfer facility regardless of whether it reduces the bulk or volume of waste. The term does not include portable storage containers used for the collection of municipal waste other than special handling waste.

§ 21-293 Travel Trailer.

The term "Travel Trailer" shall mean a vehicular portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, vacation, and other short-term uses, and having a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet.

§ 21-294 Use.

(a) In General. The term "Use" shall mean any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

(b) Accessory Use. The term "Accessory Use" shall mean a use located on the same lot with a principal use and clearly incidental or subordinate to, and customary in connection with, the principal use.

(c) Principal Use. The term "Principal Use" shall mean the main use on a lot.

§ 21-295 Variance.

The term "Variance" shall mean a waiver from the terms and conditions of this Chapter, granted by the Zoning Hearing Board, pursuant to § 21-1809, and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10601 *et seq*. and § 10901 *et seq*.

§ 21-296 Veterinary Office; Animal Hospital.

The terms "Veterinary Office" and "Animal Hospital" shall mean any building used for the treatment, housing, or limited boarding of small domestic animals, such as dogs, cats, goats, rabbits, birds, or fowl, by a veterinarian.

§ 21-297 Yard.

(a) In General. The term "Yard" shall mean an open space unobstructed from the ground up, on the same lot with a structure, extending along a lot line and inward to the structure. The size of a required "yard" shall be measured as the shortest distance between the structure and a lot line, exclusive of overhanging eaves, gutters, cornices, and open steps.

(b) Front Yard. The term "Front Yard" shall mean a required yard between a structure and a front lot line, and extending the entire length of the front lot line. In the case of a lot that fronts on more than one (1) street, the yards extending along all streets are "front yards."

(c) Rear Yard. The term "Rear Yard" shall mean a required yard between a structure and a rear lot line, and extending the entire length of the rear lot line and unoccupied except for accessory buildings and open porches, which, in the aggregate, shall occupy not more than the percent coverage for designated districts in which the lot is located.

(d) Side Yard. The term "Side Yard" shall mean a required yard between a structure and a side lot line, except for any area within a front yard or a rear yard.

§ 21-298 Zoning/Building Permit.

The term "Zoning/Building Permit," whether titled "Zoning Permit" or "Building Permit," shall mean the same or each other.

§ 21-299 Zoning Officer.

The term "Zoning Officer" shall mean the duly appointed and designated official of the Borough responsible for administering and enforcing the provisions of this Chapter.

§ 21-300 Definitions Relating to Commercial Communications Towers/Antennae.

(a) Alternate Site. With respect to a proposed Commercial Communications Tower or Commercial Communications Antenna at a particular location (the "**proposed site**"), the term "Alternate Site" means a location where a Commercial Communications Antenna can be sited (either on an existing or proposed building or structure) such that, alone or in combination with other Alternate Sites:

(1) the proposed telecommunications services can be provided to the Essential Service Area at a commercially equivalent (or superior) level of quality to that which can be provided from the proposed site; and

(2) it is still economically feasible to provide the proposed telecommunications services to the Essential Service Area (recognizing that the costs of acquiring the right to use and of using the Alternate Site(s) may be considerably higher than the costs associated with the pro-

posed site, yet low enough that it is still economically feasible to provide the services from the Alternate Site(s)).

(b) Alternative Tower Structure. The term "Alternative Tower Structure" includes, but is not limited to, man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of Commercial Communications Towers and Commercial Communications Antennas.

(c) Commercial Communications Antenna. The term "Commercial Communications Antenna" means any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals or personal wireless service, including, without limitation, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity which is required to be licensed by the FCC to operate such device. This definition shall not include:

(1) private residence mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band ratio antennas; or

(2) devices attached to or located in motor vehicles.

(d) Commercial Communications Tower. The term "Commercial Communications Tower" means a structure other than a building, such as a monopole, self-supporting, or guyed tower, used or intended to be used to support Commercial Communications Antennas.

(e) Emergency Communications Services. The term "Emergency Communications Services" means transmission and/or reception of emergency communications by a police department, fire company, emergency medical service, and other similar public safety organizations.

(f) Essential. With respect to an application to establish or modify a Commercial Communications Tower or Commercial Communications Antenna at a particular location, the facility is "Essential" if—

(1) it is to be used to provide Personal Wireless Services, and a failure by Borough Council to grant approval to the application (subject to any reasonable conditions imposed by Borough Council), coupled with a failure to grant conditional approval to *any* application for a Commercial Communications Tower(s) and/or Commercial Communications Antenna(s) at an Alternate Site(s) (if any Alternate Sites exist), would have the effect of—

(A) prohibiting the provision of Personal Wireless Services in a particular geographical area, *or*

(B) unreasonably discriminating among providers of functionally equivalent services;

(2) it is to be used to provide Emergency Communications Services; *or*

(3) it to be used to provide only services *other than* Personal Wireless Services or Emergency Communications Services (or to establish or modify a Commercial Communications Tower or Commercial Communications Antenna to be used to provide services in addition to Personal Wireless Services and/or Emergency Communications Services and which requires a more extensive facility to provide the additional services than would be required to provide only Personal Wireless Services and/or Emergency Communications Services), and a failure by Bor-

ough Council to grant approval to the application (subject to any reasonable conditions imposed by Borough Council), coupled with a failure to grant conditional approval to *any* application for a Commercial Communications Tower(s) and/or Commercial Communications Antenna(s) at an Alternate Site(s) (if any Alternate Sites exist), would violate federal law.

(g) Essential Service Area. The term "Essential Service Areas" means that portion of the geographical area to be served by a Commercial Communications Antenna (or, with respect to a Commercial Communications Tower, the Commercial Communications Antennas located on the Tower) for which any such Antenna is Essential.

(h) Fall Zone. The term "Fall Zone" means the area on the ground within a prescribed radius from the base of a Commercial Communications Tower. The "Fall Zone" is the area within which there is a potential hazard from falling debris or the collapsing of the Commercial Communications Tower. The radius of the Fall Zone shall be presumed to be no less than the height of the Commercial Communications Tower, unless the Tower is designed to collapse upon itself in the event of tower failure. Each person who proposes to install a Commercial Communications Tower shall submit an initial determination of the Fall Zone for that Tower prepared and certified by a professional engineer experienced in tower structures together with supporting documentation, as part of the application to establish the use, but the final determination of the Fall Zone shall be made by the Borough Council after considering all evidence presented at the hearing on the use.

(i) FCC. The term "FCC" means the Federal Communications Commission.

(j) Height of Commercial Communications Antenna. The "height" of a Commercial Communications Antenna means the distance from the highest point of the Antenna to the ground level.

(k) Height of Commercial Communications Tower. The "height" of a Commercial Communications Tower means the overall height from the base of the tower to the highest point of the tower, including, but not limited to, antennas, transmitters, satellite dishes, or any other structures affixed to or otherwise placed on the tower. If the base of the tower is not on ground level, the height of the tower shall include the base of the building or structure to which the tower is attached.

(l) Personal Wireless Services. The term "Personal Wireless Services" means "Personal wireless services" within the meaning of the Communications Act of 1934, as amended, *inter alia*, by the Telecommunications Act of 1996, 47 U.S.C. § 151 *et seq*.

Article III — Zoning Districts and Zoning Map

§ 21-301 Establishment of Districts.

(a) The Borough is hereby divided into districts of different types, each type being of such number, shape, kind, and area, and of such common unity of purpose and adaptability of use, as are deemed most suitable to carry out the objectives of this Chapter.

(b) Every parcel of land and every building or other structure in the Borough, except as otherwise provided by law or by this Chapter, shall be subject to the regulations, restrictions, and requirements specified for the district in which it is located.

§ 21-302 Classes of Districts.

For the purpose of this Chapter, the Borough is divided into the following five (5) classes of districts:

R-1 Low-Density Residential District
R-2 Medium-Density Residential District
R-3 High-Density Residential District
C-1 Commercial District
L-1 Light Industrial-Office Research District

§ 21-303 Zoning Map.

(a) The boundaries of the zoning districts are established on a map entitled "Zoning Map for the Borough of Alburtis," which is on file in the Office of the Borough Secretary and which is declared to be a part of this Chapter. A copy of the Map is reproduced in Appendix ¶ 21-A. Map changes and amendments shall be made in accordance with the provisions of § 21-1903.

(b) The Official Zoning Map shall be identified by the signature of the Borough Council President, attested by the Borough Secretary, dated March 5, 1975 (or the date the latest zoning map amendment was adopted, if any), and shall bear the seal of the Borough under the following words: "This is to certify that this is the Official Zoning Map."

(c) No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Chapter.

(d) Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the office of the Borough Secretary and shall be the final authority on boundaries and districts.

§ 21-304 Interpretation of District Boundaries.

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

(a) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following such center lines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following Borough limits shall be construed as following Borough limits.

(d) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.

(e) Boundaries indicated as approximately following the center lines of streams or rivers shall be construed as following such center lines, and in the event of change in the center line, shall be construed as moving with the actual center line.

(f) Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

(g) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections (a) through (f) above, the Zoning Hearing Board shall interpret the zone boundaries.

Article IV — Regulations for R-1 Low-Density Residential District

§ 21-401 Purpose.

The purpose of this district is to continue and encourage residential development in close proximity to existing concentrations of development and near existing and planned places of employment. It is also the purpose of this district to provide for a variety of housing types and to provide standards preventing undue crowding of the land and congestion of the highways. Creating conditions conducive to carrying out the broad purposes of this Chapter is an additional purpose of this district.

§ 21-402 In General.

A building may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other, subject to the applicable provisions of Article IX (relating to General Regulations).

§ 21-403 Uses Permitted By Right.

The following uses and their accessory uses are permitted by right by the Zoning Officer without further conditions and provided the use type, dimensional, and all other applicable requirements of this Chapter are satisfied:

(a) Crop farming and tilling of the soil.

(b) Forestry and wildlife preserve.

(c) Farmstead and related accessory buildings necessary for farm operations, but specifically excluding the raising or keeping of livestock.

(d) Single-family detached dwelling, not a mobile home, but including a sectional or modular dwelling.

(e) Non-intrusive home office or business, *provided* that the person(s) conducting the use obtains an annual permit therefor from the Zoning Officer upon payment of a fee of Ten Dollars ($10.00) or such other amount as shall be provided by resolution of Council.

§ 21-404 Conditional Uses.

The following conditional uses and their accessory uses may be permitted following a review and recommendation by the Planning Commission in accordance with the provisions of Article XIII (relating to Conditional Uses and Special Exceptions), any other applicable provisions of this Chapter, and approval by Council:

(a) Places of worship.

(b) Public and private educational institutions, but excluding commercial dance and music studios, commercial educational institutions, and institutions of correction and detention.

(c) Public facility owned or operated by the Borough, but excluding outdoor storage.

(d) Utility substations, including accepted easements for local need and serving the Borough.

(e) Bed and breakfast facilities.

(f) Mobile home on individual lot.

(g) Commercial Communications Antenna.

(h) Commercial Communications Tower.

§ 21-405 Special Exceptions.

The following uses and their accessory uses may be permitted when authorized as a special exception by the Zoning Hearing Board, subject to the provisions of Articles XIII (relating to Conditional Uses and Special Exceptions) and XVIII (relating to Zoning Hearing Board):

(a) Intrusive home office or business.

§ 21-406 Accessory Uses.

Accessory uses on the same lot as, and customarily incidental to, the permitted use are permitted by right. The term "accessory use" shall not include a business, but may include the following uses, which shall comply with all yard regulations and applicable provisions listed below:

(a) Residential Accessory Building or Structure or Use, including but not limited to:

(1) Parking spaces for the parking of passenger automobiles. The parking of commercial vehicles is prohibited except for a maximum of two (2) vehicles, each of which does not exceed one-half (1/2) ton loading capacity, and which are needed for travel to and from work by residents of the principal building.

(2) Structures such as fences and walls.

(3) Buildings such as detached garages, storage sheds, bathhouses, and private greenhouses.

(b) Temporary Structure or Use. A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction or other special circumstances of a nonrecurring nature, subject to the following additional provisions:

(1) The life of such permit shall not exceed one (1) year.

(2) Such structure or use shall be removed completely upon expiration of the permit without cost to the Borough.

(c) Noncommercial Swimming Pool. A noncommercial swimming pool shall not be located, constructed, or maintained on any lot or land area except in conformity with the following requirements:

(1) A permit shall be required to locate, construct, or maintain a noncommercial swimming pool.

(2) Such pool shall be located in a rear or side yard only.

(3) Every noncommercial swimming pool, or the portion of a lot surrounding a noncommercial swimming pool area, shall be completely enclosed (whether by fencing, pool walls, or otherwise) by a barrier which is sufficient to prevent children from passing under or through and which is at least four (4) feet high from the ground to the top of the barrier at all points along the perimeter of the enclosure. The enclosure may include gates for entrance to the pool or pool area, *provided* that all gates are self-latching with latches placed at least four (4) feet above the

level of the ground at that location or otherwise made inaccessible to small children, and that all gates are locked when the pool is not in use.

(4) No portion of such pool shall be located less than three (3) feet from any lot line, and none of the water contained within the pool shall be closer than five (5) feet from any lot line.

(5) Such pool shall not occupy more than thirty percent (30%) of the rear or side yard area, including all private garages or other accessory buildings or structures.

(6) If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.

(7) If the water for such pool is supplied from the public water supply system, the inlet shall be above the overflow level of said pool.

(8) No permit shall be granted for the installation or construction of any in-ground pool, permanent pool, or any portable pool having a capacity of ten thousand (10,000) gallons or more unless the Borough Engineer has certified that the drainage of such pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities, or with the public streets.

(9) No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property or lot where such pool is located.

(10) No lighting or spotlight shall be permitted which will shine directly upon or beyond the bounds of the property or lot where such pool is located.

(11) No portion of a noncommercial swimming pool shall be located within any utility easement without the permission of the utility(ies) involved, nor within three (3) feet of any point directly underneath any overhead utility lines.

(d) Fences. Fences not to exceed six (6) feet in height may be placed within a required yard area, *provided that*:

(1) No part of any fence shall be closer than one (1) foot from any property line, unless the owner(s) of the adjoining property file a notarized consent with the Borough to permit the fence to be placed on the property line or less than one (1) foot from the property line;

(2) No part of any fence shall be located closer than twenty-five (25) feet from the legal right-of-way line of the street or alley on which the principal structure of the lot fronts.

(3) No part of any fence shall be closer than ten (10) feet from the legal right-of-way line of any street or alley; and

(4) No part of any fence shall be within any of the clear sight triangles established under § 21-906 (relating to Traffic Visibility at Intersections).

§ 21-407 Area and Height Regulations.

The following dimensional requirements in this section apply to each use permitted in the R-1 District by right, by condition, or by special exception, subject to further applicable provisions of this Article, Article IX (relating to General Regulations), and Article XIII (relating to

Conditional Uses and Special Exceptions). The most restrictive dimensional requirements for each use shall apply. The minimum lot area requirements shall apply unless larger minimum lot areas are required by the Pennsylvania Department of Environmental Protection. All uses in the R-1 District shall hook up with the existing public centralized water and sewerage systems.

Principal Use	Minimum Lot Area	Minimum Lot Width (feet)	Maximum Building Coverage (%)	Maximum Building Height (feet)
Single-family detached dwelling, sectional or modular house	8,000 ft^2	80	35	35
Two-family detached dwelling*	5,000 ft^2 per dwelling	40	35	35
Farmstead	1 acre	130	15	35
Crop farming	1 acre	—	10	35
Public and private institutions	3 acres	200	15	35
Places of worship	2 acres	150	25	35
Utility substation	1 acre	150	15	35
All other uses	20,000 ft^2	100	15	35

* Two-family detached dwellings are not permitted by right, conditional use, or special exception in the R-1 District. However, there are a number of permitted nonconforming two-family detached dwellings in the R-1 District which came into existence before April 4, 1975 and have not lost their status as a permitted non-conforming use. Where a single lot contains two or more permitted nonconforming two-family detached dwellings, the lot may be subdivided into two or more lots so long as each resulting lot satisfies the dimensional requirements of this Section, *and* either satisfies all other dimensional requirements of this Chapter or is not more non-conforming with respect to any other dimensional requirement of this Chapter than the pre-existing lot prior to the subdivision.

§ 21-408 Minimum Yard Requirements.

The following are the minimum yard requirements for principal uses in the R-1 District.

Principal Use	Front Yard (feet)	Side Yard (feet)		Rear Yard (feet)
		One	Both	
All uses	25	10	20	25

Article V — Regulations for R-2 Medium-Density Residential District

§ 21-501 Purpose.

The purpose of this district is to provide appropriate areas for medium-density residential development and compatible land uses in order to broaden the Borough's housing base and therefore serve a greater variety of housing needs. Standards are provided to prevent undue crowding of land, to regulate density of population, to avoid undue congestion in the streets, and to allow for the harmonious development of single-family attached housing, apartments, and other uses which are compatible with medium-density residential development. Creating conditions conducive to carrying out the broad purposes of this Chapter is an additional reason for the establishment of this district.

§ 21-502 In General.

A building may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other, subject to the applicable provisions of Article IX (relating to General Regulations).

§ 21-503 Uses Permitted By Right.

The following uses and their accessory uses are permitted by right by the Zoning Officer without further conditions and provided the use type, dimensional, and all other applicable requirements of this Chapter are satisfied:

(a) Crop farming and tilling of the soil.

(b) Forestry and wildlife preserve.

(c) Single-family detached dwelling, not a mobile home, but including a sectional or modular dwelling.

(d) Two-family detached dwelling.

(e) Non-intrusive home office or business, *provided* that the person(s) conducting the use obtains an annual permit therefor from the Zoning Officer upon payment of a fee of Ten Dollars ($10.00) or such other amount as shall be provided by resolution of Council.

§ 21-504 Conditional Uses.

The following conditional uses and their accessory uses may be permitted following a review and recommendation by the Planning Commission in accordance with the provisions of Article XIII (relating to Conditional Uses and Special Exceptions), any other applicable provisions of this Chapter, and approval by Council:

(a) Single-family attached dwelling (townhouses).

(b) Places of worship.

(c) Multifamily dwelling.

(d) Public and private educational institutions, except such uses as commercial dance and music studios, institutions of correction and detention, and trade schools.

(e) Public facility owned or operated by the Borough or other government.

(f) Nonprofit recreational or educational facility, other than a golf course.

(g) Utility substation, including accepted easements for local need and serving the Borough.

(h) Conversion of existing single-family detached dwelling to a two-family detached dwelling or multifamily dwelling limited to three (3) dwelling units.

(i) Mobile homes and mobile home parks.

(j) Bed and breakfast facilities.

(k) Commercial Communications Antenna.

(l) Commercial Communications Tower.

§ 21-505 Special Exceptions.

The following uses and their accessory uses may be permitted when authorized as a special exception by the Zoning Hearing Board, subject to the provisions of Articles XIII (relating to Conditional Uses and Special Exceptions) and XVIII (relating to Zoning Hearing Board):

(a) Cemetery.

(b) Intrusive home office or business.

§ 21-506 Accessory Uses.

Accessory uses on the same lot as, and customarily incidental to, the permitted use are permitted by right. The term "accessory use" shall not include a business, but may include the following uses, which shall comply with all yard regulations and applicable provisions listed below:

(a) Any accessory uses permitted in the R-1 Low-Density Residential District (*see* § 21-406).

§ 21-507 Area and Height Regulations.

The following dimensional requirements in this section apply to each use permitted in the R-2 District by right, by condition, or by special exception, subject to further applicable provisions of this Article, Article IX (Relating to General Regulations), and Article XIII (Relating to Conditional Uses and Special Exceptions). The most restrictive dimensional requirements for each use shall apply. All uses in the R-2 District shall hook up with the existing public centralized water and sewerage systems.

Principal Use	Minimum Lot Area	Minimum Lot Width (feet)	Maximum Building Coverage (%)	Maximum Building Height (feet)
Single-family detached dwelling, sectional or modular house	5,400 ft^2	50	40	35
Single-family attached dwelling	Tract: 4 acres Per dwelling: 2,200 ft^2 Max. gross density: 8 dwelling units per acre	Tract: 200 Per indiv. lot: 20	35	35
Two-family detached dwelling	5,000 ft^2 per dwelling	50	35	35
Crop farming	1 acre	—	10	35
Public and private institutions	3 acres	200	20	35
Places of worship	2 acres	150	20	35
Cemetery	2 acres	None	None	35
Multifamily residential development	5 acres Max. gross density: 8 dwelling units per acre	200	30	35
Utility substation	1 acre	100	20	35
All other uses	8,000 ft^2	80	20	35

§ 21-508 Minimum Yard Requirements.

The following are the minimum yard requirements for principal uses in the R-2 District.

Principal Use	Front Yard (feet)	Side Yard (feet) One	Side Yard (feet) Both	Rear Yard (feet)
Single-family detached dwelling	25	8	16	25
Two-family detached dwelling	25	10	20	25
All other uses	25	12 1/2	25	25

Article VI — Regulations for R-3 High-Density Residential District

§ 21-601 Purpose.

The purpose of this district is to provide appropriate areas for dense multifamily development and compatible land uses in order to broaden the Borough's housing base and therefore serve a greater variety of housing needs. Standards are provided to prevent undue crowding of land, to regulate density of population, to avoid undue congestion in the streets, and to allow for development of apartments and other uses which are compatible with higher density residential development. Creating conditions conducive to carrying out the broad purposes of this Chapter is an additional reason for the establishment of this district.

§ 21-602 In General.

A building may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other, subject to the applicable provisions of Article IX (relating to General Regulations).

§ 21-603 Uses Permitted By Right.

The following uses and their accessory uses are permitted by right by the Zoning Officer without further conditions and provided the use type, dimensional, and all other applicable requirements of this Chapter are satisfied:

(a) Crop farming and tilling of the soil.

(b) Forestry and wildlife preserve.

(c) Single-family detached dwelling, not a mobile home, but including a sectional or modular dwelling.

(d) Two-family detached dwelling.

(e) Non-intrusive home office or business, *provided* that the person(s) conducting the use obtains an annual permit therefor from the Zoning Officer upon payment of a fee of Ten Dollars ($10.00) or such other amount as shall be provided by resolution of Council.

§ 21-604 Conditional Uses.

The following conditional uses and their accessory uses may be permitted following a review and recommendation by the Planning Commission in accordance with the provisions of Article XIII (relating to Conditional Uses and Special Exceptions), any other applicable provisions of this Chapter and approval by Council:

(a) Single-family attached dwelling (townhouses).

(b) Places of worship.

(c) Multifamily dwelling.

(d) Public and private educational institutions, except such uses as commercial dance and music studios, institutions of correction and detention, and trade schools.

(e) Public facility owned or operated by the Borough or other government.

(f) Nonprofit recreational or educational facility.

(g) Mid-rise multifamily dwelling for elderly housing.

(h) Conversion of existing single-family detached dwelling to a two-family detached dwelling or multifamily dwelling limited to three (3) dwelling units.

(i) Essential utilities, including accepted easements.

(j) Utility substation.

(k) Bed and breakfast facilities.

(l) Mobile home on individual lot.

(m) Commercial Communications Antenna.

(n) Commercial Communications Tower.

§ 21-605 Special Exceptions.

The following uses and their accessory uses may be permitted when authorized as a special exception by the Zoning Hearing Board, subject to the provisions of Articles XIII (relating to Conditional Uses and Special Exceptions) and XVIII (relating to Zoning Hearing Board):

(a) Hospital or nursing home, not including animal hospital.

(b) Intrusive home office or business.

§ 21-606 Accessory Uses.

Accessory uses on the same lot as, and customarily incidental to, the permitted use are permitted by right. The term "accessory use" shall not include a business, but may include the following uses, which shall comply with all yard regulations and applicable provisions listed below:

(a) Any accessory uses permitted in the R-1 Low-Density Residential District (*see* § 21-406).

§ 21-607 Area and Height Regulations.

The following dimensional requirements in this section apply to each use permitted in the R-3 District by right, by condition, or by special exception, subject to further applicable provisions of this Article, Article IX (relating to General Regulations), and Article XIII (relating to Conditional Uses and Special Exceptions). The most restrictive dimensional requirements for each use shall apply. All uses in the R-3 District shall hook up with the existing public centralized water and sewerage systems.

Principal Use	Minimum Lot Area	Minimum Lot Width (feet)	Maximum Building Coverage (%)	Maximum Building Height (feet)
Single-family detached dwelling, sectional or modular house	5,000 ft^2	50	40	35
Single-family attached dwelling	Tract: 3 acres Per dwelling: 2,000 ft^2 Max. gross density: 8 dwelling units per acre	Tract: 200 Per indiv. lot: 18	35	35
Two-family detached dwelling	4,000 ft^2 per dwelling	40	35	35
Public and private institutions	2 acres	150	25	35

Places of worship	1 acre	100	25	35
Crop farming	1 acre	—	10	35
Mid-rise multifamily residential for the elderly	2 acres Max. gross density: 20 dwelling units per acre	150	25	4 stories
Multifamily residential development	3 acres Max. gross density: 14 dwelling units per acre	200	35	35
Hospital or nursing home	2 acres	150	25	35
Utility substation	1 acre	100	25	35
All other uses	7,500 ft^2	75	25	35

§ 21-608 Minimum Yard Requirements.

(a) Except as provided in subsection (b), the following are the minimum yard requirements for principal uses in the R-3 District.

Principal Use	Front Yard (feet)	Side Yard (feet) One	Side Yard (feet) Both	Rear Yard (feet)
Single-family detached dwelling	25	6	12	25
Two-family detached dwelling	25	8	15	25
All other uses	25	10	20	25

(b) The minimum rear yard of a residential dwelling within a development described in subsection (c) may be reduced, as a conditional use, to the extent appropriate to satisfy the concerns described in subsection (c)(4), *provided* that the rear yard shall not be less than twenty-one (21) feet for at least eighty-five percent (85%) of the dwelling units in the development, and shall not be less than nineteen (19) feet for any dwelling unit in the development.

