

ZONING

Chapter 137

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[HISTORY: Adopted by the Borough Council of the Borough of Alburdis 3-5-75 as Ord. No. 172. Section 137-113B amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

**Planning Commission — See Ch. 12.
Subdivision and land development — See Ch. 113.**

ARTICLE I
Purpose and Interpretation

§ 137-1. 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 Alburdis 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 Alburdis Comprehensive Plan.
- I. Continuing to make the borough a place in which residents have a strong identity.

§ 137-2. Scope; zoning permits.

- A. 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 Alburdis, shall be in conformity with the provisions of this chapter.
- B. 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.

§ 137-3. Interpretation.

In applying and interpreting the provisions of this chapter, 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 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.

ARTICLE II
Definitions and Usage

§ 137-4. 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 Alburdis, Lehigh County, Pennsylvania.
- I. The term "Council" means the Borough Council of Alburdis.
- J. The term "Planning Commission" means the Planning Commission of the Borough of Alburdis.
- K. The term "Board" means the Zoning Hearing Board of the Borough of Alburdis unless otherwise stipulated.
- L. Any word or term not defined herein shall be used with a meaning of standard usage.

§ 137-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING, STRUCTURE OR USE — 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.

ALLEY — A public thoroughfare having a right-of-way width of twenty (20) feet or less regardless of how named.

ALTERATION OF BUILDING — As applied to a building or structure, 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 building."

ANIMAL HUSBANDRY — Concerning the domestic affairs and breeding of animals, which may include the raising and keeping of livestock and poultry.

BASEMENT — A story partly underground but having one-half ($\frac{1}{2}$) 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 it is used for business or as a dwelling unit.

BOARDING AND ROOMING HOUSE — 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.

BUILDING — Any structure having a roof supported by columns, piers or walls, including storage sheds or other structures on wheels, or having other support, 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.

BUILDING AND STRUCTURE HEIGHT — 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.

BUILDING AREA — 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.

BUILDING CONFIGURATION — A building or group of buildings arranged in the following manner:

- A. **DETACHED** — A structure with enclosing walls but not common or party wall.
- B. **SEMIDETACHED** — 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.

BUILDING COVERAGE — The percentage of the lot area covered by the building area.

BUILDING SETBACK LINE — 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, herein designated, in which the lot is located.

BUSINESS OFFICE — 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."

CAR WASH — A building or portion thereof where automobiles are cleaned, using a conveyor, blower, steam-cleaning equipment or other device.

CELLAR — Part of a story partly underground and having more than one-half ($\frac{1}{2}$) 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.

CENTER LINE OF STREET OR ROAD — A line equidistant from and parallel to the street right-of-way or property lines on each side of the street or road.

CHURCH — 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.

CLUB, LODGE OR SOCIAL BUILDING — 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, cafe or other public place.

COMMERCIAL MOTOR VEHICLE — 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."

COMPREHENSIVE PLAN — The Official Comprehensive Plan for the Borough of Alburty, Pennsylvania, including recommendations for land use, transportation and community facilities.

CONDITIONAL USES — Uses and structures which require the review of the proposed use or structure by the Planning Commission, the submission of the Planning Commission's recommendations to the Mayor and

Borough Council and the final approval of the proposed use or structure by the Mayor and Borough Council.

CORNER LOT — 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°).

COUNCIL — The Mayor and Borough Council of the Borough of Alburdis, Pennsylvania.

COURT — 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.

DAY-CARE CENTER — 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."

DENSITY — Gross density as determined by dividing the total number of dwelling units by the gross land area.

DORMITORY — 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.

DRIVE-IN SERVICE PLACES — 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.

DWELLING — A building containing one (1) or more dwelling units.

- A. **DWELLING UNIT** — 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.
- B. **SINGLE-FAMILY DETACHED DWELLING** — 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.
- C. **TWO-FAMILY DETACHED DWELLING** — 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.
- D. **SINGLE-FAMILY ATTACHED DWELLING** — 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.
- E. **MULTIFAMILY DWELLING** — 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.

