

THE BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA

ZONING ORDINANCE

ORDINANCE NO. 93

AN ORDINANCE limiting and restricting to specific districts, and regulating therein, buildings and other structures according to their construction and the nature and extent of their use and the nature and extent of the use of land so as to promote the health, safety, morals, and general welfare of the Borough of Alburdis, Lehigh County, Pennsylvania; establishing a Board of Adjustment; providing for enforcement; and imposing fines and penalties for violations thereof.

BE IT ORDAINED by the Burgess and Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

ARTICLE 1. PURPOSES; SCOPE; INTERPRETATION; SHORT TITLE

Section 100. Purposes. This ordinance is enacted for the following purposes: To promote the health, safety, morals, and general welfare of the inhabitants of the Borough of Alburdis, Lehigh County, Pennsylvania, by lessening congestion in the roads and streets, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; conserving the value of buildings, and encouraging the most appropriate use of land.

Section 101. Scope. From and after the effective date of this ordinance, 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 Alburdis shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming buildings or uses.

Section 102. Interpretation. In interpreting and applying the pro-

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

Section 103. Short Title. This ordinance shall be known and may be cited as THE ZONING ORDINANCE OF THE BOROUGH OF ALBURTIS.

Section 104. Definitions. Certain words and phrases used in the Ordinance shall be construed to have the meanings indicated in Article III hereof.

ARTICLE II. DISTRICTS CREATED, BOUNDARIES, TOLERANCES: ZONING MAP.

Section 200. Classes of Districts. For the purpose of this ordinance, the Borough of Alburttis is here by divided into the following five classes of districts:

- R-1 Residence Districts
- R-2 Residence Districts
- Commercial Districts
- I-1 Industrial Districts
- I-2 Industrial Districts

Section 201. Zoning Map. The boundaries of districts shall be as shown on the map attached to and made a part of this Ordinance, which map shall be known as the "Zoning Map of the Borough of Alburttis". Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance, and shall be as much a part of this Ordinance as if all were fully described herein.

Section 202. District Boundaries. The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto.

Section 203. Boundary Tolerances. Where a district boundary line, as appearing on the Zoning Map, divides a lot or land in a single ownership as existing at the time of this enactment, the use authorized on, and the district requirements applying to, the less restricted portion of the lot or land shall be construed as extending into the remaining portion of the lot for a distance beyond the district boundary line not exceeding fifty (50) feet.

ARTICLE III. DEFINITIONS

Section 300. Definition of Terms. Certain words and terms used in this ordinance are defined for the purposes thereof as indicated herein. In construing the terminology of this ordinance, the singular shall include the plural, and the plural shall include the singular. The present tense shall include the future tense; The word "building" shall include the word "structure". The word "shall" is always mandatory.

1. Accessory building. A building subordinate to the main building located on the same lot and used for purposes customarily incidental to those of the main building.
2. Accessory use. A use customarily incidental to the principal use of land or of a building and located on the same lot with such principal use or building.
3. Agriculture. The tilling of the soil, the raising of crops, forestry, horticulture, and gardening, including the keeping or raising of domestic animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies, animal or veterinary hospitals, greenhouses, or similar uses.
4. Alley.
 - a. Private. A private right-of-way affording access to the side or rear of one or more parcels of land in private ownership which is maintained by the property owners over which the right-of-way passes.
 - b. Public. A minor public street, primarily designed to serve as access to the side or rear of properties whose principal frontage is on a street.
5. Alteration of building. Any change in supporting members of a building except such change as may be required for its safety, any addition to a building, any change in use from one district classification to another, or removal of a building from one location to another.
6. Apartment. A dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, apartment hotels, bachelor apartments, studio apartments and kitchenette apartments.
7. Automobile service station. A building designed primarily for the supplying of motor fuel, oil, lubrication, and accessories to motor vehicles.
8. Automobile trailer-Mobile home. An article designed primarily for family dwelling, eating, sleeping or complete year round living

facilities. It is equipped with chassis and wheels for the purpose of making the home easy to relocate, and is towed on the highway by a motor vehicle for purpose of relocation.

9. Boarding and rooming house. A dwelling, other than a hotel, wherein more than four people are sheltered or fed for profit.

10. Building.

- a. Detached. A building which has no party wall.
- b. Semi-detached. A building which has only one (1) party wall in common with an adjacent building.
- c. Attached. A building which has two (2) party walls in common with adjacent buildings.

11. Building area. The aggregate of the maximum horizontal cross-section areas, excluding unenclosed porches, cornices, eaves, and gutters, of all buildings on a lot.

12. Building line. The line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the district in which the lot is located.

13. Center line of street or road. A line midway between and parallel to the two streets or road property lines, or as otherwise defined by the Borough Council.

14. Clubhouse. A building to house a club or social organization not conducted for profit and which is not adjunct to or operated by or in connection with a public tavern, cafe, or other place of business.

15. Corner Lot. A lot fronting on two streets at their intersection.

16. Courts. A court is an unoccupied open space other than a yard. An outer court is one which extends to the street or to the front or rear yard. An inner court is any other court.