(c) A development qualifies for a conditional use under subsection (b) if Council determines—

(1) there are at least forty (40) dwelling units within the development;

(2) each dwelling unit is within two thousand (2,000) feet of the boundary of one or more tracts of public or private park, open space, or recreation land which may be utilized by residents of the dwelling unit, *and* the total area of such tracts of public or private park, open

space, or recreation land is at least fifty percent (50%) of the gross area of the residential portion of the development;

(3) each dwelling satisfies all of the other dimensional requirements of this Chapter without a variance; and

(4) due to the dimensions and/or configuration of the development tract (and also considering the locations of nearby public streets and the potential for future extensions of public streets over nearby property), the number of dwelling units which could reasonably be placed in the development if all dwelling units satisfied the rear yard requirements of subsection (a) and all other applicable requirements of this Chapter and Chapter 22 (relating to Subdivision and Land Development) *is less than* seventy-five percent (75%) of the number of dwelling units which could be placed in the development if a conditional use were granted under subsection (b).

Article VII — Regulations for C-1 Commercial District

§ 21-701 Purpose.

The purpose of this district is to provide areas that are readily accessible via major highways to Borough residents and others for a wide variety of retail and personal service uses. Development standards will be applied to help ensure compatibility with nearby residential uses and to help provide a desirable and safe center for commercial and related uses.

§ 21-702 In General.

A building may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other, subject to the applicable provisions of Article IX (relating to General Regulations).

§ 21-703 Uses Permitted By Right.

The following uses and their accessory uses are permitted by right pursuant to site development plan review and report by the Planning Commission:

(a) Crop farming and tilling of the soil.

(b) Cultural facilities, including art galleries, auditoriums, libraries, or museums open to the public or connected with a permitted educational use.

(c) Community center, adult education center, or similar facility operated by an educational, philanthropic, or religious institution.

(d) Private commercial educational institution, including schools for dance, music, art, drama, and other similar activities.

(e) Variety store, including department stores, five-and-ten cent stores, and the like.

(f) Eating and drinking places, including cafe, lounge, supper club or nightclub, and discotheque, but not including drive-in service places.

(g) Shops and stores for the retail sale of antiques, books, beverages, confections, drugs, dry goods, flowers, food-stuffs, gifts, garden supplies, hardware, household appliances, jewelry, notions, periodicals, stationery, tobacco, paint, wearing apparel, and other similar goods.

(h) Personal services, including barber, beautician, laundry and dry cleaning, shoe repair, tailor, photographer, caterer, health club, and travel agency.

(i) Repair services such as shops for appliances, watches, guns, bicycles, locks, etc.

(j) Professional services, including but not limited to offices of realtors, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, and medical and related professionals.

(k) Bank or other financial institution.

(l) Business, administrative, or professional offices.

(m) Office or clinic for medical or dental examination or treatment of persons as outpatients, including laboratories incidental thereto.

(n) Non-intrusive home office or business associated with a residential use which is permitted by variance or as a lawful nonconforming use, *provided* that the person(s) conducting the office or business use registers the use with the Zoning Officer so that the Borough is aware that a non-residential activity is being conducted on the property.

(o) Intrusive home office or business associated with a residential use which is permitted by variance or as a lawful nonconforming use, *provided* that the office or business use is the type of use permitted by right under this § 21-703, and that the person(s) conducting the office or business use registers the use with the Zoning Officer so that the Borough is aware that a non-residential activity is being conducted on the property.

§ 21-704 Conditional Uses.

The following conditional uses and their accessory uses may be permitted following a site plan review and recommendation by the Planning Commission and in accordance with the provisions of Article XIII (relating to Conditional Uses and Special Exceptions), any other applicable provisions of this Chapter, and approval by Council:

(a) Planned shopping center.

(b) Planned medical and/or dental center.

(c) Public facility owned or operated by the Borough or other government.

(d) Motel, hotel, or motor inn.

(e) Automotive service station.

(f) Drive-in service, banking, eating, drinking, or similar drive-in place.

(g) Automobile, truck, mobile and modular home, boat, and recreational vehicle sales completely enclosed in buildings.

(h) Wholesale and distribution activities, *provided* all materials are stored within buildings.

(i) Membership club or private lodge.

(j) Mortuary or funeral home.

(k) Residential dwelling units may be in combination with a commercial use, so long as the commercial use occupies at least twenty-five percent (25%) of the total floor area of all commercial and residential uses.

(l) [RESERVED]

(m) Nursery or day-care center.

(n) Places of worship.

(o) Indoor theater.

(p) Bus or taxi cab terminal.

(q) Hospital or nursing home.

(r) Commercial recreation, swimming pool, and other similar entertainment activities.

(s) Bed and breakfast facilities.

(t) Adult bookstores, adult motion picture theaters, cabarets, and massage parlors.

(u) Drive-through and/or fast food restaurants.

(v) Neighborhood convenience stores.

(w) Intrusive home office or business associated with a residential use which is permitted by variance or as a lawful nonconforming use, *provided* that the office or business use is the type of use permitted as a conditional use under this § 21-704.

(x) Commercial Communications Antenna.

(y) Commercial Communications Tower.

§ 21-705 Special Exceptions.

The following uses and their accessory uses may be permitted when authorized as a special exception by the Zoning Hearing Board, subject to the provisions of Articles XIII (relating to Conditional Uses and Special Exceptions) and XVIII (relating to Zoning Hearing Board):

(a) Any use of the same general character as those uses permitted by right and condition in this C-1 District. Evidence shall be submitted documenting the similarity and difference between the proposed use and the uses permitted by right or condition to which the proposed use is most similar.

(b) Intrusive home office or business associated with a residential use which is permitted by variance or as a lawful nonconforming use, *provided* that the office or business use is the type of use permitted by special exception under this § 21-705.

§ 21-706 Accessory uses.

Accessory uses on the same lot as and customarily incidental to the permitted uses are permitted by right. The term "accessory use" may include the following uses, which shall comply with all applicable provisions stated for them:

(a) Off-street parking and loading areas.

(b) Signs.

(c) Temporary structures or uses.

(d) Screened outdoor storage and sales areas.

(e) Fences not to exceed six (6) feet in height may be placed along the side and rear property lines no closer than one (1) foot from the property line, unless the owner(s) of the adjoining property file a notarized consent with the Borough to permit the fence to be placed on the property line or less than one (1) foot from the property line. No fences shall be placed in the front yard area between the building setback line and the front lot line.

§ 21-707 Area and Height Regulations.

The following dimensional requirements in this section apply to each use permitted in the C-1 District by right, by condition, or by special exception, subject to further applicable provisions of this Article, Article IX (relating to General Regulations), and Article XIII (relating to Conditional Uses and Special Exceptions). The most restrictive dimensional requirements for each use shall apply. All uses in the C-1 District shall hook up with the existing public centralized water and sewerage systems.

Principal Use	Minimum Lot Area	Minimum Lot Width (feet)	Maximum Building Coverage (%)	Maximum Building Height (feet)
Crop farming	1 acre	200	20	35
Hotel, motel	2 acres	150	25	50
Planned shopping center	2 acres	150	25	50
Planned medical or dental center	1 acre	100	35	50
Automobile, truck, mobile and modular home, boat, etc., sales:				
With storage in buildings	1 acre	100	40	35
With storage outdoors	2 acres	150	30	35
Wholesale and distribution activities	1 acre	100	30	35
Places of worship	2 acres	150	35	35
Hospital	3 acres	150	30	50
All other uses	5,000 ft^2	100	35	50

§ 21-708 Minimum Yard Requirements.

The following are minimum yard requirements for principal uses in the C-1 District.

Principal Use	Front Yard (feet)	Side Yard (feet) One	Side Yard (feet) Both	Rear Yard (feet)
Planned shopping center	50	30	70	45
Hospital	50	30	70	45
Motel	50	30	70	45
All other uses	20	5	10	25

Article VIII — Regulations for L-1 Light Industrial-Office Research District

§ 21-801 Purpose.

The purpose of this district is to provide for desirable locations for modern industrial uses that are harmonious with surrounding uses. Performance and development standards will ensure industrial areas that are desirable and that do not constitute a hazard or nuisance to the Borough. These conditions are conducive to carrying out the broad purposes of this Chapter.

§ 21-802 In General.

A building may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other, subject to the applicable provisions of Article IX (relating to General Regulations). All uses permitted in this district shall provide a fifty (50) foot buffer yard between them and all other proposed or existing residential, church, or related uses which are not light industrial, office, research, or commercial. Furthermore, all uses locating in the district shall have a fifty (50) foot buffer yard in accordance with the provisions of Article XV (relating to Buffer Strips) when said use's lot abuts a lot with residential dwelling(s).

§ 21-803 Uses Permitted By Right.

The following uses and their accessory uses are permitted by right pursuant to the performance standards contained in this Chapter, and subject to site plan review and report by the Planning Commission:

(a) Agricultural uses and tilling of the soil, but specifically excluding the raising of livestock.

(b) Greenhouses, including facilities for retail sales of items produced on the premises.

(c) Forestry, fish hatcheries, wildlife preserves, and gamelands.

(d) Cultural facilities, including art galleries, auditoriums, libraries, or museums open to the public or connected with a permitted educational use.

(e) Community center, adult education center, or similar facility operated by an educational, philanthropic, or religious institution.

(f) Private commercial educational institution, including schools for dance, music, art, drama, and other similar activities.

(g) Repair services such as shops for appliances, watches, guns, bicycles, locks, etc., but not automobile repair services.

(h) Administrative, management, or professional offices, including but not limited to, offices of realtors, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, and medical and related professionals (including incidental laboratories and out-patient clinics), and the incidental retail sale of products directly related to any professional services provided.

(i) Non-Intrusive Home Office or Business associated with a residential use which is permitted by variance or as a lawful nonconforming use, provided that the person(s) conducting the office or business use registers the use with the Zoning Officer so that the Borough is aware that a non-residential activity is being conducted on the property.

(j) Intrusive Home Office or Business associated with a residential use which is permitted by variance or as a lawful nonconforming use, provided that the office or business use is the type of use permitted by right under this Section 21-803, and that the person(s) conducting the office or business use registers the use with the Zoning Officer so that the Borough is aware that a non-residential activity is being conducted on the property.

(k) Kennels, *provided* that no animals are kept outside of a completely enclosed building at any time between the hours of 9:00 P.M. and 6:00 A.M., and the kennel operates in accordance with all applicable state regulations.

§ 21-804 Conditional Uses.

The following conditional uses and their accessory uses may be permitted following a site plan review and recommendation by the Planning Commission in accordance with the provisions of Article XIII (relating to Conditional Uses and Special Exceptions), any other applicable provisions of this Chapter, and approval by Council:

(a) Research laboratory or similar experimental testing or scientific establishment.

(b) [RESERVED]

(c) Publishing, printing, lithographing, bookbinding, or similar establishment.

(d) Warehouse, wholesale, storage, or distribution use, but excluding truck terminals.

(e) Manufacture, assembly, or treatment of articles or merchandise from the following previously prepared materials: plastics, bone, canvas, cellophane, cork, feathers, fiber, glass, horn, leather, and fur (excluding tanning, curing, and dyeing), precious or semiprecious metals or stones, shell, textiles, and tobacco.

(f) Manufacture of: ceramic products (using only previously pulverized clay); novelty or small products from previously prepared paper or cardboard (not including bulk processing); jewelry, clocks, and watches; medical, drafting, optical, and other professional and scientific instruments and equipment; musical instruments; small rubber products and synthetic treated fabrics (excluding all rubber and synthetic processing); textiles (including spinning and weaving, but not including wool scouring and pulling, or jute or burlap processing or reconditioning); toys; or wood products (excluding planing mills and bulk processing of wood and lumber).

(g) Processing, packaging, and treatment or compounding of such products as cosmetics and toiletries, drugs, perfumes, and pharmaceuticals.

(h) Manufacture and assembly of electrical or electronic devices; home, commercial and industrial appliances and instruments; or electrical supplies, including such equipment and supplies as lighting fixtures, fans, home radio and television receivers, electric switches, lamps, washing machines, refrigerators, and air conditioners.

(i) Processing and combining of food products (except meat and fish), including baking, canning, cooking, freezing, and mixing, but not including manufacture of basic products from the raw state or such processes as drying, smoking, preserving or curing meats, or manufacturing sauerkraut, vinegar or yeast, fish, milling flour, roasting coffee, or spices.

(j) Light metal processes such as: metal machining, finishing, grinding, and polishing; metal stamping and extrusion of small products (such as costume jewelry and kitchen utensils); and the manufacture of light metal products, tools, and hardware (such as hand tools, bolts, and nuts).

(k) Bottling, packing, or packaging establishment.

(l) Central heating plant.

(m) Commercial laundry not for use by the public on the premises.

(n) Manufacture of paper or cardboard boxes, envelopes, containers, and novelties from previously prepared paper or cardboard.

(o) Trade school.

(p) Utility easements and accepted easements for local need and serving the Borough.

(q) Planned industrial, office, or research park.

(r) Public facilities owned or operated by the Borough or other government.

(s) Private, nonprofit recreational or educational facility, such as company-sponsored recreational and technical training institutes.

(t) Motor vehicle repair shop.

(u) Utility substations.

(v) Gasoline service station.

(w) Hotel, motel, or motor inn.

(x) Restaurant or cafeteria.

(y) Bank or similar financial institution.

(z) Cemetery.

(aa) Planned neighborhood convenience center.

(bb) Bed and breakfast facilities.

(cc) Adult bookstores, adult motion picture theaters, cabarets, and massage parlors.

(dd) Neighborhood convenience stores.

(ee) Public storage facilities.

(ff) Commercial Communications Antenna.

(gg) Commercial Communications Tower.

(hh) Intrusive Home Office or Business associated with a residential use which is permitted by variance or as a lawful nonconforming use, provided that the office or business use is the type of use permitted as a conditional use under this Section 21-804.

§ 21-805 Special Exceptions.

The following uses and their accessory uses may be permitted when authorized as a special exception by the Zoning Hearing Board, subject to the provisions of Articles XIII (relating to Conditional Uses and Special Exceptions) and XVIII (relating to Zoning Hearing Board):

(a) Any use of the same general character as those uses permitted by right or condition. Evidence shall be submitted documenting the degree to which the proposed use will emit smoke, dust, odor, or other air pollutants, noise, vibration, light, electrical disturbances, water pollutants, chemical pollutants of sewer lines, increased stormwater runoff, and the additional traffic generated by the proposed facility. Such evidence may include the proposed use of proven special structures or technological innovations.

(b) Intrusive Home Office or Business associated with a residential use which is permitted by variance or as a lawful nonconforming use, provided that the office or business use is the type of use permitted as a special exception use under this Section 21-805.

§ 21-806 Accessory Uses.

Accessory uses on the same lot as, and customarily incidental to, the permitted uses are permitted by right. The term "accessory use" shall not include a business, but may include the following uses, which shall comply with all applicable provisions stated for them:

(a) Off-street parking and loading areas.

(b) Signs.

(c) Temporary structures or uses.

(d) Screened outdoor storage use areas for equipment sales, supplies, and materials.

(e) The storage of crude oil or any of its volatile products or other highly inflammable liquids as an accessory use in underground tanks, *provided that* no individual tank shall have a capacity greater than ten thousand (10,000) gallons.

(f) Fences, not to exceed six (6) feet in height, may be placed along the side and rear property line no closer than one (1) foot from the property line, unless the owner(s) of the adjoining property file a notarized consent with the Borough to permit the fence to be placed on the property line or less than one (1) foot from the property line. No fences shall be placed in the front yard area between the building setback line and the front lot line.

§ 21-807 Prohibited Uses.

The following uses or any uses substantially similar shall not be permitted:

(a) Acetylene gas manufacture and/or storage

(b) Ammunition manufacture and/or storage

(c) Arsenal

(d) Asphalt manufacture or refining

(e) Blast furnace or reverberatory or foundry

(f) Block and brick manufacturing

(g) Bond distillation

(h) Carousels, roller coaster, Ferris wheels and similar amusements features, except in connection with a carnival or circus having a special permit issued by the appropriate municipal authority

(i) Celluloid manufacture

(j) Cement, including cement mixing plant, lime, gypsum, or plaster of paris manufacture

(k) Coal distillation and coke ovens

(l) Creosote treatment or manufacture

(m) Dead animal and offal reduction

(n) Distillation of bones, coal, petroleum, refuse, grain or wood (except in the manufacture of tar)

(o) Explosives, fireworks, and gunpowder manufacture or storage

(p) Fat rendering and forge plant

(q) Heavy manufacturing or assembly

(r) Incineration, reduction, storage, or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals, or offal

(s) Leather processing

(t) Manufacturing of poisonous gases, except as may be necessary and incidental to a permitted industrial use

(u) Oilcloth or linoleum manufacture

(v) Ore reduction and potash works

(w) Paint or varnish manufacture, stone quarry, mill or crusher

(x) Paper or pulp manufacturing

(y) Power forge (riveting, hammering, punching, chipping, drawing, rolling, or tumbling of iron, steel, brass, or copper, except as a necessary incident or manufacture of which those processes form a minor part and which are carried on without objectionable noise outside the plant and permitted as a special exception)

(z) Reduction of fish and animal products and vegetable oils

(aa) Roasting of coffee, spices, and soybeans

(bb) Rolling mill, steel furnace, blooming or rolling mill, stockyards

(cc) Storage, baling or treatment of junk, rags, bottles, or scrap paper, except entirely within a building

(dd) Storage or processing of scrap metal, automobile graveyards

(ee) Tar distillation or manufacture

§ 21-808 Area and Height Regulations.

The following dimensional requirements in this section apply to each use permitted in the L-1 District by right, by condition, or by special exception, subject to further applicable provisions of this Article, Article IX (relating to General Regulations), and Article XIII (relating to Conditional Uses and Special Exceptions). The most restrictive dimensional requirements for each use shall apply. All uses in the L-1 District shall hook up with the existing public centralized water and sewerage systems.

Principal Use	Minimum Lot Area	Minimum Lot Width (feet)	Maximum Building Coverage (%)	Maximum Building Height* (feet)
Any use described in § 21-803(d), (f), (g), or (h)	10,000 ft^2	100	40	50
All other uses	1 acre	100	40	50

* The prescribed height limit may be exceeded, *provided that* yard setbacks are increased one (1) foot for each foot of additional height, but not to exceed seventy-five (75) feet.

§ 21-809 Minimum Yard requirements.

The following are the minimum yard requirements for principal uses in the L-1 District.

Principal Use	Front Yard (feet)	Side Yard* (feet) One	Side Yard* (feet) Both	Rear Yard* (feet)
Any use described in § 21-803(d), (f), (g), or (h)	20	10	20	25
All other uses	40	40	85	40

* No side yard or rear yard shall be required when the lot abuts a railroad.

Article IX — General Regulations

§ 21-901 Purpose.

This Article contains general regulations which apply to several or all districts and which do not require special action by the Planning Commission (except for subdivisions) or special exceptions or variances by the Zoning Hearing Board.

§ 21-902 Overall Requirements.

(a) Every principal building shall be built upon a lot with frontage upon a street improved to meet borough standards or for which such improvements have been ensured by the posting of a performance guaranty pursuant to Chapter 22 (relating to Subdivision and Land Development), or shall have access to a private street approved by the Pennsylvania Department of Transportation and the Planning Commission.

(b) The yard or other open space provided about any buildings for the purpose of complying with the provisions of this Chapter shall not be considered as providing a yard or open space for any other building, and neither shall a yard or other open space on another lot be considered as providing a yard or open space for the building on any other lot.

(c) Where two (2) or more main buildings for other than residential uses are proposed to be built upon property in one (1) ownership, front, side, and rear yards are required only at lot lines abutting other property.

(d) No soil, mineral, or similar material may be removed from any lot unless a zoning permit is first secured. Site and street grading, but not including excavations for construction purposes, may be initiated prior to obtaining a permit. The deposit of soils, detritus, or other de-

bris which would be unsightly or detrimental to surrounding properties, streets, sewers, and natural waterways as a result of site preparation, grading, and/or excavating shall be prohibited.

(e) Notwithstanding any provision of this Chapter to the contrary, if a residential use is established on a lot in a residential District (R-1, R-2, or R-3), no other use may also be established on such lot, *unless* such other use:

(1) is one of the following uses—

(A) Crop farming and tilling of the soil;

(B) Farmstead and related accessory buildings necessary for farm operations;

(C) A use, other than a business, which is accessory to and customarily incidental to any use lawfully established on the lot; **or**

(D) Home office or business;

(2) is permitted in the applicable zoning district by right, conditional use, special exception, or as an accessory use, and all permits, conditional use approvals, and/or special exception approvals required to establish the use in the zoning district, if any, have been obtained; **and**

(3) complies in all respects with the area, height, yard, and other requirements of the applicable zoning district.

§ 21-903 Exceptions.

(a) The height limitations of this Chapter shall not apply to church spires, belfries, cupolas, penthouses, and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads, and similar features, and necessary mechanical appurtenances usually carried above roof level.

(b) Nothing herein contained shall prevent the projection of an emergency exit (open fireproof escape) into a required rear or side yard for a distance not to exceed eight (8) feet, but in no case to project beyond the property line.

(c) Any parcel of land with an area or width less than that prescribed for a lot in the district in which such parcel is located as of March 5, 1975, when the owner thereof owns no adjoining land, may be used as a lot for any purpose permitted in the district, *provided* that all other regulations prescribed for the district by this Chapter are complied with.

(d) Where there is as of March 5, 1975 a lot whose width and area are less than that required for the district in which said lot is located, where the side yard or front year requirements cannot be met, and where the lot is flanked by buildings existing on the two (2) lots adjoining at the side, both being in other ownership:

(1) The lot shall be permitted to be built or rebuilt upon in any district without requirement of side yards wider than the respective adjacent side yards existing on the adjoining lots.

(2) No front yard shall be permitted which is less than the average distance of setback of the nearest main building or buildings within one hundred (100) feet on each side of the said lot and fronting on the same side of the street.

(e) No requirements for rear yards, side yards, or yard area contained in this Chapter shall prevent the construction of a private garage within the required rear yard of a lot not meeting the requirements of this Chapter upon which a dwelling has been erected prior to March 5, 1975.

§ 21-904 Accessory Building Requirements.

(a) No accessory building, unless it is structurally a part of the main building, shall be erected, altered, or moved to a location within five (5) feet of the nearest wall of the main building. An accessory building shall not be within the required front yard on the lot, except it may be located to within three (3) feet of any property line in the required rear or side yard unless otherwise specified herein, *provided* such accessory building shall not exceed twenty (20) feet in height.

(b) No accessory building located in the rear yard of a corner lot shall be nearer to a side street lot line than the required depth of the front yard or a distance of forty percent (40%) of the lot width, whichever is less.

§ 21-905 General Yard Requirements.

(a) Where a street or highway shown on the Alburtis Comprehensive Plan Map has a proposed right-of-way (page 87 in Comprehensive Plan) greater than that existing, the front yard requirements shall be measured in accordance with the proposed right-of-way.

(b) Ground-story bays and porches not over half the length of the front wall may project a distance of five (5) feet into any front yard. Chimneys, flues, columns, sills, ornamental features, cornices, and gutters may project not more than two (2) feet into any front yard.

(c) Bays, balconies, chimneys, and flues may project into a required side yard not more than one-third (1/3) of its width or not more than four (4) feet, whichever is less. Ground-story bays and porches not over half the length of the side wall may project into any side yard for a distance of four (4) feet.

(d) Surface parking structures and lots shall be subject to required setbacks of the district where in the facility is located, except that subsurface parking structures may extend to the property lines.

(e) Off-street parking may be permitted in required yard areas, provided there is no encroachment into required sight triangles, *provided* that no more than fifty percent (50%) of the affected required yard area is utilized, and provided that it is not possible or desirable to place the required off-street parking elsewhere on the lot.

(f) In the case of a corner lot, the front yard requirements for the applicable district shall apply along only one of the streets on which the lot abuts. All other front yards shall be not less than fifteen (15) feet.

(g) In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the rear line of the required front yard, *provided* that in no case shall the lot frontage measured at the street right-of-way line be less than seventy percent (70%) of the minimum lot width. In measuring the depth of rear yards, average dimensions may be used where the rear lot line is not parallel to the street line.

§ 21-906 Traffic Visibility at Intersections.

(a) No fence, wall, hedge, shrub, or planting shall be maintained between thirty (30) inches above curb level and ten (10) feet above curb level within the triangular area formed by the street or alley property lines and a line connecting them at points fifteen (15) feet from the intersection of the property lines or, in the case of a rounded property corner, from the intersection of the property lines extended.

(b) On any lot where a private drive enters a street, no obstruction between thirty (30) inches above curb level and ten (10) feet above curb level shall be located within the triangular area formed by the street property line, the private drive line, and a line connecting them at points eight (8) feet from their intersection.

(c) In any district where signs are permitted, a pole(s) or standard(s) may be located at any point within a required yard or sight triangle if, between the level of thirty (30) inches above curb level and the level of ten (10) feet above curb level, the diameter or greatest dimension of the supporting pole(s) or standard(s) does not exceed ten (10) inches.

§ 21-907 Maximum Height of Buildings.

(a) No building shall exceed the maximum height of buildings specified in this chapter.

(b) Height shall be measured as the vertical distance derived from the average finished grade at the foundation corners of the building or structure to the highest point of the building or structure, excluding a chimney or other similar structure.

§ 21-908 Noise.

(a) In General. The sound level of any operation (other than outdoor athletic facilities and the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals, or time signals) shall not exceed the decibel levels in the designated octave bands as stated below. The sound-pressure level shall be measured with a sound-level meter and an octave band analyzer that conforms to specifications published by the American Standards Association (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z 24.3 - 1944, American Standards Asso-

ciation, Inc., New York, New York, and the American Standard Specification for Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z 24.10 - 1953, American Standards Association, Inc., New York, New York, shall be used).