ELDERLY HOUSING — Dwelling units arranged, whether singly or in various configurations such as single-family attached or multifamily, and designed and used exclusively by senior citizens.

ELECTRIC SUBSTATION — An assemblage of equipment for transforming electric power rather than for its generation or utilization.

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.

EXTRACTIVE OPERATION — Any operation designed to remove any portion of the earth's composition by digging, borrowing, burrowing, quarrying, stripping, scouring, mining or the like.

FACADE — 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.

FAMILY — Two (2) or more persons living together as a single housekeeping unit.

FENCE — An artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected.

GARAGE:

- A. **PUBLIC PARKING GARAGE** — 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** — 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** — A facility owned and run by and for the benefit of the municipality for the parking of automobiles.
- D. **SERVICE GARAGE** — 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.

GASOLINE SERVICE STATION — 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.

GOVERNMENTAL USES — 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.

GROSS HABITABLE FLOOR AREA — 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 face of exterior walls.

HOME PROFESSIONAL OFFICE and CUSTOMARY HOME OCCUPATION — A business or office conducted in the home or principal buildings, excluding multifamily dwellings, by members of the resident family, provided that no technical person may be employed in a "home professional office" who is not a member of the resident family; that not more than one-third ($\frac{1}{3}$) of the total area of one (1) aboveground floor of the home shall be used for such purposes; that signs indicating products made or

services rendered shall be in accord with this chapter; that adequate space for off-street parking and loading shall be provided; that there shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such "home occupation" other than a sign; and that no machinery or equipment that would produce noise, odor, vibration, light or electrical interference beyond the bounds of the immediate property shall be permitted. A beauty shop, retail shop, barbershop, repair shop, service shop or similar use shall not be considered a "customary home occupation."

HOSPITAL or COMMUNITY MEDICAL CENTER — A building used for the medical diagnosis, treatment or other care of human ailments.

HOTEL, MOTEL, MOTOR INN — 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."

HOUSEHOLD PETS — 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.

JUNKYARD — 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.

KENNEL — A place where three (3) or more household pets are kept, boarded, trained, raised or bred for compensation.

LANDOWNER — 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.

LOT — 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.

- A. **CORNER LOT** — A lot fronting on two (2) streets at their intersection.
- B. **INTERIOR LOT** — A lot fronting on a street but having side lot lines in common with adjacent lots.
- C. **LOT COVERAGE** — The percentage of the lot area that is occupied by the building area.
- D. **LOT DEPTH** — The distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.
- E. **LOT WIDTH** — 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.

LOT LINE — Any boundary line of a lot.

- A. **LOT LINE, FRONT** — The front lot line facing the primary street; also see definition for “street line.”
- B. **LOT LINE, REAR** — Any lot line which is parallel to or within forty-five degrees (45°) of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two (2) lot lines that are not street lines is to be considered a “rear lot line.” In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line furthest from any street shall be considered a “rear lot line.”
- C. **LOT LINE, SIDE** — Any lot line which is not a street line or a rear lot line.

MINIMUM HABITABLE FLOOR AREA — 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.

MOBILE HOME — A single-family detached dwelling unit manufactured in one (1) or two (2) complete section(s), designed for long-term occupancy, containing sleeping accommodations, a flush toilet, a bathtub or shower and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems, and designed to be transported after fabrication on its own wheels or on flatbed or other trailers, arriving at the site where it is to be occupied as a complete dwelling, which may include major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations. The “mobile home” exterior does not take on the appearance of on-site conventionally constructed single-family homes. For purposes of this chapter, sectional homes and travel trailers are not considered as

“mobile homes.” A “mobile home” shall not be construed as a temporary structure.

MOBILE HOME PARK — A parcel of land under single ownership which has been planned and improved for the placement of ten (10) or more mobile homes occupied for dwelling or sleeping purposes and for nontransient use.

MOTOR VEHICLE REPAIR SHOP — A building, structure or enclosure in which the general business of the major repairing of motor vehicles is conducted, including painting of the vehicle.

NONCONFORMING LOT — 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.

NONCONFORMING SIGN — 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.

NONCONFORMING STRUCTURE — A structure that does not conform to a 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.