17. Dwelling. Any building which is designed for use for residential purposes, except hotels, boarding and rooming houses, tourist cabins, motels, and mobile homes.

a. Single-family. A building, on a lot, designed and occupied exclusively as a residence for one (1) family.

b. Two-family. A building, on a lot, designed and occupied exclusively as a residence for two (2) families, with one family living wholly or partially over the other.

c. Multiple or apartment. A building, on a lot, designed

and occupied exclusively as a residence for three (3) or more families, with one or more families living wholly or partly over the others.

18. Electric substation. An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that in Residence Districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, or housing of repair crews.

19. Family. Any number of persons living and cooking together as a single housekeeping unit.

20. Fence. Any structure composed of wood, metal, wire mesh, or masonry erected for the purpose of screening one property from another either to assure privacy or to protect the property screened.

21. Garage.

a. Private. An accessory building designed or used only for the storage of automobiles owned and used by the occupants of the building to which it is accessory.

b. Public. A building, not a private garage, conducted as a business and/or used for the storage, repair, or servicing of motor vehicles of any type or ownership.

22. Height of building. A building's vertical measurement from the mean level of the ground abutting the building to a point midway between the highest and lowest points of the roof; provided that chimneys, spires, towers, elevator penthouses, tanks, and similar projections of the building shall not be included in calculating the height.

23. Hotel. A public inn, in which there are more than ten (10) sleeping rooms, without provision for cooking in any individual room or suite.

24. Loading space. An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

25. Lot. A parcel of land occupied by or which may be occupied by a building and its accessory building or buildings and including the yards and other open spaces required by this ordinance, or the land shown as a separate lot or parcel on the records of Lehigh County.

26. Manufacturing. The processing and/or converting of raw unfinished or finished materials, or products, or any, or either of the, into an article or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

27. Motel. A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designed as auto courts, tourist courts, motor lodges, autels, and similar terms.

28. Nonconforming building or use. A building or a use of land or of a building existing at the effective date of this Ordinance which does not conform with the requirements of this Ordinance.

29. Office building. A building designed or used primarily for office purposes, no part of which is used for manufacturing, or for dwelling other than by a watchman or janitor.

30. Open porch. A porch open on three sides except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash.

31. Parking space. An open space or a garage, on a lot, used for parking motor vehicles, the area of which is not less than two hundred (200) square feet and to which there is access from a street or alley.

32. Professional occupation. The practice of profession by any physician, surgeon, osteopath, chiropractor, dentist, engineer, surveyor, optician, optometrist, architect, attorney, or other similar professions entitled to practice under the laws of the Commonwealth of Pennsylvania.

33. Sign. Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

a. Advertising sign. A sign which directs attention to a use, commodity, or service not related to the premises on which the sign is located; a central advertising sign for a shopping center.

b. Business sign. A sign which directs attention to a use conducted, product or commodities sold, or service performed upon the premises.

c. Outdoor advertising structure sign. A structure, including a billboard, on which is portrayed information which directs attention to a business, commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located, but does not include painted walls.

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

35. Story. That part of a building, included between any above ground floor and the floor or roof next above.

36. Street. For the purposes of this Ordinance only, a street shall be considered to be a thoroughfare publicly or privately owned, open to general use.

37. Street Line. The dividing line between a lot and a public street, road, or highway legally open or officially plotted by the Borough, or between a lot and a private street, road, or way over which the owners or tenants of two (2) or more lots held in single and separate ownership have the right-of-way.

38. Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including buildings, and walls or fences exceeding four (4) feet in height.

39. Telephone central office. A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone or radio-telephone messages between subscribers, and other business of the Telephone Company; but in residence districts not to include public business facilities, storage of materials, trucks or repair facilities, or housing of repair crews.

40. Tourist home. A private residence in which overnight accommodations are provided for transient paying guests.

41. Trailer Camp. A lot or premises used for occupancy by two (2) or more trailers or any other vehicle used for living or sleeping purposes.

42. Trailer or Trailer Cabin. A vehicle with or without its own motive power, equipped or designed for or used for living purposes, and mounted on wheels or designed to be so mounted and transported.

43. Trailer park-mobile home park. A development or subdivision designed to harbor, accommodate or provide ground space for the placing of one (1) or more automobile trailers or mobile homes.

44. Use of building. Any and every permitted use conducted within a building or accessory buildings thereto.

45. Used car lot. Any tract or tracts of land on which is conducted a business enterprise, the nature of which is the purchase for resale and the resale of motor vehicles. Any such tract or tracts of land are not to be used for the storage of vehicles not intended for resale within a reasonable time nor for the disassembly of motor vehicles.

46. Yard.

a. Front. Space between the building line or front main wall of a building and the front property line, and into which space there shall be no extension of building parts other than steps, open porches, eaves, cornices and similar fixtures.

b. Rear. An open space on the same lot with a building, between the rear wall of a building and the rear line of the lot, and unoccupied except for accessory buildings and open porches, steps, eaves, cornices and similar fixtures.

c. Side. An open unobstructed space on the same lot with a building between the building and the side line of the lot and extending through from the front to the rear yard, into which space there shall be no extension of building parts other than eaves with an over-hang of not more than two feet, rain-water leaders, window sills, and other such fixtures; open steps for a distance not exceeding 4 feet; and bay windows not more than 12 feet wide, at one floor level only, and for a distance not exceeding 2 feet.