(b) Maximum Permissible Sound-Pressure Levels. The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows (all of the decibel levels stated below shall apply for each use):

Frequency Band (cycles per second)	Maximum Permitted Sound-Pressure Level (decibels)
0-150	67
150-300	59
300-600	52
600-1,200	46
1,200-2,400	40
2,400-4,800	34
Above 4,800	32

(c) Corrections for Certain Noise. If the noise is not smooth and continuous or is radiated during sleeping hours, one (1) or more of the corrections shall be added to or subtracted from each of the decibel levels given above:

Type of Operation and Character of Noise	Correction in Decibels
Noise occurs between the hours of 10:00 P.M. and 7:00 A.M.	-3
Noise occurs less than 5% of any one-hour period from 7:00 A.M. to 10:00 P.M.	+5
Noise is of periodic character (hum, scream, etc.) or is of impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse leaks shall not exceed the basic standards given above)	-5

§ 21-909 Smoke, Dust, Fumes, etc.

The emission of smoke, dust, fumes, gases, odors, mists, vapors, pollens, and similar matter, or any combination thereof, which can cause any damage to human or animal health, or vegetation, or to property, or which can cause any soiling or staining of persons or property at the point beyond the lot line of the use creating the emission, is prohibited. Standards concerning such emissions shall be in accord with the rules and regulations of the Commonwealth of Pennsylvania or any applicable Borough ordinance, whichever is more restrictive.

§ 21-910 Heat and Glare.

Any operation producing glare and/or heat shall be performed within an enclosed building or in such a manner as not to be visible or to produce any effect beyond the property line of the lot on which the operation is located.

§ 21-911 Vibrations.

No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of that vibration produced as a result of construction activity.

§ 21-912 Power.

Every use requiring power shall be so operated that the service lines, substation, or other facilities shall conform to the highest safety requirements and shall be so constructed and installed as to be an integral part of the architectural features of the plant and, except for essential poles and wires, shall not extend into any yard and shall be suitably screened from streets or any adjacent property which would be deleteriously affected by such installations.

§ 21-913 Storage and Disposal.

The following regulations shall apply to the storage of materials and the disposal of materials:

(a) No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances, located and operated on the same lot as the tanks or drums of fuel.

(b) All outdoor storage facilities for fuel, raw materials, and products, and all fuel, raw materials, and products stored outdoors, shall be enclosed by an approved safety fence.

(c) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable

as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

(d) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

(e) No raw materials, products, or equipment shall be stored outside of an enclosed building in any district other than the L-1 Light Industrial-Office Research District.

§ 21-914 Light Control.

(a) Height. No luminaire, spotlight, or other light source that is within two hundred (200) feet of a dwelling unit or residential district shall be placed at a height exceeding thirty (30) feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature.

(b) Diffusion. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from abutting streets or lots. No spotlight shall be directed such that the bulb itself is directly visible from a public street or dwelling.

(c) Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating an annoyance to a reasonable person in a nearby dwelling or residentially-zoned area, and to prevent the lighting from shining into the eyes of passing motorists.

(d) Flickering. Flashing, flickering, or strobe lighting is prohibited, except for non-advertising seasonal lights between November 15th and January 3rd.

(e) Maximum Candlepower. No lighting source, including signs, shall be operated in such a way as to cause an illumination of greater than any of the following amounts, measured on the surface at the lot line of the receiving lot or street:

(1) 0.1 foot-candles spillover at the lot line of a lot used for residential purposes or located in a residential district, between the hours of 10:00 P.M. and 7:00 A.M.;

(2) 0.5 foot-candles spillover at the lot line of a lot used for residential purposes or located in a residential district, between the hours of 5:00 P.M. and 10:00 P.M.;

(3) 4.0 foot-candles spillover at any other lot line or street right-of-way line.

(f) Measurement. The maximum illumination levels set forth in subsection (e) shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye. The standards of the International Commission on Illumination shall serve as a general guide in measurements in case of uncertainty. A foot-candle is defined as a unit of measurement equaling the illumination on a surface one square foot in area where there is a distribution of light having a candlepower of one candela.

(g) Street Lighting Exempted. This § 21-914 shall not apply to street lighting that is owned or maintained by the Borough or the Commonwealth of Pennsylvania.

§ 21-915 Exterior Speakers or Microphones.

Any exterior speaker or microphone shall be located, directed, and/or screened to prevent objectionable noise impact on adjoining residential properties. No exterior speaker or microphone shall be located within thirty (30) feet of any lot which is used for residential purposes or is located in a residential zoning district, and no exterior speaker or microphone which is located within one hundred (100) feet of any lot which is used for residential purposes or is located in a residential zoning district shall be operated between the hours of 9:00 P.M. and 8:00 A.M.

§ 21-916 Minimum Size of Dwellings.

The minimum size of living-space floor area for dwellings erected in any district shall be nine hundred (900) square feet for a one-family dwelling and one thousand six hundred fifty (1,650) square feet for a two-family dwelling [eight hundred (800) square feet minimum for each of the two (2) living units within the building]. Living-space floor area shall be considered to be the area of the one (1) or more main floors of the dwelling, measured from the exteriors of the four (4) main walls, not including the floors of an attached garage, breezeway, carport, or open porch, or the floor of a basement with ceiling less than four (4) feet above the average exterior ground level. Finished or unfinished attic space having fixed, permanent stairway access and an average height of five (5) feet from floor to roof may be included in living-space floor area, *provided* at least forty percent (40%) of such area has a height of at least eight (8) feet similarly measured, and that all provisions of § 21-906 shall be met.

§ 21-917 Mobile Home Siting.

All mobile home placements on an individual lot, whether or not a mobile home lot, shall satisfy the following minimum conditions:

(a) The mobile home shall be situate on a foundation which, for purposes of this Chapter, shall be known as the "stand". The stands or lot shall be elevated on compacted fill, or on pilings, so that the lowest floor of the mobile home shall be at least one and one-half (1-1/2) feet above the elevation of the line for floods having an average frequency of occurrence on the order of once in one hundred (100) years.

(b) The stands shall be constructed from material sufficient to adequately support the mobile home and prevent abnormal settling or heaving. The corners of the mobile home shall be anchored to prevent wind overturn and rocking with tie-down, such as concrete "dead-men", screw augers, arrowhead anchors, or other devises suitable to withstand a tension of at least two thousand eight hundred (2,800) pounds and otherwise to resist floatation, collapse, or lateral movement.

(c) The mobile home site shall be provided with adequate surface drainage and adequate access for a hauler.

(d) After a mobile home has been anchored to the mobile home stand, the hitch which is employed for the transportation of the mobile home shall be removed if the same can be accomplished without damaging the mobile home. Further, a skirt shall be installed around the base of the mobile home.

(e) All mobile homes placed on a permanent foundation or on foundation piers shall be designed and constructed to comply with all of the requirements of Chapter 31 (relating to Building Construction) for on-site and prefabricated construction.

§ 21-918 Substandard Lots.

Notwithstanding any other provision of this Ordinance to the contrary, Council may approve as a conditional use, in accordance with the provisions of Article XIII (relating to Conditional Uses and Special Exceptions), the creation and use of a lot which fails to satisfy one or more of the dimensional requirements of §§ 21-407, 21-408, 21-507, 21-508, 21-607, 21-608, 21-707, 21-708, 21-808, and 21-809, so long as the lot is restricted to use as:

(a) a buffer area, a detention or retention pond, or a way of passage for pedestrian, vehicles, or utilities, *provided* that the lot is identified on all applicable subdivision plans as "Not a Building Lot";

(b) a water ejector station; or

(c) a public facility owned or operated by the Borough or other government unit;

and such use on the substandard lot is not detrimental to the public health, safety, or general welfare.

Article X — Floodplain and Environmental Protection Areas

§ 21-1001 Intent.

The intent of this Article is:

(a) To regulate development in areas of Alburtis in which alluvial soils lying adjacent to streams are known to possess characteristics indicative of flooding and/or chronic wetness and which, if indiscriminately developed, could pose hazards to the public health, safety, and welfare due to flooding and pollution.

(b) To reduce the financial burden imposed on the community, its governmental units, and its individuals by frequent and periodic floods and overflows on land.

(c) To permit certain uses which can be appropriately located in such areas and which will not impede the flow of flood waters or otherwise cause danger to life and property at, above, or below their locations along the flooding.

(d) To provide sufficient drainage courses to carry abnormal flows of stormwater in periods of heavy precipitation.

(e) To permit and encourage the retention of open land uses which will be so located and designed as to constitute an appropriate part of the physical development of Alburtis as provided for in the Comprehensive Plan.

§ 21-1002 Designation of Floodplain Areas.

Floodplain areas shall be designated as follows:

(a) Areas designated as "Alluvial Soil" on the Official Zoning Map are based on the soil map prepared by the Soil Conservation Service, United States Department of Agriculture, and published in the Lehigh County Soil Survey, 1963. These areas contain one (1) or more of the following soil types which are identified by the Lehigh County Soil Survey as alluvial soils, which are water-deposited soils, and represent areas most often inundated by flood waters:

(Aw) Atkins silt loam

(AkA) Atkins silt loam, local alluvium

(Hn) Huntington silt loam

(Ln) Lindside silt loam

(Mh) Melvin silt loam

(MkA) Melvin silt loam, local alluvium

(Ph) Philo silt loam

(b) The areas delineated as "Alluvial soil" on the Official Zoning Map shall be used only to determine where the provisions of the regulations in this Article shall apply. It shall not be considered an exact delineation for purposes of applying specific regulations of this Article.

§ 21-1003 Detailed Survey of Alluvial Soils Areas.

All plans for uses requiring or involving structures and facilities such as septic systems and wells which will be located in or within a distance of one hundred (100) feet from areas designated as containing alluvial soils on the Official Zoning Map, and all plans for the development of recreational or utility uses within or adjacent to alluvial soils, shall be subject to the following procedure: To determine the exact extent and nature of areas susceptible to potential problems of flooding, wetness, or pollution in such areas, the Zoning Officer shall require that a detailed on-site survey be made. Such on-site survey may be made by a qualified engineer, soil scientist, or qualified sanitarian in accordance with accepted on-site survey techniques.

§ 21-1004 Uses Prohibited in Hazard Areas.

On any site or portion of a site which is found, based upon detailed investigation pursuant to the provisions of Section 1003, to contain potential hazards due to flooding, chronic wetness, or pollution, the use regulations of the district in which the site is located shall apply, except that the following uses shall be prohibited:

(a) All permanent residential dwellings and permanent commercial or industrial structures.

(b) The filling of marshlands, removal of topsoil, or the damming or relocation of any watercourse except with the approval of the Commonwealth of Pennsylvania, Department of Environmental Protection.

(c) Sanitary landfill, dump, junkyard, outdoor storage of vehicles and/or materials, including manure.

(d) On-site sewage disposal systems, not including a centralized package sewage treatment plan approved by the Commonwealth of Pennsylvania, Department of Environmental Resources.

§ 21-1005 Increased Minimum Lot Size for Other Special Areas.

(a) One Acre Minimum Lot Size Requirement. A minimum lot area of one (1) acre (43,560 square feet) shall be required when, in the affected area of any single lot, there exists any two (2) of the following natural features:

(1) Steep Slopes in excess of eight percent (8%) but not more than fifteen percent (15%) grade;

(2) Woodlands covering fifty percent (50%) or more of the affected area;

(3) Soil surface erodability is medium or high.

(b) One and One-Half Acre Minimum Lot Size Requirement. A minimum lot area of one and a half (1.5) acres (65,340 square feet) shall be required when, in the affected area of any single lot, there exists any two (2) of the following natural features:

(1) Steep Slopes in excess of fifteen percent (15%) grade;

(2) Woodlands covering seventy-five percent (75%) or more of the affected area;

(3) Soil surface erodability is medium or high.

(c) Soil Surface Erodability. Soil surface erodability shall be determined by reference to the Lehigh County Soil Survey, published by the Soil Conservation Service of the United States Department of Agriculture, as amended and reprinted from time to time.

(d) Steep Slopes. Steep slopes shall be determined by specific surveying measurements on the lot or lots in question as the average grade in the affected area, and shall not be taken from the United States Geological Survey or other similar large-scale topographic maps.

(e) Affected Area. For purposes of this § 21-1005, the term "affected area" shall mean any area of the lot where topsoil shall be removed or covered during development, including without limitation, the building site, parking, and driveway areas.

(f) This Section Does Not Reduce Normal Lot Size Requirements. Notwithstanding anything contained in this § 21-1005 to the contrary, should any lot proposed for development be located in a zoning district requiring a greater minimum lot area than as set forth herein, then the minimum lot area for any such lot shall be as required in such zoning district.

(g) Maximum Driveway Grades. All lots shall be accessible from the existing or proposed street by means of adequately and properly designed service drives having a maximum grade of twelve percent (12%).

Article XI — Nonconforming Structures and Uses

§ 21-1101 Purpose and Scope.

(a) The purpose of this Article is to recognize the existence of nonconforming buildings, structures, and uses, and to specify how those circumstances and uses incompatible with the character of the districts in which they are located shall be regulated.

(b) All structures, uses of structures, and uses of land not conforming to the regulations of the district in which they are located prior to April 4, 1975 shall be known and regarded as nonconforming, and the following regulations shall apply to them.

§ 21-1102 Continuance of Nonconforming Use.

(a) In General. Where, at the effective date of adoption or amendment of this Chapter or any predecessor zoning ordinance, a lawful structure, use of structure, or use of land exists that is thereafter not allowed following such adoption or amendment by reason of restrictions on use, area, lot coverage, height, yards, or other characteristics of the structure, the structure, use of structure, or use of land may be continued so long as it remains otherwise lawful, subject to the provisions of this Article.

(b) Change of District Boundaries. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the provisions of this Article shall also apply to any uses or structures existing therein which become nonconforming by virtue of the boundary change.

§ 21-1103 Enlargement or Alteration of Area or Volume.

No nonconforming structure or use shall be enlarged or altered in volume or area unless the following requirements are met:

(a) Yard, Height, and Coverage. All enlargements or alterations shall conform to all yard, height and coverage requirements in the district in which the structure or use is located.

(b) Screen or Fence. Along side and rear lot lines which abut uses or structures which are conforming in the district or which abut another district in which the subject use or structure would be nonconforming, a solid and continuous landscape screen or fence or a combination thereof shall be planted or installed and shall be maintained. Landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half (3 l/2) feet in height and of such species as will produce within three (3) growing seasons a screen of at least six (6) feet in height so as to continually restrict a clear view beyond said buffer strip. Fencing shall be at least six (6) feet in height. Fences shall be constructed of a material approved by the Zoning Officer and plant materials shall be approved by the Zoning Officer in accordance with the list of recommended plant materials in § 21-1507.

(c) Extension Throughout a Building. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for use at the time the use became nonconforming.

(d) No Displacement of a Conforming Use. No nonconforming use shall be extended to displace a conforming use.

§ 21-1104 Repair, Maintenance, and Alteration.

Repairs, maintenance, alterations, and modernization may be made to a nonconforming building or structure, except that no structural alterations shall be made in or to such building or structure except those required by law and except those making the building or structure and use thereof conform, or more closely conform, to the regulations of the district in which it is located. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

§ 21-1105 Movement.

(a) Should a structure or use be moved off the premises for any reason and for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(b) A nonconforming structure may not be moved to another location unless it becomes conforming by such move.

§ 21-1106 Removal or Destruction.

(a) Removal or Total Destruction of a Structure. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure and accessory materials on the land shall eliminate the nonconforming status of the land.

(b) Significant Damage. Should a structure or use be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, as determined by the Zoning Officer, it shall not be reconstructed except in conformity with the provisions of this Chapter.

§ 21-1107 Discontinuance or Abandonment.

(a) In General. When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for twenty-four (24) months during any three (3) year period, the structure or the structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(b) Signs. Upon discontinuance of a nonconforming use of a structure or land, all signs pertaining to such nonconforming use shall be removed by the owner or shall be completely covered with a material compatible with the architectural design and material composition of the structure as determined by the Zoning Officer.

§ 21-1108 Change to a Conforming Use.

(a) No Reversion After Change to Conforming Use. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

(b) Nonconforming Use Superseded By a Permitted Use. Any structure, or any structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulation for the district in which such structure is located and the nonconforming use may not thereafter be expanded or enlarged.

§ 21-1109 Change From One Nonconforming Use to Another.

A nonconforming use may be changed to another nonconforming use only under the following conditions:

(a) Such change shall be permitted only by special exception, under the provisions of § 21-1810 (relating to Special Exceptions).

(b) The applicant shall show that a nonconforming use cannot reasonably be changed to a conforming use.

(c) The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to: traffic generation and congestion, including truck, passenger car, and pedestrian traffic; noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, and vibration; storage and waste disposal; and appearance.

(d) If no structural alterations are made, any nonconforming use of a structure or of a structure and premises may be changed to another nonconforming use, *provided* that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this Chapter.

§ 21-1110 Residential Uses.

Notwithstanding the other provisions of this Article, any nonconforming residential use of a structure may be constructed, enlarged, extended, reconstructed, moved, or structurally altered, *provided* that the proposed use is for residential purposes and such residential use may be subject to all other provisions of this Chapter in the district wherein such residential use is located.

§ 21-1111 Transition Rules.

(a) Prior Actual Construction. 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 adoption or amendment of this Chapter and upon which actual building construction has been diligently carried on. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastening in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, *provided* that work shall be diligently carried on until completion of the building involved.

(b) Prior Permit. Nothing contained in this Chapter shall require any change in plans, construction, or designated use of a structure for which a building permit was issued more than thirty (30) days prior to the adoption or amendment of this Chapter or change in zoning district, and the construction of which is begun within three (3) months after such adoption, amendment, or change and diligently carried on. The approved plans shall not be altered in any way to increase the nonconformity.

§ 21-1112 Nonconforming Lots of Record.

Notwithstanding limitations imposed by other provisions of this Chapter, a building and its customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not in-

volving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Zoning Hearing Board.

§ 21-1113 No Protection for Pre-existing Unlawful Nonconformities.

A nonconforming building altered or erected, or a nonconforming use created, in violation of any previous provisions shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by this Article upon other nonconforming buildings and uses.

Article XII — Site Plan Review

§ 21-1201 Purpose and Procedure.

In order to promote the safe and efficient movement of traffic, promote the development of a beautiful and well-ordered community, further the comprehensive planning, and best serve the interests of public health, safety and general welfare, no public professional, commercial, industrial, or other nonresidential structure or use of land (other than a home office or business) and no multifamily dwelling use shall be permitted, nor shall any zoning permit required to be issued under this Chapter for such uses be issued, until the following procedure has been complied with, *provided* that this procedure shall be purely optional if subdivision and/or land development approval is required in connection with the use or a permit:

(a) Upon application to the Zoning Officer for a zoning permit, the applicant shall submit ten (10) complete sets of site plans, which may be schematic preliminary plans or final preliminary plans. Such plans shall be drawn to a scale of not less than one (1) inch equals fifty (50) feet, showing the size, shape, and location of existing and proposed buildings, the dimensions and acreage of each lot to be built upon, and such other information required in § 21-1302 (relating to Site Plan Requirements) and as may be necessary to enable the Zoning Officer to determine whether the proposed structure and use of land will conform to the provisions of this Chapter. The final plans shall show no less than the location of proposed principal buildings and all contemplated accessory buildings and structures; the location and layout of parking areas, pedestrian walks, all parking spaces, and driveways; proposed grades and drainage; proposed sewer and water facilities and connections; a landscaping plan, including locations of proposed planting and seeding and screenings; propose location of fences and signs; and a key map showing the entire project and its relation to surrounding properties and the existing buildings thereon.

(b) The Zoning Officer shall, within thirty (30) days of site plan submission, submit said plans, together with his written report thereon, to the Planning Commission. The Planning

Commission shall review the plans submitted under this Article for overall conformance to the site design standards of § 21-1202 (relating to Design Standards).

(c) The Borough Planning Commission shall, within forty-five (45) days of receipt of said site plans and report from the Zoning Officer, review and make recommendations on the proposed development. If the plan is not acceptable, the reasons therefor shall be clearly stated in writing and returned to the applicant. The Zoning Officer shall deny a zoning permit for the proposed development until a written report of the Planning Commission is obtained.

(d) In the absence of a report of the Planning Commission within the specified time, the Zoning Officer shall proceed, *provided* all other requirements of this Chapter are met.

(e) Site plan approval shall not relieve the applicant from any other provisions of this Chapter, nor shall such an approval constitute a recommendation of any zoning variance or other relief that the applicant may thereafter seek from the Zoning Hearing Board.

§ 21-1202 Design Standards.

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. These standards shall not be regarded as inflexible requirements and are not intended to discourage creativity, invention, and innovation.

(a) Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade change shall be in keeping with the general appearance of neighboring developed areas.

(b) Relation of Proposed Buildings to Environment. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features, or other buildings.

(c) Drive, Parking, and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives, and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

(d) Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Stormwater shall be removed from all roofs, canopies, and paved areas, and carried away in an efficient and approved manner. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.

(e) Utility Service. Electric and telephone lines shall be underground where practicable. Any utility installation remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site.

(f) Advertising Features. The size, location, lighting, and materials of all permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.

(g) Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings, or other screening methods as shall be reasonably required to prevent their being incongruous or hazardous with the existing or contemplated site design and the surrounding properties.

(h) Application of Design Standards. The standards of review outlined above shall also apply to all accessory buildings, structures, freestanding signs, and other site features however related to the major buildings or structures.

Article XIII — Conditional Uses and Special Exceptions

§ 21-1301 Purpose.

This Article requires that before any zoning permit is granted for the use of land or building for a conditional use, a site plan shall be reviewed by the Planning Commission and approved by Council. This provision is set forth because of the considerable aesthetic, traffic, and overall land use impact that these land uses have on a community. This Article also sets forth special conditions which must be met before either a special exception or a conditional use can receive approval and be granted a zoning permit.

§ 21-1302 Site Plan Requirements.

All conditional uses and special exceptions require site plans. The following information shall be included:

(a) A statement as to the proposed use of the building or land.

(b) A site layout drawn to a scale of not less than one (l) inch equals fifty (50) feet, showing the location, dimensions, and height of proposed buildings, structures, or uses, and any existing buildings, in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.

(c) The location, dimensions, and arrangements of all open spaces and yards and buffer yards, including methods and materials to be employed for screening.

(d) The location, size, arrangement, and capacity of all areas to be used for motor vehicle access, off-street parking, and off-street loading and unloading, and provisions to be made for lighting such areas.

(e) The dimensions, location, and methods of illumination of signs, if applicable.

(f) The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.

(g) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply, and storm drainage.

(h) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.

(i) A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion, or other safety hazards.

(j) Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards, or other safety hazards.

§ 21-1303 Application Procedures.

(a) Conditional Use. All applicants shall submit seventeen (17) sets of site plans to the Zoning Officer when making application for a conditional use.

(1) Submission to Planning Commission. The Zoning Officer shall submit his written report to the Planning Commission within fifteen (15) days after the Borough's receipt of the applicant's application or at the next regularly scheduled meeting.

(2) Review by Planning Commission. The Planning Commission shall, within forty-five (45) days after the Borough's receipt of the applicant's application, review and submit a recommendation to Council. The absence of action on the part of the Planning Commission within the said forty-five (45) days shall constitute approval of the conditional use application, and Council shall proceed in its review on the basis of such approval.

(3) Review by Council. The Council shall then hold hearings on and decide the request for a conditional use approval in accordance with the standards and criteria set forth in this Chapter and the procedures set forth in Section 21-1806 for hearings before the Zoning Hearing Board (substituting Council for the Zoning Hearing Board), except as otherwise provided in this subsection (a).

(4) Hearing Officer. The hearing shall be conducted by Council or Council may appoint any member or an independent attorney as a Hearing Officer. The decision or, where no decision is called for, the findings shall be made by Council. However, the applicant and the

Borough may, prior to the decision of the Hearing Officer, waive decision or findings by Council and accept the decision or findings of the Hearing Officer as final.

(5) Written Decision and Findings. The Council or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Council or Hearing Officer. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, this Chapter, or of any other 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. 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 no later than the day following its date.

(6) Deemed Approval. Where the Council fails to render the decision within the period required by this subsection or fails to commence, conduct, or complete the required hearing as provided in Section 21-1806(b), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a failure of the Council to meet or render a decision as hereinabove provided, the Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 21-1806(a). If the Council shall fail to provide such notice, the applicant may do so.

(7) Court Appeals. Nothing in this subsection (a) shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction

(b) Special Exception. All applicants for a special exception shall submit six (6) sets of site plans to the Zoning Officer, and shall also submit an application to the Zoning Officer and follow the procedure outlined in Article XVIII (relating to Zoning Hearing Board).

§ 21-1304 General Requirements.

(a) In General. Council shall approve any proposed conditional use, and the Zoning Hearing Board shall approve any proposed special exception use, if they find adequate evidence that any proposed use will meet all of the following general requirements, as well as any specific requirements and standards listed for the proposed use. Such proposed use shall be:

(1) In accordance with the Comprehensive Plan and consistent with the spirit, purposes, and intent of this Chapter.

(2) In the best interests of the Borough, the convenience of the community, the public welfare, and be a substantial improvement to property in the immediate vicinity.

(3) Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.

(4) In conformance with all applicable requirements of this Chapter.

(5) Suitable in terms of permitting the logical, efficient, and economical extension of public services and facilities such as public water, sewers, police and fire protection, and public schools.

(6) Suitable in terms of effects on street traffic and safety with adequate sidewalks and vehicular access arrangements to protect major streets from undue congestion and hazard.

(b) Conditions. In granting a conditional use, Council 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 the Pennsylvania Municipalities Planning Code and this Chapter.

§ 21-1305 Multifamily Dwellings and Single-Family Attached Dwellings.

The following minimum requirements shall be met for multifamily dwellings ("**MFD**") and single-family attached dwellings ("**SFAD**"):

(a) Lot Area. Any parcel of land developed under the terms of this Chapter shall contain the minimum lot area and maximum lot width at the building line in conformance with the district.

(b) Density. The overall gross density of occupancy in any permitted MFD development and SFAD development shall not exceed the dwelling unit density allowed in each respective district.

(c) Floor Area. The minimum floor area per dwelling unit shall be six hundred fifty (650) square feet, except MFD for the elderly, which may be no less than five hundred (500) square feet.