NONCONFORMING USE — A use of a building or lot that does not conform to 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.

OFFICIAL MAP — A map adopted by the Borough of Alburdis 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.

OFFICIAL REVIEW AGENCY — An agency appointed by the Borough Council to review certain proposals.

OPEN SPACE OR AREA — 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.

PARKING SPACE — Any area not less than one hundred eighty (180) square feet for the parking of motor vehicles, for which there is practical access.

PERSONAL SERVICE ESTABLISHMENTS — Places 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.

PLAN (CERTIFIED) — A plan prepared by a registered professional engineer, architect, landscape architect or surveyor.

PLANNED NEIGHBORHOOD CONVENIENCE CENTER — 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.

PLANNING COMMISSION — The Planning Commission of the Borough of Alburtis.

PLAT — The map or plan of a subdivision or land development, whether preliminary or final.

PUBLIC NOTICE — Notice published once each week for two (2) successive weeks in a newspaper of general cir-

ulation in the municipality. 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 be not more than thirty (30) days nor less than fourteen (14) days from the date of the hearing.

RECREATIONAL VEHICLE OR UNIT — 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 and autos, buses 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."

RECREATION SPACE — Space and/or land devoted to diversional amusement, possibly encompassing athletic facilities.

SECTIONAL OR MODULAR HOUSE — 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."

SETBACK LINE — A line which, between it and the street or lot line, no building or other structure or portion thereof, except as provided in this Zoning Ordinance, may be erected above grade level. The "setback line" is considered to be a vertical surface intersecting the ground on such line.

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 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.

- A. **ON-PREMISES SIGN** — A sign which directs attention to a person, business, profession, home occupation or activity conducted on the same lot.
- B. **OFF-PREMISES SIGN** — A sign which directs attention to a person, business, profession, product, home occupation or activity not conducted on the same lot.

SPECIAL EXCEPTION USE — A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with the provisions of this chapter, and provided the use complies with specified conditions and standards outlined in this chapter.

STORY — 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 to be a "story" in accordance with the provisions in the definition of "basement" in this section.

STREET — 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 abutting lot or lots or to

more than two (2) dwellings on a lot on which a private way is exclusively used.

STREET LINE — 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 (16½) 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.

STRUCTURE — 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.

SWIMMING POOL — Any receptacle or artificially constructed pool for water, 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.

- A. **SWIMMING POOL, NONCOMMERCIAL** — Any constructed body of water or structure to contain water, any preconstructed swimming pool brought to the site and any accessory equipment pertaining thereto, 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, fraternal or social organization.
- B. **SWIMMING POOL, COMMERCIAL** — Any swimming pool operated for profit or gain and available to the general public through the payment of admission or membership fees.

TILLING OF THE SOIL — 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.

TRADE SCHOOL — A commercial educational institution where trades are taught.

TRAVEL TRAILER — A vehicular portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, vacation and other short-term uses, having a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet.

USE — 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.

A. **USE, ACCESSORY** — 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.

B. **USE, PRINCIPAL** — The main use on a lot.

VARIANCE — A granting of permission to use or alter land or structures which requires a variation or adaptation from the strict application of the Zoning Ordinance requirements. "Variances" are granted only in the case of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions whereby strict application of regulations would result in practical difficulty and unnecessary hardship. "Variances" are granted only if specific requirements are met. A "variance" may not be granted to permit a use which is not permitted in the zoning district involved.

VETERINARY OFFICE or ANIMAL HOSPITAL — Any building used for the treatment, housing or limited boarding of small domestic animals, such as dogs, cats, goats, rabbits and birds or fowl, by a veterinarian.

YARD — An open space unobstructed from the ground up, on the same lot with a structure, extending along a lot line or street 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 or street line, exclusive of overhanging eaves, gutters, cornices and open steps.

- A. **YARD, FRONT** — A required yard between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are "front yards." In the case of a lot other than a corner lot that fronts on more than one (1) street, the yards extending along all streets are "front yards."
- B. **YARD, REAR** — 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.
- C. **YARD, SIDE** — A required yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a "side yard."