ARTICLE IV. R-1 RESIDENCE DISTRICTS

Section 400. Use Regulations-Permitted Uses. In R-1 residence Districts a building may be erected or used, altered or erected to be used, and a lot may be used or occupied for any of the following purposes, and for no other purpose:

1. A single-family detached dwelling and its accessory buildings and uses.
2. A church or public library.
3. Public or community-association park, playground, or recreational area.
4. Any form of agriculture or horticulture except:
 - a. Keeping hogs, goats, mules, sheep, and horses.
 - b. Keeping any fowl including pigeons, or farm livestock on a property smaller than 1 acre; keeping more than

50 fowl or 2 head of farm livestock on a property smaller than 10 acres or in a building any part of which is closer to any property line than 100 feet or closer to a dwelling on an adjoining premises than 200 feet; and keeping fowl or farm livestock in any number in a building any part of which is closer to a side or rear property line than 25 feet or closer to a dwelling on an adjoining premises than 100 feet.

c. Commercial greenhouses on properties smaller than 10 acres and unless all structures appertaining thereto are at least 50 feet removed from all property lines.

5. Keeping household pets, but no kennels or other similar structures used for commercial purposes.

6. Other buildings, structures, and uses as provided by section 917.

7. Accessory use on the same lot and customarily incidental to the use of a building for dwelling purposes, and including:

a. The office or studio of a physician or surgeon, dentist, artist, musician, lawyer, engineer, architect, teacher, or other like professional person, residing on the premises and having not more than one paid assistant, provided there shall be no advertising display other than a small professional name plate.

b. Customary home occupations such as millinery and dressmaking providing (a) there is no display of goods visible from the street, (b) no exterior advertising other than a small announcement sign, and (c) such occupation is conducted in the main building, or in a building accessory thereto, by a person or persons residing therein, without paid assistants, and does not occupy more than one-third of the total above-ground floor area thereof.

c. Private garage.

8. Signs when erected and maintained in accordance with the provisions of Article X of this Ordinance.

Section 401. Yard, Area, and Height Regulations.

1. Lot area and width. A lot area of not less than eight thousand (8,000) square ft. per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. The minimum lot width at the front building line shall be eighty (80) feet.

2. Building area. Not more than thirty five (35) percent of the area of each lot may be occupied by buildings.

3. Front yard. There shall be a front yard on each street on which a lot abuts which shall be not less than twenty five (25) feet in depth, except as provided in Section 902 hereof. The front yard on the long side of a corner lot may be reduced to a depth of not less than fifteen (15) feet.

4. Side yards.

a. For every detached dwelling, there shall be two (2) side yards which shall have an aggregate width of not less than sixteen (16) feet, and neither of which shall be less than six (6) feet in width.

b. For every main building other than a dwelling, there shall be two (2) side yards, neither of which shall be less than ten (10) feet in width.

5. Rear yard. There shall be a rear yard on each lot which shall be not less than twenty-five (25) feet in depth.

6. Height. No building shall exceed thirty-five (35) feet in height, provided that such height limit may be exceeded by one (1) foot for each foot by which the width of each side yard is increased beyond minimum side yard requirements up to a maximum height of fifty (50) feet.

ARTICLE V. R-2 RESIDENCE DISTRICTS

Section 500. Use Regulations-Permitted Uses.

In R-2 Residence Districts a building may be erected or used, altered or erected to be used, and a lot may be used or occupied for any of the following purposes, and for no other purpose:

1. Any use permitted in R-1 Residence Districts.
2. A two-family detached dwelling with its accessory buildings and uses.
3. A single-family semi-detached dwelling, provided that the adjoining semi-detached dwelling with which it has a party wall in common is erected at the same time.
4. A two-family semi-detached dwelling provided that the adjoining semi-detached dwelling with which it has a party wall in common is erected at the same time.
5. Multiple dwelling, provided that sanitation facilities are adequate to accommodate the proposed use.
6. Beauty parlor or barber shop.
7. Other buildings, structures, and uses as provided by Section 917.

Section 501. Yard, Area and Height Regulations.

1. Lot Area and Width. A lot area of not less than five thousand (5,000) square feet per family shall be provided for every building. The minimum lot width at the building line shall be fifty (50) feet for single-family and two family detached dwellings; and thirty seven and one-half ($37\frac{1}{2}$) feet for single-family and two family semi-detached dwellings; and sixty (60) feet for multiple dwellings.

2. Building area. Not more than thirty-five (35) per cent of the area of each lot may be occupied by buildings.

3. Front yard. There shall be a front yard on each street on which a lot abuts which shall be not less than twenty-five (25) feet in depth, except as provided in Section 902 hereof. The front yard on the long side of a corner lot may be reduced to a depth of not less than ten (10) feet.

4. Side yards.

a. For every single-family or two-family detached dwelling, there shall be two (2) side yards, which shall have an aggregate width of not less than twenty (20) feet, and neither of which shall be less than eight (8) feet in width.

b. For every single-family or two-family semi-detached dwelling, there shall be one (1) side yard which shall be not less than twelve and one-half (12½) feet in width.

c. For every multiple dwelling and every main building other than a dwelling, there shall be two (2) side yards neither of which shall be less than eight (8) feet in width.