(d) Open Space and Recreation. A minimum of ten percent (10%) of the gross site area shall be designated for active or passive recreation activities. Where a recreation area exists or is planned within one-half (1/2) mile of the development site, the Borough shall have the option of receiving a donation of cash for open space/recreation purposes in lieu of Developer providing on-site open space/recreation areas, the amount of the contribution to be calculated and determined in accordance with the provisions of § 22-610(c)(2)(B) (relating to Subdivision and Land Development—Open Space, Playlots, Neighborhood and Community Parks).

(e) Buffer Yards. A fifty-foot buffer yard which satisfies the requirements of Article XV (relating to Buffer Strips) shall be provided along each side or rear property line which adjoins any lot that contains a nonresidential use not subject to the buffer yard requirements of Article XV with respect to the boundary between the nonresidential lot and the proposed MFD or SFAD development.

(f) Building Orientation. Facing walls are walls opposite to and parallel with one another and wall lines or wall lines extended of opposite walls intersecting at angles of less than sixty-five degrees (65°). The minimum horizontal distance between facing walls of any two (2) buildings on one (1) lot or any one (1) building with facing walls shall be as follows:

(1) Where two (2) facing walls both contain a window or windows, the distance shall in no case be less than seventy-five (75) feet.

(2) Where only one of the facing walls contains a window or windows, the distance shall in no case be less than fifty (50) feet.

(3) Where neither facing wall contains a window or windows, the distance shall in no case be less than twenty-five (25) feet.

(4) Between corners of two (2) buildings where no exterior wall of one building lies in such a way that it can be intersected by a line drawn perpendicular to any exterior wall of other buildings (other than a line that results from colinear walls), the distance shall be no less than twenty-five (25) feet.

(g) Building Standards. The following building standards shall be required:

(1) Maximum building size shall be restricted to no more than twelve (12) family units in any one (1) continuous structure, and there shall not be more than six (6) family units in any unbroken building structure line. A setback of more than ten (10) feet shall be considered as an acceptable break in the building structure line. No more than two (2) floors, one above the other, may be used for dwelling units or living quarters in any building. The maximum length of a building shall be two hundred (200) feet.

(h) Off-street Parking Design Standards. In addition to the off-street parking requirements, the following provisions shall apply:

(1) All parking spaces shall be at least twenty (20) feet from any multifamily dwelling or fifteen (15) feet from any single-family attached dwelling, except in those cases where an attached garage is provided, in which case the garage shall serve as one (1) of the required off-street parking spaces and the driveway leading to the garage shall serve as the second required off-street parking space.

(2) Driveways or access ways to a parking area shall be no closer than ten (10) feet to a building, except in those cases where the driveway leads to an attached garage.

(i) Water, Sewer, and Drainage.

(1) The proposed development shall be served by the existing public centralized water and sewerage system.

(2) A storm runoff and drainage system shall be installed by the developer in accordance with sound engineering principles so as to adequately drain the development and adequately dispose of all runoff and drainage away from the site in a manner that will not result in an excess amount of water flowing across streets or adjoining properties. Drainage plans shall be submitted with the application for a zoning permit and shall be subject to review and approval by the Borough Engineer or other qualified persons designated by Council. The Borough may require plantings and grading to control runoff. (*See also* Chapter 25, relating to Stormwater Management.)

(j) Refuse Storage. All refuse receptacles shall be suitably screened from view.

§ 21-1306 Places of Worship.

The following minimum requirements shall be met for places of worship:

(a) The site is adequate for proper building, drainage, water supply, and sewage disposal.

(b) The plan provides sufficient parking and assures safe pedestrian and vehicular circulation.

§ 21-1307 Public and Private Educational Institutions.

The following minimum requirements shall be met for public and private educational institutions, except such uses as commercial dance and music studios, and institutions of correction and detention:

(a) The site is adequate for proper building, drainage, water supply, and sewage disposal.

(b) Sufficient amounts of usable space exist for recreation areas, parking, loading, etc.

(c) The site is separated from excessive noises, odors, smoke, dirt, dust, and traffic congestion.

(d) Pedestrian and vehicular circulation are designed for safety and efficiency to achieve separation of vehicular and pedestrian traffic.

(e) The site is located and planned in such a manner that it can be used for both school and general community functions.

(f) The site presents attractive grading, landscaping, and pleasing views.

§ 21-1308 Public Facility Owned or Operated by the Borough or Other Government.

The following minimum requirements shall met for any public facility owned or operated by the Borough or other government:

(a) There shall be the minimum lot size.

(b) Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened, and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise.

§ 21-1309 Nonprofit Recreational or Educational Facility.

The following minimum requirements shall met for a nonprofit recreational or educational facility, other than a golf course:

(a) There shall be the minimum lot size.

(b) Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened, and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise.

(c) Completely detached buildings on the same lot shall be not less than twenty (20) feet from one another.

§ 21-1310 Bus or Taxicab Terminal.

The following minimum requirements shall be met for a bus or taxicab terminal:

(a) There shall be a minimum of one (l) acre.

(b) There shall be a planted, landscaped screen around the perimeter of the lot.

§ 21-1311 Nursery or Day-care Center.

The following minimum requirements shall be met for a nursery or day-care center:

(a) Outdoor play area shall be screened from adjoining properties.

(b) All applicable state requirements shall be met.

§ 21-1312 Home Office or Business.

All of the requirements set forth in § 21-247 (relating to the Definition of Home Office or Business) shall be satisfied for a home office or business. In addition, a non-intrusive home office or business shall also satisfy the requirements set forth in § 21-247(b) (relating to the Definition of Non-Intrusive Home Office or Business).

§ 21-1313 Planned Shopping Center.

The following minimum requirements shall be met for a planned shopping center:

(a) Any development of a shopping center shall provide initially for the construction of either a minimum of five thousand (5,000) square feet of ground floor area or a minimum of three (3) of the permitted uses in the C-1 district.

(b) All buildings shall be arranged in a group or in groups, and the distance at the closest point between any two (2) buildings or groups of attached buildings shall not be less than fifteen (15) feet.

(c) Off-street parking space shall be provided in accordance with the standards set forth in Article XIV.

(d) Parking, loading, and service areas shall be located entirely within the confines of the lot, shall be physically separated from public streets by buffer strips against unchanneled motor vehicular ingress and egress, and shall have not more than two (2) accessways to any one (1) public street.

(e) All accessways to a public street shall be located no less than one hundred (100) feet from the intersection of any street line.

(f) Along any residential district boundary line, a buffer yard shall be provided which shall be not less than fifty (50) feet in width, measured from such lot line or street line where such line constitutes the district boundary line. The exterior fifty (50) feet of said buffer yard shall be planted with grass seed, sod, in ground cover and shall be well maintained. No storage of materials shall be permitted in the said buffer yard.

(g) No storage of materials, equipment, or goods shall be permitted outside a building, unless they are located within a permanently enclosed patio.

(h) All parking, loading, access, and service areas shall be adequately illuminated at night. Such lighting, including sign lighting, shall be arranged so as to protect the highway and adjoining property from direct glare or hazardous interference of any kind. All utility lines servicing this area shall be placed underground.

(i) Pedestrian safety islands shall be required at the end of alternate parking bays. Each island shall be at least three hundred (300) square feet in area. Such islands shall be landscaped and designed to provide a safe area for pedestrians to wait prior to crossing vehicular traffic lanes; lighting standards may be incorporated in the design.

(j) If the development of the center is to be carried out in progressive stages, each stage shall be so planned that the requirements of this section and the intent of this Chapter shall be fully complied with at the completion of any stage.

(k) After the final development plan has been approved and when, in the course of carrying out the plan, adjustments such as rearrangements of buildings, parking areas, entrances, heights, or yards are requested by the proponents, and such requests conform to the standards established by the approved final development plan for the area to be covered by buildings, parking spaces, entrances, height, setback, and lot area requirements, such adjustments may be approved by the Planning Commission upon application, which shall be accompanied by a plan of the entire development with the proposed changes indicated.

§ 21-1314 Planned Medical and/or Dental Center.

Every planned medical and/or dental center:

(a) Shall be totally planned to function as a unit.

(b) Shall comply with the performance standards of this Chapter.

§ 21-1315 Motel, Hotel, or Motor Inn.

For every motel, hotel, or motor inn, the entrance and exit drive crossing the street right-of-way shall be limited to two (2) along the frontage of any street.

§ 21-1316 Automotive Service Station.

The following minimum requirements shall be met for an automotive service station:

(a) The minimum lot width shall be two hundred (200) feet along each street on which the lot abuts.

(b) All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed building.

(c) Fuel pumps shall be at least twenty-five (25) feet from any street right-of-way.

(d) All automobile parts and dismantled vehicles are to be located within a building.

(e) Full-body paint spraying or body and fender work shall not be permitted.

(f) Automobiles that are taken to a service station for outside storage because of an accident may remain no longer than sixty (60) days from the day the car arrives at the station, unless otherwise extended by the Zoning Officer.

§ 21-1317 Vehicle Sales.

The following minimum requirements shall be met for sales of vehicles and similar large items (including, without limitation, automobile, truck, mobile home, boat, and recreational vehicle sales):

(a) Specific parking and loading provisions shall be made in accordance with this Chapter and any special provisions which the Borough deems are essential to carry out the general requirements of Article XIV.

(b) Signs shall be in accordance with this Chapter.

§ 21-1318 Wholesale and Distribution Activities.

The following minimum requirements shall be met for wholesale and distribution activities:

(a) Truck parking and loading shall meet the minimum standards of this Chapter and, in unique situations, shall be provided according to maximum standards of the industry for the specific type of wholesale or distribution activity to be conducted.

(b) Truck or rail access and operations shall not conflict with the convenience and safety of auto traffic and parking.

§ 21-1319 Membership Club or Lodge.

The following minimum requirements shall be met for a membership club or lodge:

(a) There shall be the minimum lot size.

(b) Any outdoor play areas shall be screened to protect the neighborhood from any possible noise and shall be located no closer to any lot line than the required front yard depth.

(c) Adequate police protection shall always be provided, with Council having the authority to specify the cost to the operators of the club.

§ 21-1320 Motor Vehicle Repair Shop.

The following minimum requirements shall be met for a motor vehicle repair shop:

(a) All repair and paint work shall be performed within an enclosed building.

(b) All provisions shall be made to prevent or minimize noise, odor, vibration, light, or electrical interference to adjacent lots.

(c) Buffer yard requirements of Article XV shall be met.

(d) Outdoor storage of autos and other vehicles shall only be back of the front building line and shall be no closer than twenty (20) feet from side and rear lot lines.

(e) No particular vehicle or part of a vehicle may be located outside of an enclosed building for more than thirty (30) days or parts of days in any period of ninety (90) consecutive calendar days, except vehicles utilized by owners or employees of the motor vehicle repair shop to commute to the shop and which are not left at the shop overnight.

§ 21-1321 Planned Industrial, Office, or Research Park.

The following minimum requirements shall be met for a planned industrial, office, or research park:

(a) Shall contain the minimum lot size.

(b) Shall be totally planned to function as a single development unit.

(c) Shall be in accordance with the performance standards of this Chapter and in accordance with all development standards of Chapter 22 (relating to Subdivision and Land Development).

(d) Shall contain only those individual uses permitted in the district.

§ 21-1322 Hospital or Nursing Home.

A hospital or nursing home is permitted, *provided* the minimum lot size is three (3) acres and no more than one hundred fifty (150) patients shall be accommodated at any one time.

§ 21-1323 Cemetery.

A cemetery is permitted *provided* that the minimum lot size is met and buffer yards are provided.

§ 21-1324 Drive-in or Drive-through Facilities.

In addition to all other applicable requirements of this Chapter, the following requirements shall be satisfied by all uses which provide any goods or services to persons who remain within a vehicle throughout their visit to the subject property:

(a) The subject property shall front on a street designated by the Borough as a collector street.

(b) Access to areas providing such drive-in or drive-through services shall be restricted to two (2) locations on each abutting collector street.

(c) All drive-through lanes shall be separated from the parking lot's interior driveways and shall be clearly marked.

(d) All exterior speakers and microphones shall comply with § 21-915.

§ 21-1325 Conversion of Single-family Detached Dwelling.

The following requirements shall be met for the conversion of an existing single-family detached dwelling to a two-family detached dwelling or a multifamily dwelling limited to three (3) units:

(a) The property shall comply with the yard and building area requirements for the district.

(b) Required off-street parking shall be available.

(c) The floor area per dwelling unit shall be not less than one thousand two hundred fifty (1,250) square feet.

(d) The Borough Engineer shall assure that adequate water and sewerage facilities are available.

§ 21-1326 Commercial Recreation.

Commercial recreation, such as camps, swimming pools, picnic grounds, and fishing, are permitted *provided* the following assurances are given:

(a) There will be maximum public health and safety.

(b) All special state and local permits are issued to conduct one (1) or more of these uses.

§ 21-1327 Utility Substations.

The following minimum requirements shall be met for utility substations, including accepted easements for local need and serving the Borough:

(a) The substation shall be screened from view by solid and continuous landscaping of massed evergreen and/or deciduous trees and shrubs.

§ 21-1328 Multifamily Dwellings for the Elderly.

The following minimum requirements shall be met:

(a) A twenty (20) foot buffer yard shall be provided and landscaped in accordance with Article XIV.

(b) Landscaped and grassed sitting and other passive recreation areas shall be provided on the lot.

§ 21-1329 Mobile Homes, Mobile Home Lots, and Mobile Home Parks.

Mobile homes, mobile home lots, and mobile home parks shall meet the following requirements:

(a) There shall be no more than five (5) mobile homes per acre in a mobile home park.

(b) Mobile home parks shall have a minimum area of ten (10) acres; a minimum public street frontage of five hundred (500) feet; a minimum distance from public street of one hundred (100) feet to the first row of mobile homes; a minimum side yard of fifty (50) feet; a minimum distance from the rear line of the park to the nearest mobile home of fifty (50) feet; and a maximum height of thirty-five (35) feet for mobile homes.

(c) Mobile home lots located in mobile home parks shall have a minimum area of eight thousand (8,000) square feet; a minimum public street frontage of eighty (80) feet; a minimum front yard setback of twenty-five (25) feet; a minimum side yard of twenty-five (25) feet, a minimum rear yard setback of twenty-five (25) feet; and a maximum height for mobile homes of thirty-five (35) feet.

(d) Dimension requirements for mobile home sites not in mobile home parks shall be those for single family detached dwellings in the zoning district where such mobile home sites are proposed to be developed.

(e) In addition to general regulations in Article IX, the following shall apply to mobile home parks:

(1) Each site shall be served with underground electricity, water, and sewers. The water supply and sewage disposal shall be acceptable to the Pennsylvania Department of Environmental Resources and in conformance with the ordinances and regulations of the Borough.

(2) In all parks accommodating or designed to accommodate twenty-five (25) or more mobile homes, there shall be one (1) or more recreation areas which shall be easily accessible to all homes. The size of such areas shall equal at least two hundred (200) square feet for each mobile home, and no recreation area shall be less than five thousand (5,000) square feet. Such recreational areas shall comply with all ordinances and regulations of the Borough.

(3) Pedestrian walks of portland cement concrete shall be provided between the individual mobile homes, public and private streets, and all community facilities provided for the residents. Such pedestrian walks shall meet all ordinances and regulations of the Borough, including, without limitation, § 56-501 *et seq*. (relating to Sidewalk Specifications).

(4) Streets within mobile home parks shall comply with all ordinances and regulations of the Borough, including, without limitation, § 22-801 *et seq*. (relating to Streets, Curbs, and Sidewalks).

§ 21-1330 Adult Bookstores, Adult Motion Picture Theaters, Cabarets, and Massage Parlors.

The following minimum requirements shall be met for all adult bookstores, adult motion picture theaters, cabarets, and massage parlors:

(a) No adult bookstore, adult motion picture theater, cabaret, or massage parlor shall be erected, established, or used in any R-1 Low-Density Residential Zoning District, R-2 Medium-Density Residential Zoning District, or R-3 High-Density Residential Zoning District.

(b) No adult bookstore, adult motion picture theater, cabaret, or massage parlor shall be erected, established, or used within one thousand (1,000) lineal feet from the property line of any existing adult bookstore, adult motion picture theater, cabaret, or massage parlor.

(c) No adult bookstore, adult motion picture theater, cabaret, or massage parlor shall be erected, established, or used within five hundred (500) feet from the property line of any school, building used primarily as a place of worship, or playground, or within five hundred (500) feet of the boundary of any other zoning district established by this Chapter.

(d) Council may authorize the establishment of an adult bookstore, adult motion picture theater, cabaret, or massage parlor within five hundred (500) feet from the property line of any school, building used primarily as a place of worship, or playground, or within five hundred

(500) feet of any other zoning district established by this Chapter, as a conditional use only if the following findings are made by Council:

(1) That the applicant has presented to Council a petition which indicates approval of the proposed use by fifty-one percent (51%) of the persons eighteen (18) years of age or older, residing or doing business within a radius of five hundred (500) feet of the location of the proposed use. The applicant shall have attempted to contact all eligible locations within this radius and must supply a list of all addresses at which no contact was made. The circulator of the petition shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the persons whose names appear thereon.

(2) That the proposed use will not adversely affect the safe and comfortable enjoyment of the properties in the neighborhood and will not be detrimental to the general character of the area.

(3) That the establishment of the proposed use in the area will not be contrary to any program of neighborhood conservation and will not interfere with any program of urban renewal.

(4) That the conditions set forth in § 21-1304(a) (relating to General Requirements for Conditional Uses and Special Exception Uses—In General) will be met.

(5) That all other applicable regulations of this Chapter will be observed.

§ 21-1331 Bed and Breakfast.

The following minimum requirements shall be met for a bed and breakfast:

(a) No more than five (5) guest rooms shall be provided.

(b) Off-street parking spaces as provided in § 21-1415(z) (relating to Off-Street Parking Schedule—Bed and Breakfast Facilities) and subject to the general regulations and provisions set forth in Article XIV (relating to Off-Street Parking and Loading).

(c) At least one (1) bathroom shall be provided for use by guests. A second bathroom shall be provided for use by the owner of the premises and the family of such owner. For purposes of this section, a bathroom shall be deemed to consist of the following minimum fixtures: a commode; window or approved ventilation system; lavatory; shower or bathtub (connected to water supply and sanitary sewage systems, respectively). The fixtures shall be contained in a room served by at least one (1) light fixture and ground fault electric receptacle, which room is not designed or used as a passage from a second room to a third room.

(d) There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for a single sign no larger than two (2) square feet in size, which is constructed and placed in accordance with Article XVI (relating to Sign Regulations).

(e) No external alterations or changes to the exterior structure shall be permitted except as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other governmental agency.

(f) The use shall be carried on by the owner of the premises or by members of the immediate family of such owner, who must reside on the premises.

(g) There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast only. The owner of the facility shall comply with all rules, laws, regulations, or orders of any judicial body or governmental entity having jurisdiction over the facility, including, without limitation, any requirements in connection with preparation and service of food to guests.

(h) The maximum, uninterrupted length of stay at a bed and breakfast shall be fourteen (14) days.

(i) The use of any amenities provided by the bed and breakfast, such as a swimming pool or tennis court, shall be restricted to the guests of the establishment, the owner of the premises, and the owner's family.

(j) The existing sewage system shall be recertified as being adequate, in accordance with state regulations.

§ 21-1332 Public Storage Facilities.

The following minimum requirements shall be met for public storage facilities:

(a) The minimum yard requirements for all yards along lot lines which adjoin residential uses or districts and for all yards which front on public streets shall be increased by five (5) feet, and a buffer strip shall be installed within such yards which satisfies the conditions of Article XV (relating to Buffer Strips).

(b) Roads and driveways shall be designed and constructed in accordance with Articles VII and VIII of Chapter 22 (relating to Subdivision and Land Development—General Design Standards and Streets, Curbs, and Sidewalks).

(c) There shall be a minimum of one (1) parking space for each storage unit. Parking spaces and areas shall be designed and constructed in accordance with Article XIV (relating to Off-Street Parking and Loading).

(d) The minimum lot size shall be one (1) acre.

(e) No person shall be permitted to store flammable, toxic, explosive, or other hazardous materials, nor shall any meats, animal matter, living animal, foods, or FDA identified controlled substances be stored or kept on the premises.

(f) At least one (1) electric light shall serve each storage unit.

(g) The maximum building height shall be twenty-five (25) feet, and no building shall be more than one (1) story. However, if a residential dwelling unit is approved under subsection (h), the dwelling unit may constitute the second story of a building, and the maximum height of the portion of any building which contains a residential dwelling unit shall be thirty-five (35) feet. All other dimensional requirements of the zoning district shall be met.

(h) There shall be a functioning security system in place at all times and the owner, or his designated agent, shall be available to supervise the premises at all hours. The owner shall provide to the Alburtis Police Department his name, address, and telephone numbers, and the name, address, and telephone numbers of his agent, if any, in charge of the facility. The owner shall be responsible for keeping such information current while such public storage facility is used. Telephone numbers provided shall enable the Alburtis Police Department to reach such owner and agent directly twenty-four (24) hours each day. If approved by Council on conditional use review, the facility may include one (1) residential dwelling unit for the sole use of the owner or his designated facility supervisor or manager and his family.

(i) All items of personal property shall be stored within an enclosed building on the premises, *provided*, however, that recreational vehicles, boats, trailers, and other motor vehicles may be stored on the premises outside an enclosed building under screened conditions. Such screening must consist of a wall, fence, or buffer strip which, in the judgment of Council, shall keep such personal property from public view on adjacent streets and properties.

§ 21-1333 Drive-In, Drive-Through, and/or Fast Food Restaurants.

The following minimum requirements shall be satisfied for drive-in, drive-through, and/or fast food restaurants:

(a) The subject property shall front on a street designated by the Borough as a collector street.

(b) Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. Such trash receptacles shall be emptied into a central trash storage receptacle, or dumpster, which shall be kept behind the restaurant and out of public view in a walled or fenced area under lock. Such walls or fences shall be at least eight (8) feet in height. All applications shall include a description of a working plan for the clean-up of litter.

(c) All exterior seating or play areas shall be completely enclosed by a three-foot-high fence. No exterior seating or play area shall be located within fifty (50) feet of any lot which is used for residential purposes or is located in a residential zoning district, and no exterior seating or play area which is located within one hundred (100) feet of any lot which is used for residential purposes or is located in a residential zoning district shall be used after dusk or before 9:00 A.M.

(d) Access points shall be limited to two (2) on each collector street abutting the lot.

(e) On-lot traffic circulation channels and parking areas shall be clearly marked.

(f) No outdoor storage shall be permitted.

§ 21-1334 Neighborhood Convenience Stores.

The following minimum requirements shall be satisfied for neighborhood convenience stores:

(a) Neighborhood convenience stores shall be located only on streets designated by the Borough as collector streets.

(b) The proposed neighborhood convenience store shall be designed for sales of goods for personal or household uses. No vehicular uses, other than the sale of gasoline and other automotive fluids and accessories, shall be permitted nor shall adult-related uses be permitted on the premises.

(c) All activities except those to be performed at the fuel pumps and/or air pumps, if any, shall be performed within a completely enclosed building.

(d) Other than cars of employees of the store, no vehicle shall be parked on the premises for more than one (1) hour.

(e) There shall be provided the following minimum parking spaces: one (1) parking space for each employee, one (1) parking space for each gasoline fueling position and for each air pump, plus one (1) parking space for each one hundred fifty (150) square feet of usable retail sales area or fraction thereof. The area provided at each gasoline fueling position for a vehicle to park while refueling shall count as one (1) parking space so long as it satisfies the minimum dimensional requirements for a parking space. For purposes of this subsection, the term "usable retail sales area" shall mean the interior area of a structure or building utilized for retail sales and readily accessible to customers, excluding restrooms.

(f) Fuel pumps, if any, shall be located at least twenty-five (25) feet from any street right-of-way.

(g) No outdoor storage shall be permitted. Dumpsters shall be enclosed out of public view by an eight (8) foot high wall or fence kept under lock.

§ 21-1335 Commercial Communications Towers and Commercial Communications Antennas.

The following minimum requirements shall be satisfied by a Commercial Communications Tower and, to the extent applicable under this Section, by a Commercial Communications Antenna:

(a) Purpose. The purpose of this Section is to provide a uniform and comprehensive set of standards for the development and installation of new Commercial Communications Towers and Commercial Communications Antennas. The regulations contained herein are designed to protect and promote public health, safety, and the general welfare of the community while ensuring that new Commercial Communications Towers will be safe and be placed in suitable locations and at the same time not unduly restricting the development of needed telecommunications facilities. These regulations will also help to ensure that the Borough's land use regulations comply with the Federal Telecommunications Act of 1996. The regulations shall be applied to accomplish the following objectives:

(1) Minimize adverse visual effects of Commercial Communications Towers and Commercial Communications Antennas and related facilities through design and siting standards.

(2) Maintain and ensure that a non-discriminatory, competitive, and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the Borough's emergency services network.

(3) Provide requirements necessary for obtaining approval to site and construct Commercial Communications Towers and Commercial Communications Antennas while at the same time protecting the legitimate interests of Borough residents.

(4) Protect environmentally sensitive areas of the Borough by regulating the location, design, and operations of telecommunications facilities.

(5) Encourage the use of alternative support structures, co-location of new antennas on existing commercial communications towers, camouflaged towers, monopoles, and construction of towers with the ability to locate three or more providers.

(b) Demonstration of Need. Each person applying to establish or modify a Commercial Communications Tower or Commercial Communications Antenna must prove that the facility is Essential.

(c) Consideration of Alternate Sites.

(1) Identification. Each person applying to establish or modify a Commercial Communications Tower or Commercial Communications Antenna must identify all Alternate Sites for the proposed location, and all other potential sites for a Commercial Communications Tower and/or Commercial Communications Antenna which the applicant believes do not qualify as Alternate Sites (together with the reasons for the applicant's conclusion).

(2) Preferred Use of Existing Structures. Council shall deny an application to construct, enlarge, or extend a Commercial Communications Tower if its antennas and proposed antennas can be mounted on an existing structure(s) at an Alternate Site(s).

(3) Lesser Adverse Impact at an Alternate Site. Council may deny an application to establish or modify a Commercial Communications Tower or Commercial Communications Antenna if it finds that there would be a lesser negative impact on the public health, safety, and/or general welfare if a Commercial Communications Tower(s) and/or a Commercial Communications Antenna(s) were established at an Alternate Site(s).