ZONING/BUILDING PERMIT — The term "zoning/building permit," whether titled "zoning permit" or "building permit," shall mean the same or each other.

ZONING OFFICER — The duly authorized and designated official of the borough responsible for administering and enforcing the Zoning Ordinance of the Borough of Alburtis, Pennsylvania.

ARTICLE III Zoning Districts and Zoning Map

§ 137-6. 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.

§ 137-7. 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

§ 137-8. Zoning Map.

- A. The boundaries of the zoning districts are established on a map entitled "Zoning Map for the Borough of Alburdis," which map accompanies this chapter and is declared to be a part of this chapter.¹ Map changes and amendments shall be made in accordance with the provisions of § 137-108.
- B. The Official Zoning Map shall be identified by the signature of the Borough Council President, attested by the Borough Secretary, and shall bear the adoption date of this chapter and 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.

¹ Editor's Note: The Zoning Map is included at the end of 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. A certified copy of the map shall be located in the office of the Zoning Officer.

§ 137-9. 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 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

§ 137-10. 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.

§ 137-11. General statement.

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, General Regulations.

§ 137-12. 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.

§ 137-13. 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 XII, any other applicable provisions listed below and approval by the Borough 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.

§ 137-14. Special exception uses.

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 XII and XVII:

- A. Home professional office and customary home occupation.

§ 137-15. 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 ($\frac{1}{2}$) ton loading capacity and which are needed for travel to and from work by residents of the principal building.

- (2) Structures such as fences, 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 which is designed to contain a water depth of twenty-four (24) inches or more 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. In no case shall the pool be located within the required minimum yard setback.
 - (3) Every in-ground noncommercial swimming pool located on a lot shall be entirely enclosed with a good quality chain link or wooden or other equivalent fence of not less than four (4) feet in height which will prevent children from passing under or through. Any aboveground pools less than four (4) feet in height on any lot shall require a fence not less than four (4) feet in height.
 - (4) Such pool shall not be located less than fifteen (15) 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 pool shall be located under any overhead electric wiring.
- D. 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. No fences shall be placed in the front yard area between the building setback line and front lot line.

§ 137-16. 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 and

by special exception, subject to further applicable provisions of this Article, Article IX, General Regulations, and Article XII, Conditional Uses and Special Exception Uses. The most restrictive dimensional requirement 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 Resources. 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 square feet	80	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 square feet	100	15	35

§ 137-17. Minimum yard requirements.

The following are 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**

§ 137-18. 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.

§ 137-19. General statement.

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, General Regulations.

§ 137-20. 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.

§ 137-21. 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 XII, any other applicable provisions listed below and approval by the Borough Council:

- A. Single-family attached dwelling (townhouses).
- B. Places of worship.
- C. Multifamily residential development.
- 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, single-family attached or multifamily dwelling limited to three (3) dwelling units.

§ 137-22. Special exception uses.

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 XII and XVII:

- A. Cemetery.
- B. Home professional office and home occupation.

§ 137-23. 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.

§ 137-24. 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 and by special exception, subject to further applicable provisions of this Article, Article IX, General Regulations, and Article XII, Conditional Uses and Special Exception Uses. The most restrictive dimensional requirement 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 square feet	50	40	35
Single-family attached dwelling	5 acres minimum tract	200— tract	35	35
Two-family detached dwelling	5,000 square feet per dwelling	50	35	35

Principal Use	Minimum	Minimum	Maximum	Maximum
	Lot Area	Lot Width (feet)	Building Coverage (%)	Building Height (feet)
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		200	30	35
		5 acres; 200 maximum gross density — 8 dwelling unit per acre		
Utility substation	1 acre	100	20	35
All other uses	8,000 square feet	80	20	35

§ 137-25. Minimum yard requirements.

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

Principal Use	Front Yard (feet)	Side Yard (feet)		Rear Yard (feet)
		One	Both	
Single-family detached dwelling	25	8	16	25
Two-family detached dwelling	25	10	20	25
All other uses	25	12½	25	25

ARTICLE VI
Regulations for R-3 High-Density
Residential District

§ 137-26. 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 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.