5. Rear yard. There shall be a rear yard on each lot which shall be not less than twenty-five (25) feet in depth.

6. Height. No building shall exceed thirty-five (35) feet in height, provided that such height limit may be exceeded by one (1) foot for each foot by which the width of each side yard is increased beyond minimum side yard requirements up to a maximum height of fifty (50) feet.

ARTICLE VI. COMMERCIAL DISTRICTS

Section 600. Use Regulations-Permitted Uses.

In commercial districts a building may be erected or used, altered or erected to be used, and a lot may be used or occupied for any of the following purposes, and for no other purpose:

1. Any use permitted in R-2 Residence Districts.
2. Multiple dwelling or apartments in combination with business use, provided that sanitation facilities are adequate to accommodate the proposed use.
3. Hotel, rooming, boarding or tourist house.
4. Retail store.
5. Personal service shop, including tailor, dry cleaning, barber, beauty, dressmaking, shoe repair, laundromat, or similar shop.
6. Restaurant, tea room, catering establishment.
7. Professional or business office, agency, or studio; club or lodge.
8. Confectionery or bakery shop, wholesale and retail.
9. Theater, assembly hall, and commercial recreation establishment.

10. Bank or other financial institution.
11. Hospitals, nurses homes, funeral parlors.
12. Newspaper or job printing establishment.
13. Public garage, motor vehicle service station or sales agency, and parking lot, provided that all facilities are located and all services are conducted within the confines of the lot.
14. Signs when erected and maintained in accordance with the provisions of Article X of this Ordinance.
15. Used Car lots. The storage of motor vehicles not intended for resale within a reasonable time is prohibited as is the using of any such lot for the disassembly of motor vehicles. Such lots shall not be used for the purpose commonly described as "automobile graveyard" or "automobile junk yard."
16. Telephone exchange and public utility structures.
17. Electric substation.
18. Bus terminals and depots.

Section 601. Use Regulations--Prohibited Uses.

The following uses are specifically prohibited in Commercial districts:

1. The storage of explosives.
2. The storage, baling, or treatment of old iron, rags, bottles, or scrap paper.
3. The storage of illuminating gas, other than in liquid form and in approved containers, and the storage of other poisonous or flammable gases except as may be incidental and necessary to a permitted process.
4. Foundries, forge shops and boiler works.
5. The handling, storage, or processing of scrap metal and the dissembling of motor vehicles and the storage and sale of used-car parts, unless conducted entirely within a building and the storage of used building-materials for resale except in an established lumber or building-material yard.
6. The storage of crude oil or any of its volatile products or asphaltic oils or other flammable liquids, in above-ground tanks having a unit capacity greater than 10,000 gallons, and in above-ground tanks with unit capacity greater than 550 gallons closer than 50 feet to any property line. All tanks having a unit capacity greater than 550 gallons shall be properly dyked. Dykes shall have a capacity one-and-a-half times that of the tank or tanks surrounded.
7. All processes of manufacture, assembly and treatment except as expressly indicated above under "Permitted Uses."

Section 602. Yard, Area and Height Regulations.

1. Lot Area. A lot area of not less than three thousand (3,000) square feet per family shall be provided for every building thereafter erected or used in whole or in part as a dwelling.

2. Building area.

a. For every lot used exclusively for residence purposes, not more than forty (40) percent of the lot area may be occupied by buildings.

b. For every lot used in whole or in part for commercial purposes, not more than forty (40) percent of the lot area may be occupied by buildings, unless authorized as a special exception.

3. Front Yard. There shall be a front yard on each street on which a lot abuts which shall be not less than twenty (20) feet in depth, except as provided in Section 902 hereof. The front yard on the long side of a corner lot may be reduced to a depth of not less than ten (10) feet.

4. Side Yards.

a. For every detached building erected or used exclusively as a dwelling, there shall be two (2) side yards which shall not be less than six (6) feet in width.

b. For every semi-detached building erected or used exclusively as a dwelling, there shall be one (1) side yard which shall not be less than seven (7) feet in width.

c. Side yards are not required for buildings used for commercial purposes, but where side yards are provided for such a building, each such side yard shall be not less than five (5) feet in width.

5. Rear Yard. There shall be a rear yard on each lot which shall be not less than twenty-five (25) feet in depth.

6. Height. No building shall exceed fifty (50) feet in height, provided that such height limits may be exceeded when authorized as a special exception by the Board of Adjustments.

ARTICLE VII. I-1 INDUSTRIAL DISTRICTS

Section 700. Use Regulations-Permitted Uses.

In I-1 Industrial Districts, uses and buildings and other structures permitted therein include all those permitted in any other class of district, as well as all others except those specifically prohibited by Section 701.

Section 701. Use Regulations-Prohibited Uses.

The following uses are specifically prohibited in I-1 Industrial Districts:

1. Any process of assembly, manufacture or treatment normally constituting a nuisance by reason of smoke, odor, dust or noise and including, but not limited to, such things as: the manufacture or refining of asphaltic oils; blast furnaces, boiler works, and foundries; the manufacture or

processing of cork, fertilizer, linoleum, oilcloth, and glue or gelatin; the tanning or storage of rawhides; stockyards, slaughter houses and the processing of meats for animal foods; and the manufacture of paint, oil or varnish.

However, the above shall not apply to exclude an industry, whether or not specifically mentioned, if such industry, after supplying satisfactory evidence to the Board of Adjustment, is certified by that Board to be free of the nuisance characteristics typical of its kind by reason of special design of structure or innovation in processes or other such circumstance.