(d) Nonresidential Placement.

(1) Commercial Communications Antenna. A Commercial Communications Antenna may not be placed on any residential structure or on any structure located on a lot which is used in whole or in part for residential purposes.

(2) Commercial Communications Tower. A Commercial Communications Tower may not be placed—

(A) on any lot which is used in whole or in part for residential purposes; or

(B) on any lot in a Residential Zoning District (R-1, R-2, or R-3) which is unused or which is used, in whole or in part, for any purpose other than as a church or other place of worship, park or recreational facility, library, public or private educational institution, hospital, governmental use, and/or utility use.

(e) Height. The height of a Commercial Communications Tower or a Commercial Communications Antenna may not exceed the *greater* of—

(1) the maximum height requirement for the zoning District in which the facility is located; or

(2) the height of the lowest Commercial Communications Tower or Commercial Communications Antenna, as the case may be, which can serve the Essential Service Area from that location.

(f) Setback. A Commercial Communications Tower shall be setback from the nearest property or lease lot lines and existing street right-of-way lines a minimum distance equal to the *greater* of the radius of the Fall Zone of the Commercial Communications Tower or the applicable setback line for the zoning District.

(g) Fencing & Landscaping.

(1) In General. Except as otherwise provided in this subsection (g), fencing and landscaping shall surround all ground-level features, including any Commercial Communications Tower and any buildings or structures associated with the operation or maintenance of a Commercial Communications Tower and/or Commercial Communications Antenna.

(2) Exemption. Council may exempt a Commercial Communications Antenna from any of the requirements of this subsection (g) if the Antenna is mounted on an existing structure, all equipment associated with the operation and maintenance of the Antenna is housed inside an existing structure, and the applicant proves that a fence and landscaping are unnecessary in the particular situation because the safety and visual protections generally provided by a fence and landscaping are satisfied in some other manner.

(3) Fence. A fence under this paragraph shall be secure and at least eight (8) feet in height above ground level at all locations.

(4) Landscaping—In General. An evergreen screen shall surround the fence, unless the Commercial Communications Tower or Commercial Communications Antenna is located in the L-1 Light Industrial–Office Research District. (*But see* the buffer strip requirements for the L-1 District in Article XV, which remain applicable.) The screen can be either a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum), shall be a minimum height of six (6) feet at planting, and shall grow to a minimum of fifteen (15) feet at maturity. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

(5) Alternatives to Evergreen Screen. Any combination of existing vegetation, topography, walls, decorative fences, or other features may be permitted *in lieu of* the landscaping required under this subsection (g), if Council determines that they achieve the same degree of visual screening.

(h) Parking. A minimum of two (2) off-street parking spaces shall be provided for a Commercial Communications Tower. Council shall determine whether zero (0), one (1), or two (2) additional off-street parking spaces are necessary to service and maintain a Commercial Communications Antenna which is attached to a structure other than a Commercial Communications Tower.

(i) Equipment Shelter.

(1) In General. Except as provided in paragraph (2), all equipment, supplies, and materials which are to be kept on-site to service a Commercial Communications Tower or Commercial Communications Antenna shall be stored in an enclosed building or other structure.

(2) Emergency Backup Generator. One emergency backup generator for use only in the event of a power failure may be kept on-site outside of an enclosed building or other structure.

(3) Required Information. Each person applying to establish or modify a Commercial Communications Tower or Commercial Communications Antenna shall provide detailed information about the contents of any equipment shelter or equipment room to service the facility. The information shall include, without limitation, the type and quantity of oil, gasoline, batteries, propane, natural gas, or any other fuel stored within the shelter.

(4) Hazardous Materials. The applicant shall demonstrate that any hazardous materials stored on-site shall be housed so as to minimize the potential for any adverse impact on nearby land uses. Materials Safety Data Sheets for all hazardous materials stored or utilized in the equipment shelter or room shall be submitted to the Borough and the Alburtis Fire Company. The use of fuels and hazardous materials shall be subject to all applicable federal, state, and local laws and regulations.

(j) Wind Resistance. Each person applying to establish or modify a Commercial Communications Tower or Commercial Communications Antenna shall provide a certification from a registered professional engineer stating that the Commercial Communications Tower or Commercial Communications Antenna satisfies the wind resistance requirements provided in Chapter 30 (relating to Uniform Construction Code). The registered professional engineer shall also certify to the overall structural integrity of the facility.

(k) Visual Impact Analysis.

(1) Requirement. Each person applying to establish or modify a Commercial Communications Tower or Commercial Communications Antenna shall submit a visual impact analysis to the Borough.

(2) Contents. The visual impact analysis shall be in the form of a written report, and shall include, without limitation, the following:

(A) a photograph simulation of pre-development versus post-development views from key viewpoints, as established by the Borough, both inside and outside of the Borough.

(B) an analysis of Alternative Tower Structure design and color schemes.

(C) an analysis of the visual impact of the tower base, accessory buildings, and overhead utility lines from abutting properties and streets.

(D) at the discretion of the Borough, an additional simulation of the facility's visual impact shall be provided by erecting a mechanical construction crane to the proposed height of the facility at the proposed project site. The applicant shall allow the viewing of the crane simulation by the appropriate Borough officials and interested parties at a reasonable day and time as established by the Borough.

(E) an assessment of the cumulative impacts of the proposed or modified facility and other existing and foreseeable Commercial Communications Towers and Commercial Communications Antennas in the area.

(F) a description of all feasible measures necessary to mitigate any negative visual impact by the proposed or modified facility, consistent with the technological requirements of the applicant.

(G) a similar analysis of the visual impact of a similar facility at each Alternate Site.

(3) Costs. All costs for the visual impact analysis, and applicable administrative costs, shall be borne by the applicant.

(4) Remediation. The applicant shall implement all reasonable measures necessary to mitigate any negative visual impact created by the proposed facility, as determined by Council after the hearing.

(l) **National Environmental Policy Act (NEPA).** Each person applying to establish or modify a Commercial Communications Tower or Commercial Communications Antenna shall demonstrate that all NEPA requirements, where applicable, for the proposed facility have been satisfied. A copy of the NEPA-required Environmental Assessment (EA) report shall be submitted when the proposed facility falls into one or more of the following categories:

(1) Facilities that are to be located in an officially designated wilderness area.

(2) Facilities that are to be located in an official designated wildlife preserve.

(3) Facilities that may affect listed threatened or endangered species or designated critical habitats.

(4) Facilities that are likely to jeopardize the continued existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats, as determined by the Secretary of the Interior pursuant to the Endangered Species Act of 1973.

(5) Facilities that may affect districts, sites, buildings, structures, or objects, significant in American History, architecture, archaeology, engineering, or culture, that are listed, or are eligible for listing, in the National Register of Historic Places.

(6) Facilities that may affect a Native American religious site.

(7) Facilities whose construction will involve significant change to surface features including, but not limited to, wetlands, deforestation or water diversion.

(8) Facilities located within a flood plain.

(9) Facilities that are to be equipped with high intensity white lights located in residential neighborhoods.

The applicant shall notify the Borough at least thirty (30) days prior to any hearing or consideration of the Environmental Assessment report by the FCC. The applicant shall provide the Borough with documentation demonstrating how any negative impact on the features noted above will be mitigated.

(m) Federal Communications Commission (FCC).

(1) In General. Each person applying to establish or modify a Commercial Communications Tower or Commercial Communications Antenna shall provide the Borough with documentation that the operator of the facility is appropriately licensed by the FCC and that the proposed facility has been approved by the FCC.

(2) EMF/RF Exposure. Except as provided in paragraph (3), each person applying to establish or modify a Commercial Communications Tower or Commercial Communications Antenna shall provide the Borough with documentation demonstrating that the proposed facility complies with all applicable standards established by the FCC governing human exposure to electromagnetic or radio frequency radiation. The operator of the facility shall update this documentation annually thereafter, and shall provide additional reports in the interim if the operator becomes aware of any changes to the most recent information provided. The Borough may secure, at the operator's expense, the services of a qualified independent radio frequency engineer to review the documentation and conduct tests as necessary to verify said documentation and report whether the facility conforms to all FCC standards.

(3) Exceeding FCC EMF/RF Exposure Standards. Any person who applies to establish or modify a Commercial Communications Tower or Commercial Communications Antenna which exceeds FCC standards regarding human exposure to electromagnetic or radio frequency radiation shall submit to the Borough a copy of the Environmental Assessment report required under NEPA prior to submitting an application for the site to the FCC, so that the Borough may review the report and provide commentary to the FCC for its consideration.

(n) Federal Aviation Administration (FAA).

(1) Height. Each person applying to establish or modify a Commercial Communications Tower or Commercial Communications Antenna shall provide—

(A) documentation of FAA approval for Commercial Communications Towers or Commercial Communications Antennas whose height is greater than or equal to two hundred (200) feet, *or*

(B) proof that any Commercial Communications Tower or Commercial Communications Antenna less than two hundred (200) feet in height satisfies the requirements of 14 CFR Part 77.13(a).

(2) Lighting. No Commercial Communications Tower or Commercial Communications Antenna shall be artificially lighted except when required and approved by the FAA.

(o) Airport Coordination. Each person applying to establish or modify a Commercial Communications Tower or Commercial Communications Antenna shall notify each airport located within a five (5) mile radius of the proposed facility of its application to establish or modify such facility, and the date of the hearing before Council, with a request to submit any comments to the Borough before the hearing.

(p) Annual Inspection. Each year, on or about the anniversary of the date that a given Commercial Communications Tower or Commercial Communications Antenna first became operational, the Borough shall perform an inspection of the facility to verify that it satisfies the requirements of this Chapter and the conditions of its approval. The costs of the inspection shall

be paid by the operator of the facility or, in default thereof, the landowner of the property on which it is located.

(q) Co-location. Every person granted approval to establish or modify a Commercial Communications Tower or Commercial Communications Antenna shall grant any other person the right to co-locate a Commercial Communications Antenna on the same facility and/or extend the facility and co-locate a Commercial Communications Antenna on the facility as extended, *provided that* the co-location can be accomplished without adverse effect to any pre-existing Commercial Communications Antenna, and that the other person provide commercially reasonable compensation for the right so granted.

(r) Removal. If a Commercial Communications Tower or Commercial Communications Antenna remains unused for a period of at least eighteen (18) consecutive months, the owner or operator shall immediately dismantle and remove the facility.

(s) Security. Each person granted approval to establish or modify a Commercial Communications Tower or Commercial Communications Antenna shall post and maintain security with the Borough, in a form acceptable to the Borough, in an amount sufficient to cover the removal of the facility and site restoration. The Borough may draw against the security to remove the facility and restore the site if the owner or operator of the facility fails to do so within eighteen (18) months after the use of the facility ceased.

(t) Wireless Broadband Collocation Act. Notwithstanding anything to this contrary in this Chapter, any application for replacement, collocation, or modification of a wireless telecommunications facility or wireless support structure (including, but not limited to, Commercial Communications Towers and Commercial Communications Antennas), shall be subject to the limitations, procedures, time restrictions, and other requirements imposed upon municipalities by the Wireless Broadband Collocation Act, 53 PA. STAT. ANN. § 11702.1 *et seq*.

Article XIV — Off-Street Parking and Loading

§ 21-1401 In General.

Off-street parking and loading space shall be provided as further specified in this Chapter, and shall be furnished with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner.

§ 21-1402 Surface, Markings, and Drainage.

All parking areas, passageways, and driveways shall be surfaced with a dustless, durable, all-weather pavement parking surface, shall be clearly marked for car spaces, and shall be adequately drained in conformance with Borough standards prior to issuance of an occupancy permit.

§ 21-1403 Dimensions.

All parking spaces shall have a stall width of no less than nine (9) feet zero (0) inches. Stall depth and aisle width shall comply with § 21-1418 (relating to Parking Design Standards) unless modifications are recommended in accordance with the required site plan review.

§ 21-1404 Pre-existing Buildings and Uses.

(a) Nonconforming Uses. None of the off-street parking or off-street loading facilities as required in this Chapter shall be required for an existing building or use not now conforming to these requirements, unless said building or use shall be expanded. In this case, the provisions of this Chapter shall apply only to that portion of the building or use so expanded. However, if the expansion is twenty-five percent (25%) or more of the existing building size, enough parking for all the building area (past and proposed) must be provided per the requirements of this Chapter.

(b) Continuation of Existing Required Spaces. Vehicle parking or loading space maintained in connection with an existing and continuing principal building, structure, or land use on the effective date of this Chapter (or any predecessor zoning ordinance) or amendment thereto, up to the number required by this Chapter, shall be continued and may not be counted as serving as a new building, structure, addition, or land use; nor shall any required parking space be substituted for an off-street loading and unloading space, nor any require loading and unloading space substituted for a parking space.

§ 21-1405 Ownership or Long-Term Lease Required.

Off-street parking for new development shall be owned or leased on a long-term basis consistent with the economic life of the development.

§ 21-1406 Multiple Uses.

(a) The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half (1/2) of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at night or on Sunday.

(b) In the case of mixed or multiple uses, the parking facilities required shall be the sum of the requirements for the various individual uses computed separately in accordance with § 21-1415 (relating to Off-Street Parking Schedule). Parking facilities for one use shall not be considered as providing the required parking facilities for any other use. Where the same space is used for several purposes, the most stringent requirement shall govern, unless justification is made by the developer to the Planning Commission, which may make modifications to the parking schedule if deemed appropriate and consistent with the intent of this Chapter.

§ 21-1407 Parking Provided On A Different Lot.

(a) In General. Off-street parking spaces required for a principal use may be located on other off-street property than that lot occupied by the principal use, so long as such space lies within six hundred (600) feet walking distance of such principal use.

(b) Residential Districts. Parking areas serving nonresidential uses may be located in residential districts, *provided* such parking areas are within six hundred (600) feet walking distance of the principal use served, and *provided* that screening, lighting, and use of parking areas are in accordance with other applicable provisions of this Chapter.

§ 21-1408 Illumination.

All parking and loading areas and appurtenant passageways and driveways serving nonresidential uses shall be illuminated adequately during the hours of use. Adequate shielding shall be provided to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.

§ 21-1409 Stormwater Management.

Provisions shall be made for the disposal of stormwater from parking areas in conformance with Chapter 31 (relating to Building Construction), to ensure that such water shall not flow onto adjoining property or adjacent sidewalks in quantity or manner that would be detrimental thereto or inconvenient to persons using the sidewalk.

§ 21-1410 Walls or Bumper Guards.

A structurally sound wall or bumper guard to promote safety shall be installed around each side of any parking area so that no part of any vehicle shall extend over any property line.

§ 21-1411 Commercial Vehicles in Residential Districts.

No commercial vehicle as defined in this Chapter may be stored on a lot in a residential area except when stored in a private garage.

§ 21-1412 Recreational Vehicles.

No recreational vehicles shall be parked for over five (5) days on the street or within the front yard area of any lot in a residential area. In all districts, recreational vehicles may be parked or stored on a lot in the side or rear yard area, in a garage, or in a roofed structure, or on any lot of another principal use area. In no case shall the recreational vehicle or unit be located within any required minimum yard setback.

§ 21-1413 Unlicensed or Unregistered Vehicles; Trailers.

(a) No-vehicle, trailer, or part of a vehicle or trailer (excluding recreational vehicles covered by § 21-1412) which does not bear a current license plate and registration sticker shall be parked or stored on any lot in any district outside of a completely enclosed accessory building.

(b) No more than one trailer shall be parked or stored or any lot in any district outside of a completely enclosed accessory building. Such a trailer must bear a current license plate and registration sticker.

(c) Any person claiming the right to continue to park or store a vehicle, trailer, or part of a vehicle or trailer on a lot outside of a completely enclosed accessory building after May 13, 2009 on the grounds that it is the continuation of legal pre-existing nonconformity as of May 13, 2009, must register the nonconformity with the Zoning Officer within one (1) year after the date the Borough or the Zoning Officer mails a written notice to the legal owner of the lot to so register any such nonconformity and provide evidence of the existence of the nonconformity. If the Zoning Officer determines that there is insufficient evidence of a pre-existing nonconformity, he/she shall deny the registration, and the applicant may appeal the Zoning Officer's decision to the Zoning Hearing Board pursuant to § 21-1807. Any nonconformity which is not timely registered may not be continued. It shall not be necessary to register any nonconformity which was previously approved by action of the Zoning Hearing Board.

§ 21-1414 Parking of Mobile Homes.

(a) Definition. For purposes of this section, the term "to park" and other forms of such term shall mean the temporary stationing of a mobile home, whether or not on an approved mobile home park, mobile home lot, or other approved site, without full compliance with the provisions of § 21-1329 (relating to Mobile Homes, Mobile Home Lots, and Mobile Home Parks) and § 21-917 (relating to Mobile Home Siting).

(b) Single Premises. Only one (1) mobile home may be parked at the same time on any single premises other than an approved mobile home park, and on such single premises, such mobile home may not be parked more than forty-eight (48) consecutive hours. At the end of such time period, the mobile home must be removed or placed on an approved site as set forth in § 21-917 (relating to Mobile Home Siting).

(c) Approved Mobile Home Park. One (1) or more mobile homes may be parked in an approved mobile home park for a period of time no longer than forty-eight (48) consecutive hours at the end of which time such mobile home or homes must be removed or placed on approved mobile home lots within such mobile home park as set forth in § 21-917 (relating to Mobile Home Siting).

(d) Other Approved Site. A mobile home may be parked on the approved site not in a mobile home park, upon which site such mobile home shall be placed as set forth in § 21-917 (relating to Mobile Home Siting), *provided* that the mobile home is parked on such site no longer than forty-eight (48) hours before such placement.

(e) Prohibition in Other Locations. No mobile home shall be parked in any district outside an approved mobile home park or an approved site outside a mobile home park.

(f) Yard Requirements. Parking of mobile homes shall observe the yard requirements for an accessory building.

(g) Street. No mobile home shall be parked on any public street.

(h) Temporary Facility Permit.

(1) Notwithstanding the preceding provisions of this section, a permit may be issued by the Zoning Officer for parking and occupying a mobile home on land as set forth below:

(A) On land owned by the occupant or occupants as a temporary facility during construction of the permanent facility thereon; or

(B) On land during construction of a permanent facility thereon as a temporary office of the general contractor.

(2) In no event shall the zoning permit authorize such parking for a period exceeding one hundred eighty (180) days, but such permit shall be renewable for an additional period not exceeding one hundred eighty (180) days. The Zoning Officer may renew such permit if the permit holder shows clearly and convincingly that construction has been prosecuted diligently and that construction cannot be completed with one hundred eighty (180) days despite diligent efforts due to the scope of the project or delays outside such permit holder's control as follows: Acts of God, war, labor strikes, and materials unavailability. If material progress with construction work ceases for a consecutive period of forty-five (45) days, any such permit or renewal shall be revoked. The mobile home shall be removed from the site or placed on an approved mobile home site on the earliest date of completion of construction or the end of the term of the permit and any renewal or any revocation thereof. There shall be only one occupancy during construction, either as a residence or office by the landowner or as an office by the general contractor.

(3) Conditions to issuance and continued validity of any such temporary parking permit shall be—

(A) provisions for electrical supply, water supply, and sanitary sewage disposal, and approval by the respective utility provider, the plumbing inspector, and/or the building inspector, as appropriate, shown by the permit applicant clearly and convincingly to the Zoning Officer; and

(B) compliance with all rules, regulations, and orders of any governmental or judicial entity having jurisdiction over the premises.

§ 21-1415 Off-street Parking Schedule.

Except as otherwise provided in § 21-1415.1 (relating to Special Rules for Off-street Parking in the Commercial District), all uses permitted by this Chapter or hereafter permitted in any of the districts herein established, shall provide as a minimum the number of off-street parking spaces specified in this section. Parking space for employees shall be computed on the basis of maximum employment, including seasonal and part-time, on the largest shift. For uses not specified in this section, the same requirements as for the most similar use specified in this section shall apply. Where calculations of spaces result in a fractional space, any fraction under one-half (1/2) may be disregarded and any fraction one-half (1/2) and over shall be construed as one (1) whole space.

(a) Residences, Apartments, and Conversions (except as hereinafter modified).

(1) Two (2) parking spaces for each dwelling unit in a multifamily dwelling which has fewer than three (3) bedrooms.

(2) Three (3) parking spaces for each dwelling unit other than a dwelling unit described in paragraph (1).

(b) Hotels: one (1) parking space for every three (3) guest or sleeping rooms and suites, plus one (1) space for every five (5) employees, plus one (1) parking space for every four (4) seats provided for customers, plus such additional space as required by this section because of any supplementary parking-generating activities represented by uses other than guest and sleeping rooms.

(c) Tourist Cabins, Motels, or Motor Inns: one (1) parking space for each guest or sleeping room or suite, plus one (1) space for the owner or manager if resident on the premises, plus additional space necessary as set forth in subsection (b) (relating to Hotels).

(d) Boardinghouses: one (1) parking space for each sleeping room to be occupied by roomers or boarders, plus one (1) space for each dwelling unit on the premises, plus one (1) space for every two (2) employees not living on the premises.

(e) Churches: one (1) parking space for every five (5) seats, plus one (1) parking space for every one hundred (100) square feet of meeting room area.

(f) Clubs and permanent meeting places of veterans, business, civic, fraternal, and similar organizations: one (1) parking space for every fifty (50) square feet of aggregate floor area in the auditoriums, assembly halls, and dining areas of such buildings, plus one (1) space for every two (2) employees, plus additional space as required by this section because of any supplementary parking-generating activities.

(g) Hospitals: one (1) parking space for every three (3) patient beds, excluding bassinets, plus one (1) space for each staff and/or visiting doctor, plus one (1) space for every two (2) employees, including nurses; loading and unloading space for ambulances and similar vehicles are not included in the space required herein.

(h) Nursing and Convalescent Homes: one (1) parking space for every five (5) beds, plus one (1) space for each staff doctor, plus one (l) space for every two (2) employees, including nurses; loading and unloading space for ambulances and similar vehicles are not included in the spaces required herein.

(i) Medical and Dental Clinics: one and one-quarter (1.25) parking spaces for each treatment room, plus one (1) space for every one (1) employee other than a doctor or dentist (such as an assistant, nurse, hygenist, or receptionist).

(j) Funeral Homes: one (1) parking space for each family residing on the premises, plus one (1) space for every two (2) employees other than residents on the premises, plus one (1) space for every fifty (50) square feet of aggregate floor area in the viewing rooms, slumber rooms, parlors, or individual funeral services rooms, or a minimum total of twenty-five (25) spaces, whichever is greater.

(k) Elderly Housing and Welfare Institutions , such as asylums and orphanages: one (1) parking space for each staff doctor, plus one (1) space for every one thousand (1,000) square feet of gross habitable floor area for visitor and residential parking, plus such additional space as required by this section because of any supplementary parking-generating activities.

(l) Museums, Post Offices, Borough Halls, and Similar Establishments: parking or storage space for all vehicles used directly in the operation of such establishments, plus one (1) space for every one (1) employee, plus sufficient additional parking spaces to meet the reasonable demands of the business as determined by Council by conditional use.

(m) Bowling Alleys: four (4) parking spaces for each alley, plus one (1) for every two (2) employees.

(n) Libraries, Theaters, Auditoriums, Stadiums, Sports Arenas, or Similar Uses: one (1) parking space for every five (5) seats, plus one (1) space for every two (2) employees. Where individual seats are not provided, each twenty (20) inches of benches or other similar seating shall be considered as one (1) seat for the purposes of determining requirements hereunder.

(o) Schools: one (1) parking space for every two (2) employees, including teachers and administrators, plus off-street space for loading and unloading of students, plus additional facilities for student parking at the high school level and above at the ratio of five (5) spaces for each classroom.

(p) Office, Professional, or Public Buildings: one (1) space for each two (2) occupants or employees working on the premises, plus one (1) space for each five hundred (500) square feet. Subsection (i), and not this subsection (p), shall apply to any portion of a professional building which constitutes a medical or dental clinic.

(q) Transportation Terminals (Passenger): one (1) parking space for every one hundred (100) square feet of waiting room space, plus one (1) space for every two (2) employees.

(r) Restaurants, Nightclubs, Barrooms, Lunch Counters, or the Like: one (1) parking space for every two (2) employees, plus one (1) space for every three (3) seats for customers.

(s) Roadside Stands, Drive-In Restaurants, or Other Roadside Service Establishments: one (1) parking space for each employee, plus sufficient spaces to meet the reasonable demands of the business as determined by the Planning Commission.

(t) Shopping Centers and Planned Neighborhood Convenience Centers: six (6) parking spaces for every one thousand (1,000) square feet of retail sales area. Office uses and other major non-retail uses within a shopping center shall provide spaces as required in this section.

(u) Repair Shops, Plumbing Shops, Electrical Shops, Roofing Shops, and Other Similar Service Establishments: parking or storage space for all vehicles used directly in the conduct of business, plus two (2) spaces for each employee.

(v) Self-service Laundries and Cleaning Establishments: one (1) parking space for every four (4) washing, drying, and dry-cleaning machines.

(w) Automotive Repair Garages: parking space for all vehicles used directly in the conduct of the business, plus three (3) spaces for each vehicle lift or similar facility, plus one (1) space for every two (2) employees.

(x) Industrial or Manufacturing Establishments: one (1) parking space for every four (4) employees, plus one (1) space for every one thousand (1,000) square feet of gross habitable floor area intended for use by visitors.

(y) Warehouses, Freight and Trucking Terminals, and Wholesale Businesses: adequate off-street loading and unloading space as determined by the Planning Commission, plus parking space for all vehicles used directly in the conduct of the business, plus one (1) space for each two (2) employees.

(z) Bed and Breakfast Facilities: one (1) off-street parking space shall be provided for each guest room in addition to two (2) off-street parking spaces for the residence. The off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway and adjoining properties by fencing or natural vegetation.

(aa) Nurseries and Day-care Centers: one (1) parking space for each employee, plus one (1) additional parking space.