§ 137-27. General statement.

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, General Regulations.

§ 137-28. 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.

§ 137-29. 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 XII, any other applicable provisions listed below and approval by the Borough Council:

- A. Single-family attached dwelling (townhouse).
- B. Places of worship.
- C. Multifamily residential development.
- 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 residential development for the elderly.
- H. Conversion of existing single-family detached dwelling to a two-family, single-family attached or multifamily dwelling limited to three (3) dwelling units.
- I. Essential utilities, including accepted easements.
- J. Utility substation.
- K. Home professional office and home occupation.

§ 137-30. Special exception uses.

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 XII and XVII:

- A. Hospital or nursing home, not including animal hospital.

§ 137-31. 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.

§ 137-32. 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 and by special exception, subject to further applicable provisions of this Article, Article IX, General Regulations, and Article XII, Conditional Uses and Special Exception Uses. The most restrictive dimensional requirement 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 dwelling	5,000 square feet	50	40	35
Single-family attached dwelling	200—tract 3-acre minimum tract; 2,000 square feet per dwelling; minimum individual lot width of 18 feet; maximum gross density—8 dwelling units per acre		35	35
Two-family detached dwelling	4,000 square feet per dwelling	40	35	35

Principal Use	Minimum Lot Area	Minimum	Maximum	Maximum
		Lot Width (feet)	Building Coverage (%)	Building Height (feet)
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 multi-family residential for the elderly	2 acres; maximum gross density—20 dwelling units per acre	150	25	4 stories
Multifamily residential development	3 acres; maximum 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	75	25	35

§ 137-33. Minimum yard requirements.

The following are minimum yard requirements for principal uses in the R-3 District.

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

ARTICLE VII
Regulations for C-1 Commercial District

§ 137-34. 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.

§ 137-35. General statement.

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, General Regulations.

§ 137-36. 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, 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, engineering, insurance agents, opticians and medical and related offices.
- 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.

§ 137-37. 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 XII and approval by the Borough Council:

- A. Planned shopping center.
- B. Planned medical and/or dental center.
- C. Public facilities owned or operated by the borough or other government.
- D. Motel, hotel, 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. Multifamily residential development may be in combination with a commercial use.
- L. Conversion of existing single-family detached dwelling to a two-family, single-family attached or multifamily dwelling limited to three (3) dwelling units.
- M. Nursery or day-care center.
- N. Places of worship.
- O. Indoor theater.
- P. Bus or taxicab terminal.
- Q. Hospital or nursing home.
- R. Commercial recreation, swimming pool and other similar entertainment activities.

§ 137-38. Special exception uses.

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 XII and XVII:

- 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. Home professional office and customary home occupation.

§ 137-39. 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 line no closer 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.

§ 137-40. Area and height regulations.

The following dimensional requirements in this section shall apply to each use permitted in this C-1 District by right, by condition and by special exception, subject to further applicable provisions of this Article, Article IX, General Regulations, and Article XII, Conditional Uses and Special Exception Uses. The most restrictive dimensional requirement 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	Minimum	Maximum	Maximum
	Lot Area	Lot Width (feet)	Building Coverage (%)	Building Height (feet)
Crop farming	1 acre	200	20	35
Bank or other financial institution	1 acre	100	35	35

Principal Use	Minimum	Minimum	Maximum	Maximum
	Lot Area	Lot Width (feet)	Building Coverage (%)	Building Height (feet)
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	100	35	35
Hospital	3 acres	150	30	50
All other uses	5,000	100	35	50

§ 137-41. 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)		Rear Yard (feet)
		One	Both	
Planned shopping center	50	30	70	45

Principal Use	Front Yard (feet)	Side Yard (feet)		Rear Yard (feet)
		One	Both	
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

§ 137-42. 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.

§ 137-43. General statement.

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, General Regulations. All uses permitted in this district shall provide a fifty-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-foot buffer yard in accordance with the provisions of Article XIV when said use's lot abuts a lot with residential dwelling(s).

§ 137-44. 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.