2. Any process of assembly, manufacture or treatment of an unusually hazardous nature including, but not limited to, such things as: the manufacture or storage of fireworks and explosives and of explosive or poisonous gases except as may be necessary and incidental to a permitted industrial process; the manufacture of illuminating gas; and the storage of illuminating gas except in liquid form and in approved containers.

3. The storage of crude oil or any of its volatile products or other flammable liquids in above-ground tanks with unit capacity greater than 550 gallons unless such tanks up to and including 10,000 gallon capacity are placed not less than 50 feet from all property lines and unless all tanks of more than 10,000 gallons capacity are placed not less than 100 feet from all property lines. All tanks with a unit capacity greater than 550 gallons shall be properly dyked with dykes having a capacity not less than one-and-a-half times the capacity of the tank or tanks surrounded.

4. Automobile graveyards and dissembly plants.

5. The storage, baling or treatment of junk, rags, bottles, or scrap paper, except entirely within a building.

6. Carousels, roller coasters, merry-go-rounds, ferris wheels and similar commercial amusement features, except in connection with a carnival or circus having a special permit issued by the appropriate Borough authority.

Section 702. Yard, Area, and Height Regulations.

1. Area. The area regulations prescribed in Section 602 (1) shall apply.

2. Building area.

a. For every lot used exclusively for residence purposes, not more than forty (40) percent of the lot area may be occupied by buildings.

b. For every lot used in whole or in part for industrial purposes, not more than sixty (60) percent of the lot area may be occupied by buildings, unless authorized as a special exception.

3. Front yard. The front yard regulations prescribed in Section 602 (3) shall apply.

4. Side Yards. The regulations for side yards as prescribed in Section 602 (4) shall apply.

5. Rear yard. The rear yard regulations prescribed in Section 604 (5) shall apply.

6. Height. No building shall exceed seventy-five (75) feet in height, provided that such height limits may be exceeded when authorized as a special exception by the Board of Adjustment.

ARTICLE VIII. I-2 INDUSTRIAL DISTRICTS

Section 800. Use Regulations-Permitted Uses.

In I-2 Industrial Districts, which are established solely for industrial use and development, a building may be erected or used, altered or erected to be used, and a lot may be used for the following purposes:

1. Any small parts manufacture and assembly of electronic or mechanical equipment.

2. Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries and food products except the following: fish, sauerkraut, pickles, vinegar, yeast and the rendering of fats and oils.

3. Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: cellophane, canvas, cork, felt, fiber, fur, glass, hair, horn, leather, paper, wood, plastic, metal, stone, textiles, and yarn.

4. Any use of the same general character as those specifically permitted.

Section 801. Use Regulations-Prohibited Uses.

1. The prohibited uses as prescribed in Section 701 shall apply.

2. The following uses and all other similar uses, are also specifically prohibited:

Abattoir, stock yard
Acetylene gas manufacture
Acid manufacture
Ammonia, bleaching powder or chlorine manufacture
Arsenal
Celluoid manufacture
Creosote treatment or manufacture
Disinfectants manufacture
Distillation of bones, coal or wood
Dyestuff manufacture
Emery cloth and sandpaper manufacture
Extermination and insect poison manufacture
Fertilizer, or dead animal rendering plants
Fireworks or explosivemanufacture or storage
Glue, size or gelatine manufacture
Junk yard or wrecking yard
Match manufacture
Oil cloth or linoleum manufacture
Paint, oil, shellac, turpentine or varnish manufacture
Petroleum refining, or storage in quantities greater than 10,000 gallons
Proxyline manufacture or manufacture of inflammable plastics.
Rubber, cautchouc or gutta percha manufacture
Smelter
Soda and compound manufacture
Tallow, grease or lard manufacture or refining
Tanning, curing or storage of leather, rawhide or skins
Tar distillation and manufacture
Wool pulling or scouring
Yeast plant

Section 802. Yard, Area, and Height Regulations.

The yard, area, and height regulations as prescribed in Section 702 shall apply.

ARTICLE IX. GENERAL REGULATIONS, EXCEPTIONS, AND SPECIAL PROVISIONS.

Section 900. Nonconforming Buildings or Uses.

1. Continuation. Any lawful use of a building or land existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance.

2. Extension. A nonconforming use may be extended up to fifty (50) percent of the area occupied by such use at the effective date of this Ordinance.

Any extension or enlargement shall be immediately adjacent to the existing non-conforming use and shall conform to the area and height regulations of the district in which it is situated.

3. Changes. A non conforming use of a building or land may be changed to a nonconforming use of the same or more restricted classification. Whenever a nonconforming use of a building or land has been changed to a use of a more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of a less restricted classification.

4. Restoration. A nonconforming building wholly or partially destroyed by fire, explosion, flood, or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that (a) the reconstructed building shall not exceed in height, area, and volume the building destroyed or condemned, and (b) building reconstruction shall be commenced within one (1) year from the date the building was destroyed or condemned and shall be carried on without interruption.

5. Abandonment. If a nonconforming use of a building or land ceases for a continuous period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of the Ordinance.

Section 901. Nonconforming Lots.