(bb) Other Business and Service Establishments not specifically covered herein: one (1) parking space for every one (1) employee, plus sufficient additional parking spaces to meet the reasonable demands of the business as determined by Council by conditional use.

§ 21-1415.1 Special Rules for Daytime Off-street Parking Requirements in the Commercial District.

(a) In General. The minimum parking requirements for any Special Use described in subsection (b) operating in the Commercial District between 9:00 A.M. and 5:00 P.M., shall be determined as follows:

(1) First, calculate the number of parking spaces required for the use under § 21-1415 (relating to Off-Street Parking Schedule), *except* that:

(A) Parking spaces for employees shall be computed on the basis of maximum employment on the largest shift between the hours of 9:00 A.M. and 5:00 P.M.; and

(B) Do not apply the rule in the last sentence of the introductory paragraph of § 21-1415 that where calculations of spaces results in a fractional space, any fraction under one-half (1/2) may be disregarded and any fraction one-half (1/2) and over shall be construed as one (1) whole space. The calculation under this paragraph (1) may result in a number containing a fraction;

(2) Second, calculate the number of Creditable On-Street Spaces for the Special Use as described in subsection (c), and divide the result by two (2). This calculation may also result in a number containing a fraction;

(3) Subtract the number calculated under paragraph (2) from the number calculated under paragraph (1). If the result includes a fractional space, any fraction under one-half (1/2) shall be disregarded and any fraction one-half (1/2) and over shall be increased to one (1) whole space. The amount determined under this paragraph (3) shall be the minimum number of off-street parking spaces required to operate the Special Use in the Commercial District between 9:00 A.M. and 5:00 P.M.

(b) Special Use. For purposes of this § 21-1415.1, the term "Special Use" means any use permitted by right, conditional use, or special exception in the Commercial District (*see* §§ 21-703, 21-704, and 21-705) *other* than a residential dwelling unit, motel, hotel, boarding house, motor inn, or bed and breakfast facility.

(c) Creditable On-Street Spaces. For purposes of this § 21-1415.1, the number of "Creditable On-Street Spaces" for all Special Uses on a lot in the Commercial District shall be equal to the number of feet along the portion of the curb of Main Street or Franklin Street which abuts the lot on the same side of the street as the lot, with the result divided by twenty-two (22). No Creditable On-Street Spaces are granted with respect to any frontage along any street other than Main Street or Franklin Street. If there is more than one Special Use on a lot, the owner of the lot may allocate the total number of Creditable On-Street Spaces for the lot among the Special Uses on the lot.

(d) Nighttime Requirements. In calculating the minimum number of off-street parking spaces under § 21-1415 for any Special Use operating in the Commercial District between 5:00 P.M. and 9:00 A.M., parking spaces for employees shall be computed on the basis of maximum employment on the largest shift between 5:00 P.M. and 9:00 A.M.

§ 21-1416 Parking Area Design.

(a) Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle. The width of entrance and exit drives shall be:

(l) A minimum of twelve (12) feet and a maximum of fifteen (15) feet at the curbline for one-way use only.

(2) A minimum of twenty (20) feet and a maximum of thirty (30) feet at the curbline for two-way use. Except as provided in subsection (d), there shall be at least forty (40) feet between all access points, and no access point shall be closer than thirty (30) feet from any street intersection.

(b) Except as provided in subsection (d), in no case shall parking areas for three (3) or more vehicles be designed to require or encourage cars to back into a public street in order to leave the lot.

(c) Except as provided in subsection (e), in the case of any parking or off-street loading area of five (5) or more spaces, all spaces not within buildings shall be provided with a suitable fence, wall, or evergreen planting at least four (4) feet in height, designed to screen visibility and headlight glare, and located between such parking spaces and any lot in a residential district that abuts directly or across a street.

(d) Within developments which include two-family detached dwellings (twins) and/or single-family attached dwellings (townhouses), as a conditional use, Council may permit the requirements of subsection (b) to be modified by replacing the number "three (3)" with the number "ten (10)" if there is to be no parking on the side of the public street in question where the vehicles back into the street, and at least part of the parking area is within one hundred fifty (150) feet of a lot improved or to be improved with a two-family detached dwelling (twin) or single-family attached dwelling (townhouse). Each of the vehicles in such a parking area may back directly into the street, without satisfying the access point separation requirements of subsection (a)(2). However, no portion of such a parking area may be closer than fifteen feet (15') to any portion of another parking area, nor closer than thirty feet (30') to any street intersection.

(e) Within developments which include two-family detached dwellings (twins) and/or single-family attached dwellings (townhouses), as a conditional use, Council may waive the requirements of subsection (c) if it determines that the screening in the particular case is more detrimental than beneficial.

§ 21-1417 Off-street Loading.

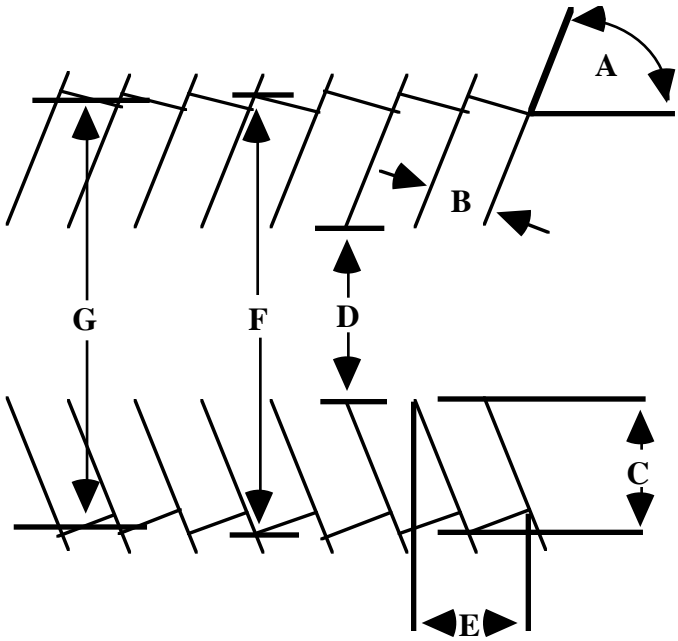
Off-street loading sufficient to accommodate the maximum demand generated by the use of the lot and with proper access from the street or alley shall be provided on any lot on which a building for business or industry is hereafter erected. All off-street loading and unloading spaces shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Borough Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property. Each off-street loading and unloading space shall be a minimum of twelve by thirty (12 x 30) feet (or, if greater, the minimum size necessary to accommodate the largest delivery vehicle to service the property) and, in addition, have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within and between off-street loading and parking areas.

§ 21-1418 Parking Design Standards.

(a) In General. The minimum dimensions of stalls and aisles shall be as follows:

PARKING TABLE

A	B	C	D	E	F	G
					Width of Double Row	
Parking Angle	Stall Width	Stall to Curb (feet)	Aisle Width (feet)	Curb Length per Car (feet)	Aisle (feet)	Between (feet)
0°	8’ 6”	8.5	12.0	23.0	29.0	29.0
	9’ 0”	9.0	12.0	23.0	30.0	30.0
	9’ 6”	9.5	12.0	23.0	31.0	31.0
	10’ 0”	10.0	12.0	23.0	32.0	32.0
20°	8’ 6”	14.5	11.0	24.9	40.0	32.0
	9’ 0”	15.0	11.0	26.3	41.0	32.5
	9’ 6”	15.5	11.0	27.8	42.0	33.1
	10’ 0”	15.9	11.0	29.2	42.8	33.4
30°	8’ 6”	16.9	11.0	17.0	44.8	37.4
	9’ 0”	17.3	11.0	18.0	45.6	37.8
	9’ 6”	17.8	11.0	19.0	46.6	38.4
	10’ 0”	18.2	11.0	20.0	47.4	38.7
45°	8’ 6”	19.4	13.5	12.0	52.3	46.3
	9’ 0”	19.8	13.0	12.7	52.6	46.2
	9’ 6”	20.1	13.0	13.4	53.2	46.5
	10’ 0”	20.5	13.0	14.1	54.0	46.9
60°	8’ 6”	20.7	18.5	9.8	59.9	55.4
	9’ 0”	21.0	18.0	10.4	60.0	55.5
	9’ 6”	21.2	18.0	11.0	60.4	55.6
	10’ 0”	21.5	18.0	11.5	61.0	56.0
70°	8’ 6”	20.8	19.5	9.0	61.1	58.2
	9’ 0”	21.0	19.0	9.6	61.0	57.9
	9’ 6”	21.2	18.5	10.1	60.9	57.7
	10’ 0”	21.2	18.0	10.6	60.4	57.0
80°	8’ 6”	20.2	24.0	8.6	64.4	62.9
	9’ 0”	20.3	24.0	9.1	64.6	63.0
	9’ 6”	20.4	24.0	9.6	64.8	63.1
	10’ 0”	20.5	24.0	10.2	65.0	63.3
90°	8’ 6”	19.0	25.0	8.5	63.0	63.0
	9’ 0”	19.0	24.0	9.0	62.0	62.0
	9’ 6”	19.0	24.0	9.5	62.0	62.0
	10’ 0”	19.0	24.0	10.0	62.0	62.0



(b) One Way Aisles. All aisles shall be one-way only unless the Parking Angle (item "A" in the Parking Table in subsection (a)) is ninety degrees (90°).

(c) Parking On Only One Side of Parking Aisle. If parking is only provided on one side of an aisle, and the Parking Angle (item "A" in the Parking Table in subsection (a)) is ninety degrees (90°), then the minimum Aisle Width (item "D" in the Parking Table in subsection (a)) shall be reduced to twenty (20.0) feet.

Article XV — Buffer Strips

§ 21-1501 Applicability.

(a) L-1 District. All lots or parts of lots in the L-1 Light Industrial–Office Research District which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential district or existing residential or related uses shall be screened from such uses by a fifty-foot (50') landscaped buffer strip area in accordance with this Article.

(b) Other Districts. All lots or parts of lots in the C-1 Commercial District or any Residential District which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to property in a residential district or with existing residential or related uses shall be screened from such uses by either—

(1) a five-foot (5') landscaped buffer strip area in accordance with this Article; or

(2) a buffer yard at least two (2) feet in width, which is not located within three (3) feet of any vehicular driving or parking area, and which contains a solid fence at least six (6) feet in height. All such fences shall comply with all other applicable requirements of this Chapter.

§ 21-1502 Screening.

Within required buffer strip areas, a solid and continuous landscape screen shall be planted and maintained. Said landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half (3 1/2) feet in height and of such species as will produce, within three (3) growing seasons, a screen at least six (6) feet in height, so as to continually restrict a clear view beyond said buffer strip.

§ 21-1503 Height Measurement.

The required height of the buffer strip shall be measured in relation to the elevation of the edge of the adjacent area to be screened. In cases where the ground elevation of the location at which the screen is to be planted is less than the elevation of the edge of the adjacent area, the required height of the screen shall be increased in an amount equal to said difference in elevation. In the event that the ground elevation of the location at which the screen is to be planted is greater than that at the edge of the adjacent area, the minimum height of the screen shall prevail.

§ 21-1504 Grading and Planting.

The entire buffer strip area shall be graded and planted with grass seed or sod. It shall also be planted with shrubbery or trees to a minimum of eight (8) feet in width (or, if less, the entire width of the buffer strip area). The entire area shall be attractively maintained and kept clean of all debris and rubbish.

§ 21-1505 Requirements for Occupancy Permit; Performance Guaranty.

The zoning occupancy permit for a use on the premises shall not be issued until such time as either the landscaping requirements, buffer strips, and/or other approved dividers as required by this Chapter are actually installed in full compliance herewith or, in the event that the season is not appropriate, a performance guaranty of one hundred percent (100%) of the cost, as approved by the Borough, has been deposited with the Borough Secretary. Such guaranty shall be in an acceptable form, and the depositor shall agree in making the deposit that if performance is not completed within the time specified by the Zoning Officer on the receipt delivered to the depositor, the Borough may complete the requirements and charge the cost against the deposit; otherwise the deposit shall be returned in full after the satisfactory completion of the work.

§ 21-1506 Deferral or Waiver of Buffer-Type Improvements with Consent of the Property Owner to be Protected by the Improvements.

(a) In General.

(1) Notwithstanding any other provision of this Chapter to the contrary, a developer or property owner may defer the installation of a Buffer-Type Improvement if the owner of the Protected Property consents to the deferral in a notarized writing filed with the Borough. The consenting owner or his successors in title to the Protected Property may withdraw his consent at any time, and such withdrawal shall take effect one (1) year after the date the owner files a notarized writing with the Borough.

(2) Notwithstanding any other provision of this Chapter to the contrary, a Buffer-Type Improvement otherwise required by this Chapter need not be installed or maintained by a developer or property owner if the use of the property without the Buffer-Type Improvement is so approved by Council as a conditional use. A development or property qualifies for a conditional use under this paragraph (2) if—

(A) the owner of the Protected Property, for himself and his successors in title to the Protected Property, consents in perpetuity that the Buffer-Type Improvement otherwise required by this Chapter need not be installed or maintained, and agrees that he and they will not seek any variance based on a hardship that would not have existed if the Buffer-Type Improvement had been installed, or that would not have been sufficient to justify the variance sought if the Buffer-Type Improvement had been installed; **and**

(B) Council determines that, for the foreseeable future, the owners of the Protected Property will be able to make reasonable use of the Protected Property without obtaining any variance related to a hardship which would not have existed if the Buffer-Type Improvement had been installed, or that would not have been sufficient to justify the variance sought if the Buffer-Type Improvement had been installed.

(b) Recorded Plan or Document.

(1) If a developer or property owner elects to defer the installation of a Buffer-Type Improvement under subsection (a)(1), then:

(A) if a subdivision and/or land development plan is required in connection with the activity that requires the installation of the Buffer-Type Improvement, then the developer or property owner must show the Buffer-Type Improvement on the approved and recorded subdivision and/or land development plan, with a notation that installation of the Buffer-Type Improvement is deferred under this Section by consent of the owner of the Protected Property until one (1) year after that consent is withdrawn, at which time the Buffer-Type Improvement will be installed; **or**

(B) if no subdivision and/or land development plan is required in connection with the activity that requires the installation of the Buffer-Type Improvement, then the developer or property owner must record a plan in the office of the Recorder of Deeds of Lehigh County, Pennsylvania which satisfies the requirements of a record plan for a final plan under Chapter 22 (relating to Subdivision and Land Development) and which shows the Buffer-Type Improvement with a notation that installation of the Buffer-Type Improvement is deferred under this Section by consent of the owner of the Protected Property until one (1) year after that consent is withdrawn, at which time the Buffer-Type Improvement will be installed.

(2) If Council approves a conditional use under subsection (a)(2), then the developer or property owner shall record a document in the office of the Recorder of Deeds of Lehigh County, Pennsylvania, signed and acknowledged by the owner of the Protected Property, which describes the Protected Property, the Buffer-Type Improvement which is not to be installed or maintained, and the property on which the Buffer-Tyipe Improvement would otherwise be required, and which includes the consent and agreement described in subsection (a)(2)(A). The conditional use approval shall be noted and described on any subdivision and/or land development plan which includes the property on which the Buffer-Type Improvement is not to be installed by virtue of the conditional use approval.

(c) Buffer-Type Improvement; Protected Property. For purposes of this Section, the term "Buffer-Type Improvement" means an improvement required under one of the following provisions of this Chapter, and the term "Protected Property" has the meaning set forth below:

(1) Section 21-802 (relating to Regulations for the L-1 Light Industrial-Office Research District—In General): the "Buffer-Type Improvement" is the fifty (50) foot buffer yard, and the "Protected Property" is the property(ies) which contains the proposed or existing residential, church, or related uses which are not light industrial, office, research, or commercial.

(2) Section 21-1305(e) (relating to Conditional Uses and Special Exceptions—Multifamily Dwellings and Single-family Attached Dwellings—Buffer Yards): the "Buffer-Type Improvement" is the fifty (50) foot buffer yard, and the "Protected Property" is the adjoining lot(s) that contains a nonresidential use.

(2.1) Section 21-1311(a) (relating to Conditional Uses and Special Exceptions—Nursery or Day-care Center—Screening of Outdoor Play Areas): the "Buffer-Type Improvement" is the required screening of outdoor play areas, and the "Protected Property" is an adjoining property.

(3) Section 21-1313(f) (relating to Conditional Uses and Special Exceptions—Planned Shopping Center—Buffer Yards): the "Buffer-Type Improvement" is the fifty (50) foot buffer yard, and the "Protected Property" is the property(ies) in the residential district which abut the lot line or street line which constitutes the residential district boundary line (or which abuts the portion of the street line on the opposite side of the street from the street line which constitutes the residential district boundary line).

(4) Section 21-1328(a) (relating to Conditional Uses and Special Exceptions—Multifamily Dwellings for the Elderly—Buffer Yards): the "Buffer-Type Improvement" is the twenty (20) foot buffer yard, and the "Protected Property" is the adjoining property(ies) which would be on the other side of the buffer yard.

(5) Section 21-1332(a) (relating to Conditional Uses and Special Exceptions—Public Storage Facilities—Minimum Yard Requirements and Buffer Yards): the "Buffer-Type Improvement" is the additional five (5) foot yard and the buffer strip to be installed in such yard, and the "Protected Property" is the abutting property(ies) with the residential use or in the residential district.

(6) Section 21-1410 (relating to Off-Street Parking and Loading—Walls or Bumper Guards): the "Buffer-Type Improvement" is the wall or bumper guard to prevent any vehicle from extending over any property line, and the "Protected Property" is the property(ies) which abut the property line segment over which vehicles from the parking area may extend.

(7) Section 21-1416(c) (relating to Off-Street Parking and Loading—Parking Area Design): the "Buffer-Type Improvement" is the fence, wall, or evergreen planting, and the "Protected Property" is the lot(s) in a residential district that abuts directly or across a street.

(8) Section 21-1501(a) (relating to Buffer Strips—Applicability—L-1 District): the "Buffer-Type Improvement" is the fifty (50) foot landscaped buffer strip area, and the "Protected Property" is the property(ies) adjacent to the side or rear lot lines which are in the residential district or which have existing residential or related uses.

(9) Section 21-1501(b) (relating to Buffer Strips—Applicability—Other Districts): the "Buffer-Type Improvement" is the five (5) foot landscaped buffer strip or two (2) foot buffer yard and six (6) foot fence, and the "Protected Property" is the property(ies) adjacent to the side or rear lot lines which are in the residential district or which have existing residential or related uses.

(10) Section 21-1701(*l*) (relating to Planned Neighborhood Convenience Centers—Authorization and Conditions—Buffer Strip): the "Buffer-Type Improvement" is the twenty-five (25) foot buffer strip, and the "Protected Property" is the abutting property(ies) along lot lines where the buffer strip is required or across the street along which the buffer strip is required.

§ 21-1507 Suggested Plant Materials for Buffer Areas.

Evergreen and Deciduous Trees

Botanical Name	Common Name
Abies concolor	White fir
Acer ginnala	Amur maple
A. platanoides	Norway maple
A. pseudoplatanus	Sycamore maple
A. rubrum	Red maple
A. saccharum	Sugar maple
Carpinus betulus	European hornbeam
Cornus mas	Cornelian cherry dogwood
Crataegus phaenopyrum	Washington hawthorn
Eucalyptus species	Eucalyptus
Fagus species	Beech
Fraxinus americana	White ash
Fraxinus pennsylvania lanceolata	Green ash
Juniperus species	Juniper
Ligustrum lucidum	Glosst privet
Maclura pomifera	Osage orange
Malus baccata	Siberian crab apple
Picea abies	Norway spruce
P. glauca	Colorado blue spruce

P. omorika	Serbian spruce
Pinus nigra	Austrian pine
P. resinosa	Red pine
P. strobus	White pine
Populus alba	White poplar
P. berolinensis	Berlin poplar
P. nigra italica	Lombardy poplar
P. simoni	Simon poplar
P. tremuloides	Quaking aspen
Pseudotsuga taxifolia	Douglas fir
Quercus (many species)	Oak
Q. imbricaria	Shingle oak
Q. phellos	Willow oak
Rhamnus davurica	Dahurian buckthorn
Syringa amurensis japonica	Japanese tree lilac
Thuja species	Arborvitae
Tilla species	Linden
Tsuga caroliniana	Carolina hemlock
Ulmus americana	American elm
U. pumila	Siberian elm
Viburnum prunifolium	Blackhaw viburnum

Shrubs

The best plants for screening are the evergreen trees like pines and hemlocks. Less expensive and faster growing screens can be made from the following shrubs, but to be effective, these plants must be placed fairly close together, often in a double row. Such deciduous screens can be used temporarily until slower growing evergreen trees have sufficient time to become serviceable, then deciduous plants can be removed.

Botanical Name	**Common Name**
Acer ginnala	Amur maple
Buxus sempervirens	Common box
Caragana arborescens	Siberian pea shrub
Cornus mas	Cornelian cherry dogwood
Elaeagnus angustifolia	Russian olive
Euonymus bungeana sempersistens	Euonymus bungeana sempersistens
E. europaea	E. europaea
E. yedoensis	Yeddo Euonymus
Hamamelis vernalis	Vernal witch hazel

Kolkwitzia amabilis	Beauty bush
Lagerstroemia indica	Crepe myrtle
Laurus nobilis	Sweet bay
Ligustrum species	Privet
Lonicera bela	Bell honeysuckle
L. maacki podocarpa	Amur honeysuckle
L. tatarica	Tatarian honeysuckle
Magnolia stellata	Star magnolia
Philadelphus coronarius	Sweet mock orange
P. grandiflorus	Big scentless mock orange
P. monstrosus	Monstros mock orange
P. Pubescens	Hoary mock orange
Photinia species	Photinia
Physocarpus opulifolius	Eastern ninebark
Prinsepia sinensis	Cherry Prinsepia
Prunus laurocerasus	Portugal laurel
Rhamnus frangula	Alter buckthorn
Spiraea veitchi	Veitch spirea
Symplocos paniculata	Asiatic sweetleaf
Syringa amurensis japonica	Japanese tree lilac
S. henryi	Henry lilac
S. josikaea	Hungarian lilac
S. prestoniae	Preston lilac
S. villosa	Late lilac
S. vulgaris	Common lilac
Thuja occidentalis	American arborvitae
T. orientalis	Oriental arborvitae
Vaccinium arboreum	Farkleberry
Viburnum dentatum	Arrowwood Viburnum
V. lantana	Wayfaring tree
V. lentago	Nannyberry
V. prunifolium	Black haw Viburnum
V. rufidulum	Southern black haw Viburnum
V. Sieboldi	Siebold Viburnum

Article XVI — Sign Regulations

§ 21-1601 Purpose.

This Article recognizes that signs perform an important function by identifying offices, businesses, and industry, but that minimum control of signs is necessary to promote the health, safety, and general welfare by lessening hazards to pedestrian and vehicular traffic, by conserving property values, by preventing unsightly and detrimental development which has a blighting influence upon residential, business, and industrial uses, by preventing signs from reaching such excessive size that they obscure one another to the detriment of all concerned, and by securing certain fundamentals of design for the Borough.

§ 21-1602 Definitions.

As used in this Article, the following terms shall have the meanings indicated:

(a) Sign: Any permanent or temporary structure or part thereof, or any device attached, painted, or represented directly or indirectly on a structure or other surface, that shall display or include any letter, word, insignia, flag, or representation used as or which is in the nature of an advertisement, announcement, visual communication, or direction, or is designed to attract the eye or bring the subject to the attention of the public. Flags of any governmental unit or branch or of any charitable or religious organization, interior signs not visible from a public right-of-way or adjoining property, and cornerstones built into or attached to a wall of a building are excluded.

(b) On-Premises Sign: A lawful sign which directs attention to a person, business, profession, home occupation or activity conducted on the same lot.

(c) Off-Premises Sign: A lawful sign which directs attention to a person, business, profession, product, home occupation, or activity not conducted on the same lot. No more than one (1) "off-premises sign" shall be permitted for any use.

(d) Freestanding Sign: A self-supporting lawful sign resting or supported by means of poles or standards on the ground. The height of freestanding signs shall be measured from the curb level.

(e) Parallel Sign: A lawful sign mounted parallel to a wall or other vertical building surface. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted, nor project more than eighteen (18) inches from its surface.

(f) Window Sign: A temporary or permanent lawful sign which is oriented to the public right-of-way, is legible to persons in vehicles, and is located on the outside or inside of a window to direct attention to an activity conducted on the same lot.

(g) Projecting Sign: Any lawful sign mounted on a wall or other vertical building surface, other than a parallel sign. Projecting signs shall not project more than eighteen (18) inches from the wall or surface to which they are mounted, nor in any way interfere with normal pedestrian or vehicular traffic, nor project over or encroach within any street line.

(h) Roof Sign: A lawful sign erected upon the roof or parapet of a building. No sign except such directional devices as may be required by the Federal and State Aviation Authorities shall be placed, inscribed, or supported upon the roof or upon any structure which extends above the roof or parapet of any building.

§ 21-1603 Prohibited Signs.

The following signs are prohibited in all districts:

(a) Signs which in any way simulate official, functional, directional, or warning signs erected or maintained by the United States government, the Commonwealth of Pennsylvania, a county or municipality thereof, or by any railroad, public utility, or similar agency concerned with the protection of public health or safety.

(b) Banners, spinners, flags, pennants, or any moving object used for commercial advertising purposes, whether containing a message or not.

(c) Flashing, blinking, twinkling, animated, twirling, or moving signs of any type, except those portions of signs which indicate time and temperature changes.

(d) Any sign containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this Chapter in the district in which the property to which the sign relates is located.

(e) On-site signs advertising a use no longer in existence or a project no longer available shall be removed or changed to advertise the new use or product immediately after cessation of the original use. Signs once removed shall be replaced only by signs in conformance with this Chapter.

(f) No signs except those of a duly constituted governmental body, including traffic signs and similar regulatory notices, shall be allowed within street lines unless specifically authorized by other ordinances and regulations of the Borough and in compliance with the Commonwealth of Pennsylvania regulations.

(g) No vehicle shall be permitted to carry a sign affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose but becomes a primary purpose in itself.

§ 21-1604 Permit Requirements.