§ 137-45. 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 XII, any other applicable provisions listed below and approval by the Borough Council:

- A. Research laboratory or similar experimental testing or scientific establishment.
- B. Professional offices, including management, real estate, insurance, legal, engineering and other professional endeavors, not including retail sales activities.
- 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; 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; and 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, 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, motor inn.
- X. Restaurant or cafeteria.
- Y. Bank or similar financial institution.
- Z. Cemetery.
- AA. Planned neighborhood convenience center with uses necessary and convenient to employees in this L-1 District.

§ 137-46. Special exception uses.

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 XII and XVII:

- 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 storm runoff and the additional traffic generated by the proposed facility. Such evidence may include the proposed use of proven special structural or technological innovations.

§ 137-47. 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 flammable 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 lines no closer 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.

§ 137-48. Prohibited uses.

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

- Acetylene gas manufacture and/or storage
- Ammunition manufacture and/or storage
- Arsenal

Asphalt manufacture or refining
Blast furnace or reverberatory or foundry
Block and brick manufacturing
Bond distillation
Carousels, roller coaster, Ferris wheels and similar amusement features, except in connection with a carnival or circus having a special permit issued by the appropriate municipal authority
Celluloid manufacture
Cement, including cement mixing plant, lime, gypsum or plaster of paris manufacture
Coal distillation and coke ovens
Creosote treatment or manufacture
Dead animal and offal reduction
Distillation of bones, coal, petroleum, refuse, grain or wood (except in the manufacture of tar)
Explosives, fireworks and gunpowder manufacture or storage
Fat rendering and forge plant
Heavy manufacturing or assembly
Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals or offal
Leather processing
Manufacturing of poisonous gases, except as may be necessary and incidental to a permitted industrial use
Oilcloth or linoleum manufacture
Ore reduction and potash works
Paint or varnish manufacture, stone quarry, mill or crusher
Paper or pulp manufacturing

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)

Reduction of fish and animal products and vegetable oils

Roasting of coffee, spices and soybeans

Rolling mill, steel furnace, blooming or rolling mill, stockyards

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

Storage or processing of scrap metal, automobile graveyards

Tar distillation or manufacture

Other similar uses

§ 137-49. Area and height regulations.

The following dimensional requirements in this section shall apply to each use permitted in the L-1 District by right, by condition and by special exception, subject to further applicable provisions of this Article, Article IX, General Regulations, and Article XII, Conditional Uses and Special Exception Uses. The most restrictive dimensional requirement 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	Minimum	Maximum	Maximum
	Lot Area	Lot Width (feet)	Building Coverage (%)	Building Height ¹ (feet)
All uses	1 acre	100	40	50

¹The 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.

§ 137-50. Minimum yard requirements.

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

Principal Use	Front Yard (feet)	Side Yard ¹ (feet)		Rear Yard ¹ (feet)
		One	Both	
All uses	40	40	85	40

¹No side yard or rear yard shall be required when the lot abuts a railroad.

**ARTICLE IX
General Regulations**

§ 137-51. Purpose.

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

§ 137-52. 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 the subdivision regulations of the borough² 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

² Editor's Note: See Ch. 113, Subdivision and Land Development.

other open space on another lot be considered as providing a yard or open space for a 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 debris 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.

§ 137-53. 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, 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 zone in which such parcel is located at the date of the adoption of this chapter, when the owner thereof owns no adjoining land, may be used as a lot for any purpose permitted in the zone, provided that all other regulations prescribed for the zone by this chapter are complied with.
- D. Where there is at the time of the enactment of this chapter a lot whose width and area are less than that required for

the zone in which said lot is located, where the side yard or front yard 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 zone 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 the time of enactment of this chapter.

§ 137-54. 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.

§ 137-55. 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 ($\frac{1}{3}$) 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 zone wherein 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. Corner lots with four (4) or more sides and fronting on two (2) intersecting streets shall be considered to have two (2) front yards, two (2) side yards and no rear yard. One front yard shall meet the yard requirements for the applicable zone and the other 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.

§ 137-56. 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 zone 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.

§ 137-57. 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.

§ 137-58. General performance standards.