A building may be erected or altered on any lot held at the effective date of this Ordinance in single and separate ownership which is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty in providing the required open spaces for the district in which such lot is situated, provided plans for the proposed work shall be approved by the Board of Adjustment, after review of such plans to assure reasonable compliance with the spirit of the zoning regulations for the district.

Section 902. Yard Exceptions.

1. Front yard exception. The front yard of a proposed building may be decreased in depth to the average alignment of existing buildings within one hundred (100) feet on each side of the proposed building, and within the same block, if such alignment of existing buildings is less than the front yard requirement for the district.

2. For large-scale housing development. Upon presentation to the Board of Adjustment of a site plan showing the locations of buildings, streets, yards and other open spaces, for the unified residential development of an area bounded on all sides

by streets or park or other permanent public open space, and after reference thereof to and receipt of report thereon from the Borough Planning Commission, the Board of Adjustment may waive the heretofore-established side and rear yard requirements, and the heretofore-established front yard requirements except for streets and roads shown on the Borough Plan as main or secondary thoroughfares, with respect to such development and may, direct the Zoning Officer to issue permits in accordance therewith, provided: the net land area per dwelling unit contained in the development is not less than that prescribed for the district in which the development is located.

3. For Closely-Built Areas. In the case of a lot forty (40) feet or less in width, existing at the time of this enactment and pocketed by buildings, existing on the two lots adjoining at the side, both in other ownership, it shall be permissible to build a one-family dwelling on the lot so pocketed, with side yards no wider than the adjacent side yards on the adjacent lots.

Section 903. Reduction of Lot.

No lot area shall be so reduced that the area of the lot or the dimensions of the open spaces shall be smaller than herein prescribed.

Section 904. Access.

No land shall hereafter be subdivided unless direct access is provided to every lot through an open space on the same lot. Such open space shall not be less than twenty-five (25) feet in width and shall extend from the lot to a public street or to a private street or road or way not less than fifty (50) feet in width. For the purposes of this Section, an alley shall not constitute a public street or highway.

Section 905. Private Garage: Accessory Building.

A private garage or other accessory building which is not a structural part of a main building may be located in the required rear and/or side yards, provided it shall be situated not less than five (5) feet farther back from the street line than the rearmost portion of the main building and not less than three (3) feet from any property line. Nothing in this section shall be construed to prohibit the erection of a common or joint garage which is not a structural part of a main building on adjoining lots.

Section 906. Obstruction of vision.

In a Residence District no fence, wall, hedge, or other obstruction, more than five (5) feet high, shall extend forward along an interior side lot line nearer to the street than

a point forty (40) feet back of the front building line. And no fence of a nature obscuring vision, and no wall, hedge or other solid planting, more than $2\frac{1}{2}$ feet high, shall be permitted on a corner lot within a radius of 30 feet from the exterior corner of the lot.

Section 907. Parking Space.

Not less than one (1) off-street parking space, with proper access from a street or alley, shall be provided on any lot on which a dwelling is hereafter erected, and the following types of uses shall provide off-street parking space, as indicated, which parking space shall have proper access from a street or alley and shall be located on or near the lot on which such use is situated:

1. Hotel, apartment house, or tourist house: One space for each rental unit.

2. Restaurant, cafe, or tea room having a total floor area of more than one thousand (1,000) square feet: One space for each fifty (50) square feet of floor space devoted to patron use.

3. Place of public assemblage, except churches: One space for every fifteen (15) seats.

4. Commercial building or recreational establishment, other than those specified above having a total floor area of more than one thousand (1,000) square feet: One (1) space for each two hundred (200) feet, or portion thereof, of ground floor area, plus one (1) space for each three hundred (300) square feet, or portion thereof, of upper floor area, in excess of one thousand (1,000) square feet.

5. Industrial establishments: One space for each four (4) employees.

Off-street parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or new use. Off-street parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance.

Section 908. Loading and Unloading Space.

Off-street loading and unloading space, with proper access from a street or alley, shall be provided on any lot on which a building for trade or business is hereafter erected or substantially altered.

Section 909. Public Garages and Motor-Vehicle Service Stations.

No public garage repair space shall have an opening in roof or walls closer to any side property line than fifteen (15) feet.

No public garage or motor-vehicle service station, or private garage accommodating more than five (5) cars, shall have a vehicular entrance closer than two hundred (200) feet to an entrance to a school, church, theater, hospital, public park, playground or fire station, and said measurement shall be taken as the shortest distance between such entrances across the street if the entrances are on opposite sides of the street, and along the street frontage if both entrances are on the same side of the street or within the same block.

All motor vehicle service stations shall be so arranged, and all gasoline pumps shall be so placed, as to require that all servicing be done on the premises and off the public way. And no gasoline pump shall be placed closer to any property line than twenty-five (25) feet.

Section 910. Automobile Trailers.

No automobile trailer shall be parked and/or occupied, in any district, for a period of more than forty-eight (48) hours except upon permit issued by the Zoning Officer. Such a permit may be issued for a period not exceeding thirty (30) days and shall not be renewable within the same calendar year. Not more than one occupied or unoccupied trailer shall be parked at the same time on any single premises in a Residence District. No trailer may be parked or stored on any premises in a Residence District closer to a front building line than fifty (50) feet or closer to a side-street property line than a distance equal to one-half the width or depth of the lot.