(a) All on-premises signs and all off-premises signs, including temporary signs, regardless of size, shall require the issuance of a zoning permit from the Zoning Officer before erection or replacement. All signs must comply with all of the regulations contained herein, regardless of

whether a permit is required. However, no permit shall be required to repaint any sign, *provided* there are no changes or alterations whatsoever.

(b) Permits for temporary signs shall be for a maximum period of twelve (12) months. The permit for such signs may be renewed at the end of each twelve (12) month period.

§ 21-1605 Nonconforming Signs.

(a) Only lawful signs existing at the time of passage of this Chapter (or any predecessor zoning ordinance) or any amendment thereto and which do not conform to the requirements of the Chapter (or predecessor zoning ordinance) as so passed or amended shall be considered nonconforming signs, and once removed, shall be replaced only with conforming signs. However, lawful nonconforming signs may be repainted or repaired, *provided* such repainted or repaired sign does not exceed the dimensions of the existing sign. Any sign or billboard destroyed, damaged, or dismantled for any reason whatsoever may only be rebuilt on its previous location in strict conformity with the regulations of the district in which it is located.

(b) Every unlawful sign (a sign which does not have a zoning permit and which does not conform to the provisions of this Article) erected prior to March 5, 1975 shall be removed within thirty (30) days from the date of official notification of the Zoning Officer. All signs erected prior to March 5, 1975 which do not have a zoning permit but do conform to the provisions of this Article shall be required to apply for a zoning permit within sixty (60) days after March 5, 1975.

§ 21-1606 Area of Signs.

(a) The size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures, unless such supporting structure is illuminated or is in the form of a symbol or contains advertising copy. In the case of signs that have no definable edges, such as raised letters attached to a building facade, the sign size shall be that area within the smallest rectangle enclosing the extreme limits of the actual message or copy area.

(b) 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 enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(c) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters and symbols.

(d) In computing square foot area of a double-face sign, only one (1) side shall be considered, *provided* both faces are identical. If the interior angle formed by the two (2) faces of the double-faced sign is greater than forty-five degrees (45°), then both sides of such sign shall be considered in calculating the sign area, and it shall be considered as a parallel sign.

(e) If an establishment has walls fronting on two (2) or more streets, the sign area for each fronting street may be computed and used. The sign shall be placed on the frontage used in the computation. When a freestanding sign is used, only one (1) wall sign shall be allowed.

§ 21-1607 Illumination of Signs.

The following regulations apply to the illumination of signs.

(a) Directly Illuminated Sign: A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and exposed lamp signs. Signs may be illuminated by direct lighting but shall have such lighting shielded so no direct light will shine on abutting properties or in the normal line of vision of the public using the streets or sidewalks. No flood- or spotlights shall be mounted higher than twenty-five (25) feet above ground level.

(b) Indirectly Illuminated Sign: A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

(c) Flashing and Moving Sign: A sign that is prohibited in all districts but is an illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

(d) Festoon Lighting is prohibited in all districts and is a directly illuminated sign comprised of either:

(1) A group of incandescent light bulbs hung or strung overhead or on a building or structure; or

(2) Light bulbs not hooded or otherwise screened to prevent the direct rays of the light from shining on an adjacent property or right-of-way.

§ 21-1608 General Performance Criteria.

All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Electrical signs shall be subject to the performance criteria of the Underwriters' Laboratories, Inc., or to applicable Borough codes, whichever is more stringent.

§ 21-1609 Application to Smokestacks, Water Towers, and Similar Structures.

All sign provisions of this Chapter shall apply to smokestacks, water towers and other similar structures.

§ 21-1610 Interference with Traffic.

No sign shall be so located or arranged that it interferes with traffic through glare, through blocking of reasonable sight lines for streets, sidewalks, or driveways, through confusion with a traffic control device (by reason of color, location, shape, or other characteristic), or through any other means. In no case shall any sign, other than an official governmental sign, be erected within the official right-of-way of any street unless specifically authorized by other ordinance or regulations of the Borough and in conformance with the Commonwealth of Pennsylvania regulations, where appropriate. No sign shall violate the corner visibility restrictions outlined in this Chapter.

§ 21-1611 Setbacks.

(a) In General. All signs, other than those traffic control signs permitted within the street right-of-way, shall be set back from the street right-of-way line a minimum distance of two (2) feet or as otherwise specified in this Chapter and in conformance with the minimum regulations outlined in corner visibility restrictions of this Chapter.

(b) Freestanding Signs. All freestanding signs shall be set back at least ten (10) feet from the front lot line.

§ 21-1612 Protection of Residential Districts.

(a) Buffer. No freestanding sign in other than a residential district shall extend within fifty (50) feet of any residential district boundary line.

(b) Off-Premises Advertising. No sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered only elsewhere than upon the premises where it is displayed shall be established nearer than one hundred (100) feet to a residential district, unless the advertisement surface of such sign is not visible therefrom and does not create a nuisance to adjacent property owners, in which instance such sign shall be no closer than fifty (50) feet to a residential district.

(c) Signs Facing Residential District. No sign in other than a residential district shall be located so as to face any residential district on the same side of the street as the property bearing the sign fronts. This provision shall not apply to signs at right angles to the street line of such street.

(d) Exceptions by Consent of Adjoining Property Owners.

(1) In General. A developer or property owner may install a sign otherwise prohibited by virtue of subsection (b) or (c) if the owner of the Protected Property consents to the installation in a notarized writing filed with the Borough. The consenting owner or his successors in title to the Protected Property may withdraw his consent at any time, and such withdrawal shall take effect one (1) year after the date the owner files a notarized writing with the Borough.

(2) Recorded or Filed Plan. If a developer or property owner elects to install a sign under this subsection (d), then:

(A) if a subdivision and/or land development plan is required in connection with the proposed sign, then the developer or property owner must show the sign on the approved and recorded subdivision and/or land development plan, with a notation that the sign is permitted under this subsection by consent of the owner of the Protected Property until one (1) year after that consent is withdrawn, at which time the sign must be removed or moved to a permitted location; **or**

(B) if no subdivision and/or land development plan is required in connection with the proposed sign, then the developer or property owner must file a plan, bearing the notarized signature of the property owner, showing the location of the proposed sign, with a notation that the sign is permitted under this subsection by consent of the owner of the Protected Property until one (1) year after that consent is withdrawn, at which time the sign must be removed or moved to a permitted location.

(3) Protected Property. For purposes of the exemption from subsection (b), the term "Protected Property" means a property(ies) in a residential district which is within one hundred (100) feet of the sign; and for purposes of the exemption from subsection (c), the term "Protected Property" means any abutting property which is on the same side of the street and which the sign faces.

§ 21-1613 Temporary Signs.

(a) For Sale or For Rent Signs. A temporary sign may be permitted within the property lines, advertising the prospective or completed sale or rental of the premises upon which it is located, not exceeding six (6) square feet in area within any residential district and not exceeding thirty-two (32) square feet in area within commercial and industrial districts, *provided* that it shall be maintained and removed within seven (7) days after consummation of a lease or sale transaction.

(b) Construction Sites. Temporary signs may be permitted on new construction sites, such signs not to exceed thirty-two (32) square feet in total area, *provided* they shall be removed within seven (7) days after completion of the construction work, and not more than one (1) sign shall be placed on each street frontage of the construction site.

(c) Noncommercial Signs. Temporary signs may be permitted on nonresidential properties only, announcing or advertising any political, educational, charitable, civic, professional, religious, or like campaign or event for a total period not to exceed thirty (30) days in any calendar year, *provided* they do not exceed thirty-two (32) square feet in area and are removed promptly after the conclusion of the campaign or event.

(d) Special Occasions. Special promotional devices, signs or displays such as floodlights, flags, banners, pennants, A-type (sandwich type) sidewalk or curb signs, and related devices shall only be permitted for a new business and an existing business for special occasions not more than four (4) times a year in a commercial or industrial district for a period of not more than a total of fifteen (l5) days in any one (1) calendar year. At no other time shall such devices be permitted.

§ 21-1614 Signs Permitted in Residential Districts.

The following signs are permitted in residential districts, *provided* that no directly illuminated signs shall be allowed:

(a) On-premises Signs.

(l) Official traffic signs and other official federal, state, county, and municipal governmental signs.

(2) Signs displaying only the name and address of the occupant of the premises, *provided* that the area of any such sign shall not exceed one (1) square foot and not more than one (1) such sign shall be erected for each occupant of a premises, unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.

(3) Signs for bulletin or announcement boards or for identification of permitted nonresidential buildings or uses, *provided* that the area of any such sign shall not exceed fifteen (15) square feet.

(4) Signs advertising the sale, lease, or rental of property, *provided* that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one (1) street, in which case one (1) such sign shall be allowed for each frontage. All signs shall be removed within seven (7) days after an agreement of sale or rental has been entered into.

(5) Trespassing signs and signs indicating the private nature of a road, driveway, or premises, *provided* that the area of any such sign shall not exceed two (2) square feet.

(6) Temporary signs erected in connection with the development or proposed development of the premises by a builder, contractor, developer, or other persons interested in such sale or development, *provided* that the aggregate area of the sign shall not exceed thirty-two (32) square feet. Such signs shall be removed within seven (7) days after the last structure has been initially occupied.

(7) Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization, or a sporting event. Such signs shall not exceed thirty-two (32) square feet in area and shall be removed immediately upon completion of the campaign, drive, or event.

(b) Off-premises Signs.

(1) Signs directing patrons, members, or audiences to temporary exhibits, shows, or events located in the Borough, and signs erected in conjunction with a political election, subject to the following requirements:

(A) No such sign shall exceed twenty-five (25) square feet in area.

(B) Signs shall be removed within one (1) week after the date of the exhibit, show, event, or election.

(C) No permit shall be issued for the erection of such signs until a deposit shall be made with the Zoning Officer in accordance with a fee schedule adopted by Council to guarantee removal within the time prescribed. Failure to remove such signs within the time prescribed shall result in forfeiture of the deposit.

(D) No such sign shall be posted earlier than three (3) weeks before the occurrence of the event to which it relates, with the exception of political signs, which shall be posted not earlier than one (1) month prior to an election.

(2) Signs necessary for the direction, regulation, and control of traffic, street name signs, legal notices, warning at railroad crossings, and other official signs which are similarly authorized or erected by a duly constituted governmental body.

§ 21-1615 Signs Permitted in Commercial Districts.

No sign shall be permitted in commercial districts except as follows:

(a) On-premises Signs.

(1) All signs permitted in § 21-1614 according to the standards prescribed therein except as otherwise provided in this section.

(2) No sign except such directional devices as may be required by the Federal Aviation Administration shall be placed, inscribed, or supported upon the roof or upon any structure which extends above the roof or parapet of any building, except as allowed herein.

(3) Parallel and projecting signs, *provided*:

(A) Signs attached to a main wall of a principal building shall not project more than eighteen (18) inches therefrom and no portion shall be less than ten (10) feet above the basic grade and no more than thirty-five (35) feet above the basic grade. If not projecting more than three (3) inches from a wall of a building, the sign may be placed lower than the ten (10) foot height limit.

(B) The total area of all signs shall not exceed twenty-five percent (25%) of the area of the building face (including window and door area and cornices) to which they are attached. In no case, however, shall the total area of all signs exceed seventy-five (75) square feet.

(C) Permanent window signs shall be considered parallel signs and included in this computation, but shall nevertheless not exceed forty percent (40%) of the total window area on each street.

(D) In the case of a group of stores, offices, or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, or similar use.

(b) Freestanding Signs.

(1) Except as otherwise provided in this subsection (b), only one (1) freestanding sign shall be permitted on a lot for each street which abuts the lot. The sign permitted for a given street shall be located in the yard which abuts that street and be directed towards persons using that street.

(2) No portion of any such sign shall be more than thirty-five (35) feet above the ground.

(3) The area of any face of a freestanding sign, except such signs as described below, shall not exceed one (1) square foot for each two (2) feet of lineal lot frontage or seventy-five (75) square feet, whichever is smaller.

(4) No sign shall be located beyond the rear wall of the main building when the rear property line upon which it is situated abuts a residential district, except signs that convey information such as parking, entrances, and traffic flow directions. The area on one (1) side of any such sign shall not exceed eight (8) square feet.

(5) In the case of a group of business uses held in single and separate ownership, a single freestanding sign, including individual signs identifying different establishments, may be erected on a common backing, *provided* that the total area of one (1) side of the sign does not exceed seventy-five (75) square feet and that any individual sign does not exceed four (4) square feet. The structural backing for all such signs shall be uniform, and no sign may extend, in any direction, beyond the outside edge of the backing. No portion of any such backing shall be more than thirty-five (35) feet above the ground, nor be placed or extend within any existing or future road right-of-way.

(6) In addition to the signs described above, signs that convey information such as parking, entrances, and traffic flow directions shall be permitted if approved by Council as a conditional use.

§ 21-1616 Signs Permitted in Light Industrial–Office Research Districts.

No sign shall be permitted in a light industrial-office research district except as follows:

(a) All signs permitted in § 21-1615.

Article XVII — Planned Neighborhood Convenience Centers

§ 21-1701 Authorization and Conditions.

A planned neighborhood convenience center may be permitted in any district where designated as a use permitted by right, condition, or special exception. All of the following criteria, standards and conditions for such use shall apply. A planned neighborhood convenience center shall be:

(a) A totally planned development on contiguous land under single ownership or control; all proposed uses shall be submitted for the total development of the site.

(b) Intended and planned to primarily serve the daily and convenient shopping and personal service needs of residences within approximately three (3) miles of the planned neighborhood convenience center.

(c) Designed so that the building coverage does not exceed thirty percent (30%) of the lot area.

(d) Accessed by vehicle only from—

(1) a collector street; and/or

(2) a local street that is at least thirty (30) feet wide.

No vehicular access to/from the planned neighborhood convenience center from/to a local street shall be more than one thousand five hundred (1,500) feet from the nearest collector street or arterial street (measured along the center line of the local street, from the intersection of the street center line and a perpendicular line passing through the center of the access entrance/exit, to the intersection of the center lines of the local street and the collector or arterial street). The uses in the planned neighborhood convenience center shall be restricted such that the average number of trips per business day to/from the planned neighborhood convenience center which utilize any given local street shall not exceed one thousand (1,000).

(e) Based on the market feasibility study submitted by the developer and prepared in accordance with professionally accepted standards for real estate economics and market research. Such study shall document the anticipated primary service area of the development, the types and magnitudes of shopping and personal service demands of the anticipated service area, and the types and recommended floor areas of stores, shops, and offices and other activities proposed.

(f) Located on a site of not less than two (2) acres.

(g) Planned to include the following types of land use activities or similar uses thereto necessary to serve the neighborhood: grocery store, pharmacy, bakery shop, confectionery, ice cream parlor, gift shop, beauty shop, barbershop, shoe repair, small appliance repair, dry cleaner, medical and dental offices, branch bank, professional or related service offices, lunch counter, place for sale and consumption of beverages and ice cream, household goods store, local government offices, library, nursery or day-care center. The above uses shall be permitted only when performed entirely within an enclosed building and in accordance with the access, setback, sign, and other applicable provisions of this Chapter.

(h) Planned to reflect floor areas for each store, shop, office, or other proposed activity which are consistent with the market feasibility study prepared in accordance with subsection (e).

(i) Provided with parking facilities in accordance with the provisions of this Chapter.

(j) Governed by the sign regulations of this Chapter. Signs which portray the name of the planned neighborhood convenience center shall be limited to a total of two (2) signs. There shall be only one (1) identification sign for each entrance to each store, shop, office, or other establishment, such sign to be attached flat against the face of the building.

(k) Designed so that the arrangement and appearance of buildings and grounds will be functionally and visually harmonious with the character and value of the neighborhood.

(*l*) Surrounded by a twenty-five (25) foot buffer strip, except for—

(1) portions abutting arterial streets;

(2) portions abutting collector streets where the property on the opposite side of the collector street is not located in a residential zoning district;

(3) locations where vehicles access the planned neighborhood convenience center from abutting streets, together with associated required clear-sight areas; and

(4) locations where Council approves pedestrian access to the planned neighborhood convenience center.

Such buffer strip shall be so designed that a dense screen of planted trees, shrubs, or other plant material, or a natural area of forest, provides a substantial barrier to visibility, airborne particles, glare, and noise; plant materials used in screen planting shall be of such species and size as to produce, within three (3) years, a complete visual screen of at least six (6) feet in height.

(m) Lighted in a manner which will not emit glare and visual disturbances to the neighborhood; lighting shall be provided only in accordance with this Chapter.

(n) Designed so that there are no more than two (2) ingress or egress points on each abutting street, and so that traffic congestion in the center and in the vicinity of the center is minimized.

Article XVIII — Zoning Hearing Board

§ 21-1801 Establishment; Existing Board; Pending Matters.

The Borough Council shall create a Zoning Hearing Board, which shall supersede the existing Board of Adjustment. The three (3) members of the existing Board of Adjustment shall become the members of the Zoning Hearing Board and shall serve until their terms expire. Matters pending before any Board of Adjustment or Board of Appeals as of April 4, 1975 shall continue and be completed under the former law in effect at the time such Board took jurisdiction of them.

§ 21-1802 Membership; Term.

(a) Regular Members. The membership of the Zoning Hearing Board shall consist of three (3) residents of the Borough, appointed by Council. The terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Borough.

(b) Alternate Members. Council may appoint at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of § 21-1804, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by this Chapter for members of the Zoning Hearing Board, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the Borough, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated pursuant to § 21-1805 unless designated as a voting alternate member pursuant to § 21-1804.

§ 21-1803 Removal of Members.

Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of Council, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§ 21-1804 Organization.

(a) The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in § 21-1806.

(b) If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

(c) The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a report of its activities to Council as requested by Council.

§ 21-1805 Compensation and Expenditures.

(a) Council may appropriate funds to finance the preparation of zoning ordinances and amendments and shall appropriate funds for administration, for enforcement and for actions to support or oppose, upon appeal to the courts, decisions of the Zoning Hearing Board.

(b) Council shall make provision in its budget and appropriate funds for the operation of the Zoning Hearing Board.

(c) Within the limits of funds appropriated by Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. The legal counsel shall be an attorney other than the Solicitor for the Borough.

(d) Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by resolution of Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Council. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by resolution of Council, for the performance of their duties when designated as alternate members, but in no case shall such compensation exceed the rate of compensation authorized to be paid to members of Council.

(e) The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if a transcript is ordered by the Zoning Hearing Board or Hearing Officer, or shall be paid by the person appealing from the decision of the Zoning Hearing 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.

§ 21-1806 Hearings.

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

(a) Notice. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, all persons owning property adjoining the premises in question, and to any person who has made a timely request for the same. Written notices shall be given at least fifteen (15) days before the date of hearing. 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 (1) week prior to the hearing.

(b) Time. The first hearing shall be commenced within sixty (60) days from the date of the receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or the Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after

the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief, *provided* the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon written consent or consent on the record by the applicant and the Borough, be granted additional hearings to complete their opposition to the application, *provided* the applicant is granted an equal number of additional hearings for rebuttal.

(c) Hearing Officer. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing 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 Zoning Hearing 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 Zoning Hearing Board and accept the decision or findings of the Hearing Officer as final.

(d) Parties. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person, including civic or community organizations, permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter their appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

(e) Oaths; Subpoenas. The Chairman or Acting Chairman of the Zoning Hearing Board or the Hearing Officer presiding shall have the 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.

(f) Rights of Parties. 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.

(g) Rules of Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(h) Stenographic Record. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The cost of the stenographer's appearance fee and the cost of the original transcript and copies shall be paid as set forth in § 21-1805(e).

(i) Ex Parte Communications. The Zoning Hearing Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, and shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.

(j) Decision or Findings. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing 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 therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10101 *et seq*., this Chapter, or of any other ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days after the last hearing, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer.

(k) Deemed Approval. Except for challenges filed under section 916.1 of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10916.1 (relating to landowner curative amendments), where the Zoning Hearing Board fails to render the decision within the period required by subsection (j), or fails to commence, conduct, or complete the required hearing as provided in subsection (b), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (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 Zoning Hearing 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.

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

§ 21-1807 Exclusive Jurisdiction.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications on the following matters:

(a) Substantive challenges to the validity of any land use ordinance of the Borough, except those brought before Council as landowner curative amendments pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. §§ 10609.1 and 10916.1(a)(2).

(b) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.

(c) Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

(d) Appeals from the determination by a municipal engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

(e) Applications for variances from the terms of this Chapter and any flood hazard ordinance or such provisions within a land use ordinance, pursuant to § 21-1809.

(f) Applications for special exceptions under this Chapter or any flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to § 21-1810.

(g) Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Articles V or VII of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10501 *et seq*. and § 10701 *et seq*.

§ 21-1808 Challenges to the Validity of the Chapter.

(a) A landowner who, on substantive grounds, desires to challenge the validity of this Chapter or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:

(1) to the Zoning Hearing Board under § 21-1807; or

(2) to Council, together with a request for a curative amendment under Section 609.1 of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10609.1.

(b) Persons aggrieved by a use or development permitted on the land of another by this Chapter or the Official Zoning Map, or any provision thereof, who desires to challenge its validity on substantive grounds, shall first submit their challenge to the Zoning Hearing Board for a decision thereon under § 21-1807(a).

(c) The submissions referred to in subsections (a) and (b) shall be governed by the standards set forth in Section 916.1(c) of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10916.1(c).

(d) The Zoning Hearing Board or Council, as the case may be, shall commence its hearings within sixty (60) days after the request is filed, unless the landowner requests or consents to an extension of time.

(e) Public notice of the hearing shall include notice that the validity of this Chapter or the Official Zoning Map is in question, and shall give the place where and the times when a copy of the request, including any plans, explanatory material, or proposed amendments, may be examined by the public.

§ 21-1809 Variances.

(a) In General. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. 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 the 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, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(b) Fair Housing Act Compliance. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

(1) In General. The Board shall also hear requests for variances and grant variances providing reasonable accommodations to the provisions of this Chapter when such accommodations may be necessary—

(A) to afford a handicapped person equal opportunity to use and enjoy a dwelling unit, including public and common use areas; or

(B) to permit reasonable modifications of existing premises occupied or to be occupied by such a handicapped person if such modifications may be necessary to afford the handicapped person full enjoyment of the premises of a dwelling.

(2) Handicapped Person. For purposes of this subsection (b), the term "handicap", with respect to a person, shall mean a physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment, all as further defined at 24 C.F.R. § 100.201.

(3) Construction. This subsection (b) shall be construed and applied so as to avoid unlawful discrimination under the Fair Housing Act, as amended, and its implementing regulations, especially 42 U.S.C. § 3604(f)(3)(A) and (B), and 24 C.F.R. §§ 100.203 and 100.204.

(c) Conditions. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

§ 21-1810 Special Exceptions.

Where Council in this Chapter has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. 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.

§ 21-1811 Parties Appellant Before the Zoning Hearing Board.

(a) Cases brought under subsection (a), (b), (c), (d), or (g) of § 21-1807 may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved.

(b) Requests for a variance under §§ 21-1807(e) and 21-1809 and for a special exception under under §§ 21-1807(f) and 21-1808 may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

§ 21-1812 Time Limitations.

(a) No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan for a planned residential development pursuant to Section 709 of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10709, or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter, the Official Zoning Map, or other ordinance, pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10916.2, to the extent such decisions are permitted by this chapter, shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative approval.

(b) All appeals from determinations adverse to the landowners made pursuant to subsection (c), (d), or (g) of § 21-1807 and pursuant to any preliminary opinion of the Zoning Officer, to the extent permitted by this Chapter, which is adverse to the landowner, shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

§ 21-1813 Stay of Proceedings.

Upon the filing of any proceeding referred to in § 21-1811 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order, or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

§ 21-1814 Mediation Option.

(a) Parties to proceedings authorized in this Chapter and in Article X-A of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 11001-A *et seq.*, may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Chapter and in Article X-A of the Pennsylvania Municipalities Planning Code once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

(b) Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Borough shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

(1) funding mediation.

(2) selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning law and subdivision procedures and demonstrated skills in mediation.

(3) completing mediation, including time limits for such completion.

(4) suspending time limits otherwise authorized in this Chapter and the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10101 *et seq.*, *provided* there is a written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.

(5) identifying all parties and affording them the opportunity to participate.

(6) subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

(7) assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in other sections of this Chapter and the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10101 *et seq*.

(c) No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Article XIX — Interpretation and Amendments

§ 21-1901 Conflicting Provisions.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of public health, safety, morals, and general welfare. Wherever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

§ 21-1902 Application of District Regulations.

(a) The regulations set by this Chapter, particularly those listed below in subsections (b) through (f) of this section, shall apply uniformly to each class or kind of structure or land, except as specifically provided for in this Chapter.

(b) No building, structure, or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, internally or externally, unless in conformity with the regulations herein specified for the district in which it is located.

(c) No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house an excessive number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this Chapter.

(d) No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(e) No yard or lot existing as of March 5, 1975 shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after April 4, 1975 shall meet at least the minimum requirements established by this Chapter.

(f) All territory which may hereafter be annexed to the Borough shall be considered to be zoned in the same manner as the contiguous territory inside the previous Borough limits until otherwise classified.

§ 21-1903 Amendments and Procedures.

(a) Amendment. Council may, from time to time, amend this Chapter and/or the Official Zoning Map after public notice and hearing.

(b) Procedure. The following procedures shall be observed in amending this Chapter or the Official Zoning Map:

(1) For the preparation of amendments to this Chapter, the procedure set forth in Section 607 of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10607, for the preparation of a proposed zoning ordinance shall be optional.

(2) Before voting on the enactment of an amendment, Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

(3) In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough Secretary shall submit each such amendment to the Borough Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Borough Planning Commission an opportunity to submit recommendations.

(4) If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

(5) At least thirty (30) days prior to the public hearing on the amendment by Council, the Borough Secretary shall submit the proposed amendment to the Lehigh Valley Planning Commission for recommendations.

(c) Publication, Advertisement, and Availability of Ordinances.

(1) Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this subsection, and shall include the time and place of the meeting at which passage will be considered, a reference to the place within the Borough where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough shall publish the proposed ordinance or amendment once in a newspaper of general circulation in the Borough not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

(A) A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.