All uses and activities established after the effective date of this chapter, unless otherwise indicated, shall comply with the following standards:

A. Noise. 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 conform 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 Association, 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).

- (1) 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

- (2) 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

- B. Smoke, dust, fumes, gases, odors, mists, vapors and pollens. 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 State of Pennsylvania or any applicable borough ordinance, whichever is more restrictive.
- C. 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.

- D. 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.
- E. Electric, diesel, gas or other 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.
- F. Storage and water disposal. The following regulations shall apply to the storage of materials and the disposal of materials:
- (1) 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.
 - (2) 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.
 - (3) 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.
 - (4) 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.

§ 137-59. Floodplain regulations.

A. The intent of this section is:

- (1) To regulate development in areas of Alburdis Borough 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.
- (2) To reduce the financial burden imposed on the community, its governmental units and its individuals by frequent and periodic floods and overflows on lands.
- (3) To permit certain uses which can be appropriately located in such areas and which will not impede the flow of floodwaters or otherwise cause danger to life and property at, above or below their locations along the flooding.
- (4) To provide sufficient drainage courses to carry abnormal flows of stormwater in periods of heavy precipitation.
- (5) 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 Alburdis as provided for in the Comprehensive Plan.

B. Floodplain areas shall be designated as follows:

- (1) Areas designated as "alluvial soils" 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 floodwaters:

- (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

- (2) The areas delineated as "alluvial soils" on the Official Zoning Map shall be used only to determine where the provisions of the approval procedure and regulations in the following three (3) subsections shall apply. It shall not be considered an exact delineation for purposes of applying specific regulations of the regulations subsection.

C. The following approval procedure shall be followed for uses which lie within the "alluvial soils" areas:

- (1) 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.

D. The following regulations shall apply:

- (1) On any site or portion of a site which is found, based upon detailed investigation pursuant to the provisions of the approval procedure as indicated above, 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 Resources.
 - (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 plant approved by the Commonwealth of Pennsylvania, Department of Environmental Resources.

E. The following regulations shall apply when two (2) or more of the following unique natural features exist:

- (1) If a minimum of two (2) of the following land characteristics exist on a lot, the minimum lot size shall be determined by the provisions listed below, unless a larger minimum lot size is required in the zoning district in which said lot is located, in which case the more restrictive requirements shall apply:

Required Minimum Lot Size*

Land Characteristics	1.0 Acres (43,560 square feet)	1.5 Acres (65,340 square feet)
Steep slope	8% - 15%	Over 15%
Woodland	50% - 75% of lot	Over 75% of lot
Soils**	Moderate or severe	Moderate or severe

*The minimum lot size shall apply to each lot which has a minimum of two (2) natural land characteristics.

**As classified in the Lehigh County Soil Survey.

§ 137-60. Fencing.

Fencing which shall be no higher than six (6) feet and no closer than one (1) foot to a lot line shall be permitted.

§ 137-61. 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, provided that all provisions of § 137-56 shall be met.

ARTICLE X
Nonconforming Buildings and Uses

§ 137-62. Purpose and applicability.

- 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 the effective date of this chapter shall be known and regarded as nonconforming and the following regulations shall apply to them.

§ 137-63. Repair, maintenance and alteration.

- A. 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 a 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.
- B. 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.

- C. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions:
- (1) Such change shall be permitted only by special exception, under the provisions of § 137-102, Special exceptions.
 - (2) The applicant shall show that a nonconforming use cannot reasonably be changed to a conforming use.
 - (3) 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. No nonconforming use shall be extended to displace a conforming use.
- E. 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 of this chapter or change in zoning district and the construction of which is begun within three (3) months after such adoption or change and diligently carried on. The approved plans shall not be altered in any way to increase the nonconformity.
- F. 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.

- G. 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 foregoing provisions shall also apply to any nonconforming uses or structures existing therein.
- H. A nonconforming structure may not be moved to another location unless it becomes conforming by such move.
- I. 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.

§ 137-64. Conditions for continuance of use.