Section 911. Sewage Disposal.

All systems and/or provisions for sewage disposal on any lot or lots hereafter constructed, altered, repaired, or replaced, shall have the approval of the Zoning Officer and shall meet all Federal, State, and local laws, regulations, and requirements. For this purpose, no construction, alteration, repairs, or replacements, in regards to sewage disposal systems shall be undertaken unless and until written approval for the same has been obtained from the Zoning Officer.

Section 912. Fire Escapes.

Nothing herein contained shall prevent the projection of an open fireproof fire escape or stairway into a rear or side yard for a distance not exceeding eight (8) feet.

Section 913. Height Exceptions.

Nothing herein contained shall be interpreted to limit or restrict the height of a church spire, radio or wireless station, belfry clock tower, chimney flue, water tank, elevator bulkhead, stage tower, scenery loft, public utility structure, or similar structure.

Section 914. Courts and Access of Light and Air to Dwelling Rooms.

When courts are provided for the purpose of furnishing light and air to rooms to be used for dwelling purposes, the least dimensions of such courts shall be as follows:

1. Outer Courts--No outer court shall be less than six (6) inches wide for each foot of its height above the sill of the lowest window served by it, and in no case shall a court be less than eight (8) feet wide. No outer court shall have a depth greater than twice its width.

2. Inner Courts--No inner court shall be less than nine (9) inches wide for each foot of its height above the sill of the lowest window served by it, and in no case shall such a court be less than twelve (12) feet wide.

3. Access of Light and Air to Dwelling Rooms--Every room to be used for dwelling purposes shall have an opening or openings upon a court or other open space, amounting to not less than fifteen (15) square feet of window for each one hundred (100) square feet of floor area.

Section 915. Minimum Size of Dwellings.

The minimum size of living-space floor area of dwellings erected in any district shall be one thousand (1,000) square feet for a one-family dwelling and one thousand seven hundred fifty (1750) square feet for a two-family dwelling or a pair of semi-detached dwellings.

Living-space floor area shall be considered to be the area of the one or more main floors of the dwelling, measured from the exteriors of the four 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

ed 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 (40) per cent of such area has a height of at least eight (8) feet similarly measured.

Section 916. Temporary permits.

Temporary permits may be authorized by the Board of Adjustment, for a period not to exceed one year, for non-conforming uses incident to housing and construction projects and including such structures and uses as storage of building materials and machinery, the processing of building materials, and a real estate office located on the tract being offered for sale; provided, such permits are issued upon agreement by the owner to remove the structure or structures or the use upon expiration of permit. Such permits may be annually renewed for a period not exceeding three years.

Section 917. Special Uses Permitted.

After public notice and hearing and under the conditions set forth below, the Board of Adjustment may authorize the issuance of a permit for any of the following buildings, structures, or uses, in all except I-2 Industrial Districts:

1. Municipal buildings; correctional and penal institutions.
2. Hospitals, nursing homes, and sanitariums.
3. Golf course and its usual appurtenances.
4. Cemetery.
5. A clubhouse, as defined herein, without features likely to occasion a nuisance in a residential neighborhood by reason of noise or other objectionable characteristics.
6. A railway or bus passenger station or shelter.
7. Hotel, motel, boarding and rooming house, tourist home.
8. A public building not specifically permitted in the foregoing sections, and a private athletic field or other recreational facility not operated for profit.
9. Public garages.
10. Religious and/or philanthropic uses.
11. Beauty parlors or barber shops.
12. Educational institutions.

ARTICLE X. SIGNS.

Section 1000. Any sign hereafter erected or maintained shall conform with the provisions of this Article and any other Ordinance or regulations of the Borough of Alburtis.

Section 1001. Use and Location Regulations.

The following types of signs, and no other shall be permitted:

1. Official traffic signs.
2. Professional, accessory use, or name signs indicating the name, profession, or activity of the occupant of a dwelling, and trespassing signs, or signs indicating the private nature of a driveway or premises, provided that the area on one side of any such sign shall not exceed two (2) square feet.
3. Identification signs for schools, churches, hospitals, or similar institutions, and for clubs, lodges, farms, estates, or similar uses, provided that the area on one side of any such sign shall not exceed twelve (12) square feet.
4. Real estate signs including signs advertising the sale or rental of premises, provided the area on one side of any such sign shall not exceed twelve (12) square feet; and signs indicating the location and direction of premises in the process of development, provided the area on one side of any such sign shall not exceed twenty four (24) square feet.
5. Temporary signs of contractors, architects, mechanics and artisans, provided that such signs shall be removed promptly upon completion of the work.
6. Public Utility signs required in connection with identification, operation or protection of a public utility, provided that the area on one side of any such sign shall not exceed four (4) square feet.
7. Business or industrial signs may be erected and maintained in conjunction with a commercial or industrial use, provided (a) that the area on one side of any such sign shall not exceed fifty (50) square feet, unless authorized as a special exception by the Board of Adjustment, and (b) such sign, except a directional sign, is erected only on the premises on which the use, to which the sign relates, is conducted.

Section 1002. General Restrictions.

The following restrictions shall apply to all permitted sign uses:

1. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.
2. No sign other than official traffic signs shall be erected within the lines of any street unless specifically authorized by other ordinances or regulations of the Borough of Alburtis.