(B) An attested copy of the proposed ordinance shall be filed in the County Law Library or other county office designated by the Lehigh County Commissioners.

(2) In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, Council shall, at least ten (10) days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

(3) Within thirty (30) days after enactment, a copy of the amendment to this chapter shall be forwarded to the Lehigh Valley Planning Commission.

Article XX — Administration, Fees, Permits, and Penalties

§ 21-2001 Zoning Officer.

A Zoning Officer shall be appointed by Council to administer and enforce this Chapter. The Zoning Officer shall meet any qualifications established by Council and shall be able to demonstrate to the satisfaction of Council a working knowledge of municipal zoning. The Zoning Officer shall not hold any elective office in the Borough. The Zoning Officer's duties shall include but not be limited to the following:

(a) Receive and examine all applications for zoning permits and issue zoning permits only for any use or change of use which conforms to this Chapter.

(b) Refer zoning permit applications for special exceptions to the Zoning Hearing Board.

(c) Refer zoning permit applications for conditional uses to the Planning Commission.

(d) Issue permits for construction or uses requiring a special exception or variance only upon order of the Zoning Hearing Board. Permits requiring approval by Council shall be issued only after receipt of an authorization from the Council.

(e) Following refusal of a permit, receive applications for interpretation appeals and variances and forward these applications to the Zoning Hearing Board for action thereon.

(f) Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Chapter.

(g) Issue enforcement notices for violations of this Chapter as set forth in § 21-2005. Any failure to comply with such enforcement notice shall constitute a violation of this Chapter.

(h) Institute civil enforcement proceedings as a means of enforcement when acting within the scope of such Zoning Officer's employment, subject to the approval or direction of Council in cases of equitable actions as set forth more particularly in § 21-2006.

(i) Keep an official record of all 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. The Zoning Officer shall also file copies of all applications received, permits issued, and reports and inspections made in connection with any structure, building, or land.

(j) Maintain a map or maps showing the current zoning classification of all land in the Borough.

(k) Identify, register, and map all nonconforming lots, uses, and structures created as a result of the adoption of this Chapter (or any predecessor zoning ordinance) or created as a result of amendments thereto, and in each such case, the Zoning Officer shall indicate the reasons it was identified as a nonconformity.

(l) Issue occupancy permits in accordance with the terms of this Chapter.

§ 21-2002 Fees, Charges, and Expenses.

(a) Zoning Hearing Board or Conditional Use Proceedings.

(1) Base Fees. The base fee for a proceeding before the Zoning Hearing Board (whether an appeal, request for a variance, interpretation, special exception, etc.) or a conditional use proceeding before Council shall be Two Hundred Dollars ($200.00).

(2) Additional Fees. In addition to the base fees set forth in paragraph (1), the Borough shall recover from the applicant all properly-chargeable engineering and legal costs incurred by the Borough in connection with the proceeding.

(3) Escrow. The applicant shall deposit the sum of Four Hundred Dollars ($400.00) with the Borough at the time the application is filed as security for the payment of additional fees under paragraph (2), and shall replenish any sums drawn against the escrow upon demand.

(b) Zoning Permits. The fee for a zoning permit under § 21-2003 (relating to Zoning Permits Required) shall be Forty Dollars ($40.00). This fee is in addition to the fees for all other permits which may be required in connection with the activity or use which is the subject of the zoning permit, including but not limited to building permits and other permits under Chapter 30 (relating to Uniform Construction Code).

(c) [RESERVED]

(d) Other Fees. Council may establish, by resolution, a schedule of additional fees with respect to the administration of this Chapter, as amended from time to time, and with respect to hearings before the Zoning Hearing Board. Fees for these hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural, or

other technical consultants, or expert witness costs. The schedule of fees shall be posted in the office of the Zoning Officer.

(e) No Action Taken Unless Fees Are Paid. No action shall be taken on any application or appeal until all application fees, charges, and expenses have been paid in full.

§ 21-2003 Zoning Permits Required.

(a) No building, structure, or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use, nor shall the use of such land be changed, without a permit therefor, issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this Chapter, or upon written order from the Zoning Hearing Board in the form of a special exception, variance, or as otherwise provided for by this Chapter, the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10101 *et seq*., any applicable laws, or any court of competent jurisdiction.

(b) All requests for zoning permits shall be made in writing by the owner or by his authorized agent on forms supplied by the Zoning Officer, and shall be accompanied by a plan drawn to scale, showing proposed structures in exact relation to lot and street lines, and by a written statement from a qualified engineer or surveyor or by other satisfactory evidence that the line of the bounding street has been staked on the ground. A zoning permit shall satisfy the requirements of both this Chapter and Chapter 31 (relating to Building Construction). Failure to obtain a zoning occupancy permit shall be a violation of this Chapter.

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

§ 21-2004 Occupancy Permits Required.

No building hereafter constructed, erected, or altered under a zoning permit shall be occupied or used in whole or in part for any use whatsoever, and no change of use of any building or part of a building shall hereafter be made, until an occupancy permit has been issued by the Zoning Officer, indicating that the building or use complies with the provisions of this Chapter. An occupancy permit shall be granted or denied within ten (10) days after the Zoning Officer receives written application.

§ 21-2005 Notice of Violation.

(a) If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

(b) The enforcement notice shall be sent to the owner of record of the parcel in which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record.

(c) An enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person against whom the Borough intends to take action.

(2) The location of the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

(4) The date before which the steps for compliance must be commenced.

(5) The date before which the steps for compliance must be completed.

(6) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days next following the date of the notice.

(7) 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.

§ 21-2006 Causes of Action.

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

§ 21-2007 Enforcement Remedies.

(a) Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Chapter, as amended, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than Five Hundred Dollars ($500.00) plus all court costs, including reasonable attorneys fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or 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 Pennsylvania Rules of Civil Procedure. Each day that a violation continues shall constitute a

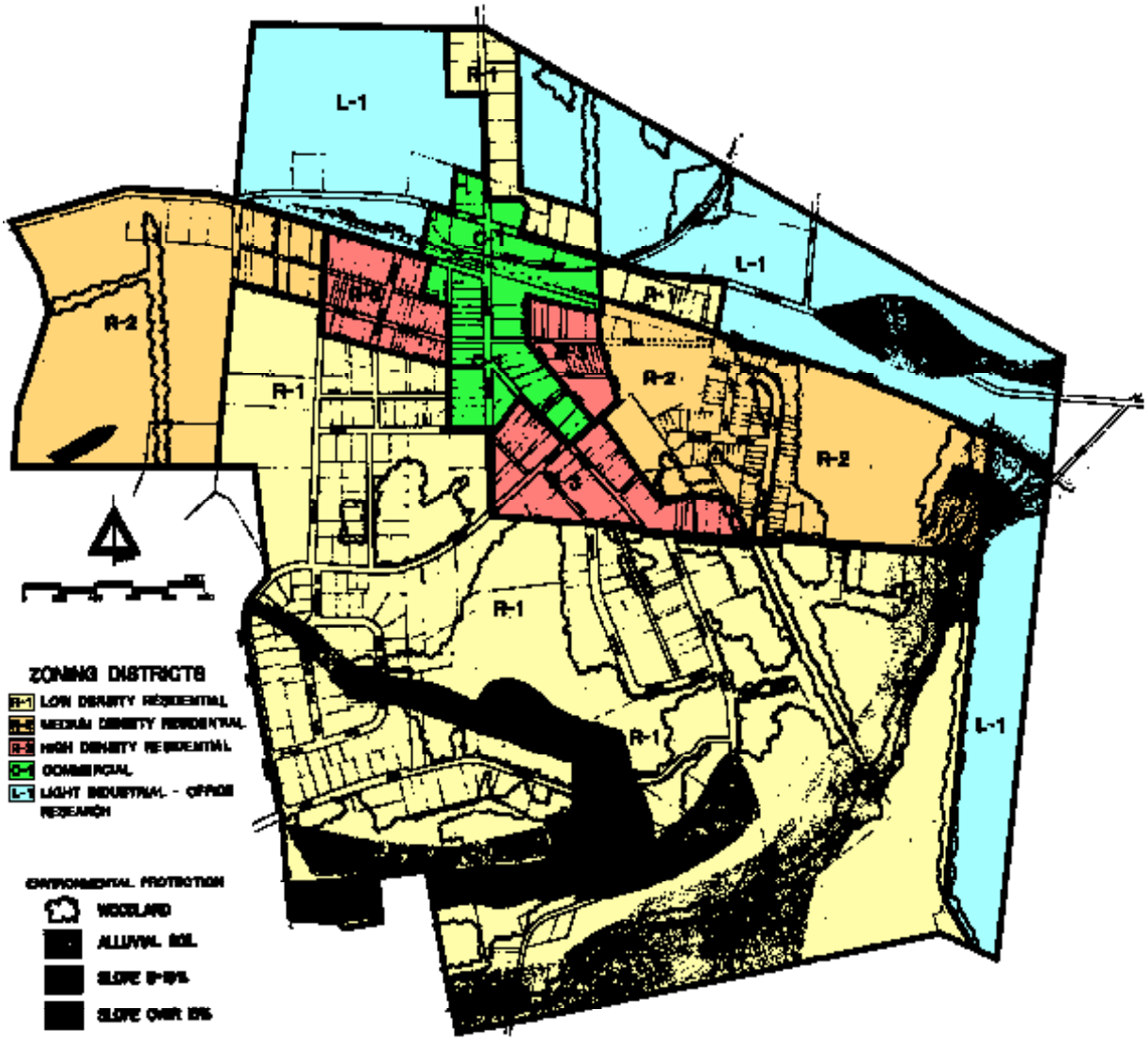
separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) 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 attorneys fees collected for the violation of this Chapter shall be paid over to the Borough.

(b) The Court of Common Pleas of Lehigh County, Pennsylvania, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

(c) Nothing contained in this section shall be construed or interpreted to grant to any person or entity, other than the Borough, the right to commence any action for enforcement pursuant to this section.

Appendix

¶ 21-A Zoning Map.



The Zoning Map was amended by Section 2 of Ordinance 403 (4/9/2003) to place all of 164 North Main Street in the L-1 zoning district and all of 210 North Main Street in the R-1 zoning district.

The Zoning Map was amended by Section 1 of Ordinance 416 (12/29/2003) to place all of 109 North Main Street in the C-1 zoning district.

The Zoning Map was amended by Section 1 of Ordinance 445 (6/28/06) to place certain property along the eastern boundary of the Borough which was previously in the L-1 zoning district (being the southern portion of property then known as 380 Church Street) in the R-3 zoning district.

The Zoning Map was amended by Sections 2 and 3 of Ordinance 488 (3/10/10) to place in the C-1 zoning district the following properties which were previously in the L-1 zoning district: (1) all of 45 West Penn Avenue; and (2) all property in the triangular area bounded on the north by the center line of West Penn Avenue, on the south by the center line of West Front Street, and on the east by the then-boundary line between the L-1 zoning district and the C-1 zoning district.

Such ordinance provisions are incorporated herein by reference.

¶ 21-B Disposition of Ordinance 172.

Ordinance 172	1981 Code	2003 Codified Ordinances
100		§ 21-101
101		§ 21-101
102	§ 137-1	§ 21-102
103	§ 137-2	§ 21-103
103.1	§ 137-2(A)	§ 21-103
103.2	§ 137-2(B)	§ 21-104
104	§ 137-3	§ 21-105
105		§ 21-105
200	§ 137-6	§ 21-301
201	§ 137-7	§ 21-302
202	§ 137-8	§ 21-303
203	§ 137-9	§ 21-304
300	§ 137-10	§ 21-401
301	§ 137-11	§ 21-402
302	§ 137-12	§ 21-403
303	§ 137-13	§ 21-404
304	§ 137-14	§ 21-405
305	§ 137-15	§ 21-406
306	§ 137-16	§ 21-407
307	§ 137-17	§ 21-408
400	§ 137-18	§ 21-501
401	§ 137-19	§ 21-502
402	§ 137-20	§ 21-503
403	§ 137-21	§ 21-504
404	§ 137-22	§ 21-505
405	§ 137-23	§ 21-506
406	§ 137-24	§ 21-507
407	§ 137-25	§ 21-508
500	§ 137-26	§ 21-601
501	§ 137-27	§ 21-602
502	§ 137-28	§ 21-603

Ordinance 172	1981 Code	2003 Codified Ordinances
503	§ 137-29	§ 21-604
504	§ 137-30	§ 21-605
505	§ 137-31	§ 21-606
506	§ 137-32	§ 21-607
507	§ 137-33	§ 21-608
600	§ 137-34	§ 21-701
601	§ 137-35	§ 21-702
602	§ 137-36	§ 21-703
603	§ 137-37	§ 21-704
604	§ 137-38	§ 21-705
605	§ 137-39	§ 21-706
606	§ 137-40	§ 21-707
607	§ 137-41	§ 21-708
700	§ 137-42	§ 21-801
701	§ 137-43	§ 21-802
702	§ 137-44	§ 21-803
703	§ 137-45	§ 21-804
704	§ 137-46	§ 21-805
705	§ 137-47	§ 21-806
706	§ 137-48	§ 21-807
707	§ 137-49	§ 21-808
708	§ 137-50	§ 21-809
800	§ 137-51	§ 21-901
801	§ 137-52	§ 21-902
802	§ 137-53	§ 21-903
803	§ 137-54	§ 21-904
804	§ 137-55	§ 21-905
805	§ 137-56	§ 21-906
806	§ 137-57	§ 21-907
807	§ 137-58	§ 21-908
807.1	§ 137-58(A)	§ 21-908(a)
807.11	§ 137-58(A)(1)	§ 21-908(b)
807.12	§ 137-58(A)(2)	§ 21-908(c)
807.121	§ 137-58(A)(2)	§ 21-908(c)
807.122	§ 137-58(B)	§ 21-909
807.123	§ 137-58(C)	§ 21-910
807.124	§ 137-58(D)	§ 21-911
807.125	§ 137-58(E)	§ 21-912
807.126	§ 137-58(F)	§ 21-913
808	§ 137-59	Art. X
808.1	§ 137-59(A)	§ 21-1001
808.2	§ 137-59(B)	§ 21-1002
808.3	§ 137-59(C)	§ 21-1003
808.4	§ 137-59(D)	§ 21-1004
808.5	§ 137-59(E)	§ 21-1005
809	§ 137-60	§ 21-916
810	§ 137-61	§ 21-916
900	§ 137-62	§ 21-1101

Ordinance 172	1981 Code	2003 Codified Ordinances
901.1	§ 137-63(A)	§ 21-1104
901.2	§ 137-63(B)	§ 21-1111(a)
901.3 (1st sentence)	§ 137-63(C) (1st sentence)	§ 21-1108(a)
901.3 (remainder)	§ 137-63(C) (remainder)	§ 21-1109(a), (b), (c)
901.4	§ 137-63(D)	§ 21-1103(d)
901.5	§ 137-63(E)	§ 21-1111(b)
901.6	§ 137-63(F)	§ 21-1113
901.7	§ 137-63(G)	§ 21-1102(b)
901.8	§ 137-63(H)	§ 21-1105(b)
901.9	§ 137-63(I)	§ 21-1107(b)
902 (introduction)	§ 137-64 (introduction)	§ 21-1102(a)
902.1	§ 137-64(A)	§ 21-1103, -1103(a), (b)
902.2	§ 137-64(B)	§ 21-1103(c)
902.3	§ 137-64(C)	§ 21-1109(d)
902.4	§ 137-64(D)	§ 21-1108(b)
902.5	§ 137-64(E)	§ 21-1107(a)
902.6	§ 137-64(F)	§ 21-1106(a)
902.7	§ 137-64(G)	§ 21-1110
902.8	§ 137-64(H)	§ 21-1106(b)
902.9	§ 137-64(I)	§ 21-1105(a)
903	§ 137-65	§ 21-1112
1000	§ 137-66	§ 21-1201
1001	§ 137-67	§ 21-1202
1100	§ 137-68	§ 21-1301
1101	§ 137-69	§ 21-1302
1102	§ 137-70	§ 21-1303
1103	§ 137-71	§ 21-1304
1104	§ 137-72	§ 21-1305
1104.1	§ 137-72(A)	§ 21-1305
1104.2	§ 137-72(B)	§ 21-1306
1104.3	§ 137-72(C)	§ 21-1307
1104.4	§ 137-72(D)	§ 21-1308
1104.5	§ 137-72(E)	§ 21-1309
1104.6	§ 137-72(F)	§ 21-1310
1104.7	§ 137-72(G)	§ 21-1311
1104.8	§ 137-72(H)	§ 21-1312
1104.9	§ 137-72(I)	§ 21-1313
1104.10	§ 137-72(J)	§ 21-1314
1104.11	§ 137-72(K)	§ 21-1315
1104.12	§ 137-72(L)	§ 21-1316
1104.13	§ 137-72(M)	§ 21-1317
1104.14	§ 137-72(N)	§ 21-1317
1104.15	§ 137-72(O)	§ 21-1318
1104.16	§ 137-72(P)	§ 21-1319
1104.17	§ 137-72(Q)	§ 21-1320
1104.18	§ 137-72(R)	§ 21-1321
1104.19	§ 137-72(S)	§ 21-1322
1104.20	§ 137-72(T)	§ 21-1323
1104.21	§ 137-72(U)	§ 21-1324

Ordinance 172	1981 Code	2003 Codified Ordinances
1104.22	§ 137-72(V)	§ 21-1325
1104.23	§ 137-72(W)	§ 21-1326
1104.24	§ 137-72(X)	§ 21-1327
1104.25	§ 137-72(Y)	§ 21-1328
1200	§ 137-73(A)	§ 21-1401
1200.1 (1st two sentences)	§ 137-73(A) (1st two sentences)	§ 21-1401
1200.1 (remainder)	§ 137-73(A) (remainder)	§ 21-1402
1200.2	§ 137-73(B)	§ 21-1403
1200.3	§ 137-73(C)	§ 21-1404(a)
1200.4	§ 137-73(D)	§ 21-1405
1200.5	§ 137-73(E)	§ 21-1404(b)
1200.6	§ 137-73(F)	§ 21-1406(a)
1200.7	§ 137-73(G)	§ 21-1406(b)
1200.8	§ 137-73(H)	§ 21-1407(a)
1200.9	§ 137-73(I)	§ 21-1408
1200.10	§ 137-73(J)	§ 21-1407(b)
1200.11	§ 137-73(K)	§ 21-1409
1200.12	§ 137-73(L)	§ 21-1410
1200.13	§ 137-73(M)	§ 21-1411
1200.14	§ 137-73(N)	§ 21-1412
1201	§ 137-74	§ 21-1415
1202	§ 137-75	§ 21-1416
1203	§ 137-76	§ 21-1417
1204	§ 137-77	§ 21-1418
1300	§ 137-78	§ 21-1501
1301.1	§ 137-79(A)	§ 21-1502
1301.2	§ 137-79(B)	§ 21-1503
1301.3	§ 137-79(C)	§ 21-1504
1301.4	§ 137-79(D)	§ 21-1505
1301.5	§ 137-79(E)	§ 21-1505
1400	§ 137-80	§ 21-1601
1401	§ 137-81	§ 21-1602(a)
1401.1	§ 137-81(A)	§ 21-1602(b)
1401.2	§ 137-81(B)	§ 21-1602(c)
1402.1	§ 137-82(A)	§ 21-1602(d)
1402.2	§ 137-82(B)	§ 21-1602(e)
1402.3	§ 137-82(C)	§ 21-1602(f)
1402.4	§ 137-82(D)	§ 21-1602(g)
1402.5	§ 137-82(E)	§ 21-1602(h)
1403	§ 137-83	§ 21-1603
1404	§ 137-84	§ 21-1604
1405	§ 137-85	§ 21-1605
1406	§ 137-86	§ 21-1606
1407	§ 137-87	§ 21-1607
1408.1	§ 137-88(A)	§ 21-1608
1408.2	§ 137-88(B)	§ 21-1609
1408.3	§ 137-88(C)	§ 21-1610
1408.4	§ 137-88(D)	§ 21-1611(a)

Ordinance 172	1981 Code	2003 Codified Ordinances
1408.5	§ 137-88(E)	§ 21-1612(b)
1408.6	§ 137-88(F)	§ 21-1612(c)
1408.7 (1st sentence)	§ 137-88(G) (1st sentence)	§ 21-1611(b)
1408.7 (remainder)	§ 137-88(G) (remainder)	§ 21-1612(a)
1408.8	§ 137-88(H)	§ 21-1613(a)
1408.9	§ 137-88(I)	§ 21-1613(b)
1408.10	§ 137-88(J)	§ 21-1613(c)
1408.11	§ 137-88(K)	§ 21-1613(d)
1409	§ 137-89	§ 21-1614
1410	§ 137-90	§ 21-1615
1411	§ 137-91	§ 21-1616
1500	§ 137-92	§ 21-1701
1600	§ 137-93	§ 21-1801
1601	§ 137-94	§ 21-1802
1602	§ 137-95	§ 21-1803
1603	§ 137-96	§ 21-1804
1604	§ 137-97	§ 21-1805
1605	§ 137-98	§ 21-1806
1606	§ 137-99 (intro)	§ 21-1807 (intro)
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1608	§ 137-101	§ 21-1809
1609	§ 137-102	§ 21-1810
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§ 137-5(animal husbandry)	§ 21-208
§ 137-5(basement)	§ 21-209
§ 137-5(bed and breakfast)	§ 21-210
§ 137-5(boarding and …)	§ 21-211
§ 137-5(building)	§ 21-212
§ 137-5(building and structure…)	§ 21-213
§ 137-5(building area)	§ 21-214
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§ 137-5(building setback line)	§ 21-217
§ 137-5(business office)	§ 21-218
§ 137-5(cabaret)	§ 21-219
§ 137-5(car wash)	§ 21-220
§ 137-5(cellar)	§ 21-221
§ 137-5(center line…)	§ 21-222
§ 137-5(church)	§ 21-223
§ 137-5(club, lodge…)	§ 21-224
§ 137-5(com. communic. ant.)	§ 21-300(c)
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§ 137-5(corner lot)	§ 21-254(b)
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§ 137-5(court)	§ 21-230
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§ 137-5(essential service area)	§ 21-300(g)
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§ 137-5(extractive operation)	§ 21-239
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§ 137-5(governmental uses)	§ 21-245
§ 137-5(gross habitable floor…)	§ 21-246
§ 137-5(height of com. antenna)	§ 21-300(j)
§ 137-5(height of com. tower)	§ 21-300(k)
§ 137-5(home office…)	§ 21-247
§ 137-5(hospital…)	§ 21-248
§ 137-5(hotel, motel, motor inn)	§ 21-249
§ 137-5(household pets)	§ 21-250
§ 137-5(junkyard)	§ 21-251
§ 137-5(kennel)	§ 21-252
§ 137-5(landowner)	§ 21-253
§ 137-5(lot)	§ 21-254
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§ 137-5(minimum habitable…)	§ 21-258
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§ 137-5(nonconforming lot)	§ 21-265(a)
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§ 137-5(official map)	§ 21-266
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§ 137-5(parking area)	§ 21-269(b)
§ 137-5(personal service…)	§ 21-270
§ 137-5(personal wireless…)	§ 21-300(l)
§ 137-5(plan-certified)	§ 21-271
§ 137-5(planned neighbor…)	§ 21-272
§ 137-5(planning commission)	§ 21-273
§ 137-5(plat)	§ 21-274
§ 137-5(public notice)	§ 21-275
§ 137-5(recreation space)	§ 21-276
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§ 137-64(B)	§ 21-1103(c)
§ 137-64(C)	§ 21-1109(d)
§ 137-64(D)	§ 21-1108(b)
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§ 137-82(C)	§ 21-1602(f)
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§ 137-86	§ 21-1606
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§ 137-88(A)	§ 21-1608
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§ 137-99(B); formerly § 137-104(A)	§ 21-1807(b)
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§ 137-104(B)	§ 21-1812(b)
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§ 137-111	§ 21-2003
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§ 137-113 Ord. 280 § 12	§ 21-2005
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¶ 21-D Disposition of Ordinance 342, § 6.

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§ 6	never codified to 1981 Code	§ 21-2002(a)-(c)

¶ 21-E Source Ordinances.

Ordinance 172	03-05-1975
Ordinance 215	11-11-1981
Ordinance 235	09-12-1984
Ordinance 270	07-12-1989
Ordinance 280	12-30-1991
Ordinance 300	07-14-1993
Ordinance 302	09-29-1993
Ordinance 308	08-10-1994
Ordinance 309	09-14-1994
Ordinance 318	08-30-1995
Ordinance 338	09-11-1996
Ordinance 342	12-30-1996
Ordinance 365	02-24-1999
Ordinance 373	09-08-1999
Ordinance 386	03-12-2001
Ordinance 396	04-24-2002
Ordinance 400	10-09-2002
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Ordinance 415	10-29-2003
Ordinance 416	12-29-2003
Ordinance 437	09-14-2005
Ordinance 445	06-28-2006
Ordinance 449	11-08-2006

Ordinance 465	12-26-2007
Ordinance 474	08-13-2008
Ordinance 481	05-13-2009
Ordinance 488	03-31-2010
Ordinance 516	01-06-2014
Ordinance 519	03-12-2014

¶ 21-F Prior Ordinances Concerning Related Subject Matter.

Ordinance 93	05-01-1961
Ordinance 105	10-07-1963
Ordinance 139	07-07-1969
Ordinance 144	02-16-1960
Ordinance 146	06-15-1970
Ordinance 162	03-05-1973

¶ 21-G Southwestern Lehigh County Comprehensive Plan.

A copy of the Southwestern Lehigh County Comprehensive Plan is provided with the online and CD-ROM versions of the Codified Ordinances. The Comprehensive Plan was adopted by Resolution 2005-3 (provided with the online and CD-ROM versions of the Codified Ordinances).

¶ 21-H Lehigh Valley Planning Commission 2005 Comprehensive Plan.

A copy of the Lehigh Valley Planning Commission's *Comprehensive Plan: The Lehigh Valley … 2030*, as adopted in August, 2005, is provided with the online and CD-ROM versions of the Codified Ordinances.