3. No sign shall be of a flashing type, unless authorized as a special exception.

4. No sign shall project over a public sidewalk, unless authorized as a special exception. If authorized as a special exception, no sign shall extend more than five (5) feet over a sidewalk or other public way.

ARTICLE XI. ADMINISTRATION

Section 1101. Interpretation.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public safety, convenience, prosperity, and general welfare.

Section 1102. Enforcement.

The Borough Council shall appoint a zoning administrative officer to enforce the provisions of this Ordinance. It shall be his duty to examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as Council may require. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon order of the Board of Adjustment. Nothing herein contained shall require any change in plans or construction of a lawful use, the construction of which is started, or a permit for which is issued before the effective date of this Ordinance and which is completed within one (1) year of the effective date of this Ordinance, provided the one (1) year time limit may be extended when authorized as a special exception by the Board of Adjustment.

Section 1103. Requirement of Permits.

A permit shall be required prior to the erection or structural alteration of any building, structure, or portion thereof, prior to the use or change in use of a building or land, and prior to the change or extension of a nonconforming use. Applications for permits shall be made in writing to the zoning administrative officer on such forms as may be furnished by the Borough. Such application shall contain all information necessary for such officer to ascertain whether the proposed erection, alteration, use, or change in use complies with the provisions of this Ordinance.

Section 1104. Issuance of Permits.

Permits shall be granted or refused within ten (10) days after date of application. In case of refusal, the applicant shall be informed of his right of appeal to the Board of Adjustment. Upon completion of the erection or alteration of any building or portion thereof authorized by any permit, and prior to occupancy or use, the holder of such permit shall notify the zoning administrative officer of such completion. No permit shall be considered complete or permanently effective until the zoning administrative officer has certified that the work has been inspected and approved as being in conformity with the permit and the provisions of this Ordinance and other applicable ordinances. All applications with accompanying plans and documents, shall be a public record.

Section 1105. Temporary Permits.

A temporary permit may be authorized by the Board of Adjustment as a special exception for a nonconforming structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall completely removed upon expiration of the permit without cost to the Borough. Such a permit shall be issued for a specified period of time not exceeding one (1) year, and may be renewed annually for an aggregate period of not more than three (3) years.

Section 1106. Fees.

Fees for permits shall be paid in accordance with a Fee Schedule to be adopted by resolution of the Borough Council, and all such fees shall be paid into the Borough Treasury. Each applicant for an appeal, special exception, or variance shall, at the time of making application, pay a fee, in accordance with the aforementioned Fee Schedule, for the cost of advertising and mailing notices as required by this Ordinance and the Rules of the Board of Adjustment.

Section 1107. Amendments.

1. By Borough Council. The Borough Council may from time to time amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map. No such amendment, supplement, change, modification or repeal shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of such public hearing shall

be publicized in a newspaper of general circulation in the Borough, and notices thereof shall be mailed to every civic association or association of residents in the Borough who shall have registered its name and address for this purpose with the Borough Secretary. The notices shall state the time and place of such hearing and the general nature of the proposed amendment.

2. By Citizens' Petition. Whenever the owners of fifty (50) percent or more of the frontage in any area, which shall be not less than the area contained between two (2) streets, wherein a change of zoning regulations is sought, shall present to the Borough Council a petition, duly signed and acknowledged, requesting an amendment, supplement, change, modification, or repeal of the regulations prescribed for, or of the Zoning Map including such area, it shall be the duty of the Borough Council to hold a public hearing thereon, and cause notice thereof to be given in the manner prescribed in section 1107.

3. Citizen Protest Against Amendments. In case of protest against such amendment, supplement, change, modification, or repeal, signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment, supplement, change or modification shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the Borough Council.

Section 1108. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance or any regulations made pursuant thereto, the proper Borough authorization, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 1109. Penalties.

For any and every violation of the provisions of this Ordinance, the owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire

premises where such violation has been committed or shall exist, and the general agent, architect, building contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be liable on conviction thereof to a fine or penalty not exceeding twenty-five dollars (\$25.00) for each and every offense which shall inure to the benefit and use of the Borough with the costs of suit, and, in default of payment thereof, the Justice of the Peace may, in his discretion, commit the offender to prison in the county jail for a period not exceeding thirty (30) days for each and every offense. Whenever such person shall have been officially notified by the zoning administrative officer or by service of a summons in a prosecution, or in any other official manner, that he is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offence punishable by a like fine or penalty. Such fines shall be collected as like fines are now collected by law.

ARTICLE XII. VALIDITY, REPEALER, EFFECTIVE DATE.

Section 1201. Validity.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect its remaining portions. The Borough Council hereby declares it would have passed the Ordinance and each section and subsection thereof irrespective of the fact that anyone or more of the sections, subsections, clauses or phrases may be declared unconstitutional.

Section 1202. Repealer.

All ordinances or parts of ordinances of the Borough of Alburts inconsistent herewith are hereby repealed.

Section 1203. Effective Date.

This ordinance shall take effect ten (10) days after final approval.

ENACTED AND ORDAINED this 1st day of May, 1964.

Borough of Alburts

George K. Scherer
President of Council

Attest: Joye Schaller
Secretary

NOW, _____, the foregoing Ordinance is hereby approved.

Richard Borg
Burgess