Where, at the effective date of adoption or amendment of this chapter, a lawful structure, use of structure or use of land exists that could not be allowed under the terms of this chapter 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 following provisions:

- A. No such structure or use shall be enlarged or altered in volume or area unless the following requirements are met:
 - (1) All enlargements or alterations shall conform to all yard, height and coverage requirements in the district in which the structure or use is located.
 - (2) 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 (3½) 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 Appendix A.³

- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for use at the time of adoption or amendment of this chapter.
- C. 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.
- D. 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 regulations for the district in which such structure is located and the nonconforming use may not thereafter be expanded or enlarged.
- E. 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-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.

³ Editor's Note: Appendix A is included at the end of this chapter.

- F. 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.
- G. 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 zoned district wherein such residential use is located.
- H. 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.
- I. 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.

§ 137-65. 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 involving 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.

ARTICLE XI
Site Plan Review

§ 137-66. 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 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, if deemed necessary by the Zoning Officer:

- A. Upon application to the Zoning Officer for a zoning permit, the applicant shall submit a complete set of site plans, which may be schematic preliminary plans or final preliminary plans. Such plans shall be submitted in triplicate, 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 as required in § 137-69 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 not 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; proposed 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 § 137-67.

- 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.

§ 137-67. 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 changes 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 installations 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 XII
Conditional Uses and Special Exception Uses

§ 137-68. 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 the Borough 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.

§ 137-69. 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 (1) 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, off-street loading and unloading and provisions to be made for lighting such areas.
- E. The dimensions, location and methods of illumination for 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.

§ 137-70. Application procedures.

- A. Conditional use. All applicants shall submit three (3) sets of site plans to the Zoning Officer when making application for a zoning permit.

- (1) The Zoning Officer shall submit two (2) copies of a site plan that complies with all requirements of this Article to the Borough Planning Commission with his written report within fifteen (15) days of site plan submission or at the next regularly scheduled meeting.
 - (2) The Planning Commission shall, within forty-five (45) days of receipt of said site plans and report from the Zoning Officer, review and submit a recommendation to the Borough Council. The Council shall then review the proposed land use development and approve or disapprove the development. If disapproved, the reasons for disapproval shall be clearly stated on one (1) copy of the submission and returned to the applicant. The Zoning Officer shall deny a zoning permit for the proposed development until written approval of the Borough Council is obtained. Approval may be made conditional upon the applicant's adoption of specified changes in the submission.
 - (3) The absence of action on the part of the Planning Commission within the said forty-five (45) days shall constitute approval of the site plan, and the Borough Council shall proceed in its review on the basis of such approval.
 - (4) Court appeals. Any person or persons jointly or severally aggrieved by any decision of the Borough Council may present to the Court of Common Pleas of Lehigh County a petition, duly verified, setting forth that such decision is illegal in whole or part, specifying the ground of the illegality. Such petition must be presented to the Court within thirty (30) days after the decision by the Borough Council.
- B. Special exception. All applicants for special exception, in addition to the required site plans, shall submit an application to the Zoning Officer and follow the procedures outlined in Article XVII, Zoning Hearing Board.

§ 137-71. General requirements.

- A. The Borough 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 Alburdis Borough 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. The Borough Council may impose whatever conditions regarding layout, circulation and performance it deems necessary to ensure that any proposed development will substantially secure the objectives of this chapter.

§ 137-72. Specific requirements.

The conditional and special exception uses and any applicable specific requirements are as follows:

A. Multifamily dwellings (MFD) and single-family attached dwellings (SFAD). The following minimum requirements shall be met:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) Open space and recreation. A minimum of ten percent (10%) of the gross site area shall be designated for active or passive recreation activities.
- (5) Buffer yards. Along each side or rear property line which adjoins a residential, commercial or industrial district boundary, a fifty-foot buffer yard shall be provided. Such buffer yard shall meet the requirements of Article XIV.
- (6) Building orientation. Facing walls are walls opposite and parallel to 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:
 - (a) Where two (2) facing walls both contain a window or windows, shall in no case be less than seventy-five (75) feet.

- (b) Where only one of the facing walls contains a window or windows, shall in no case be less than fifty (50) feet.
 - (c) Where neither facing wall contains a window or windows, shall in no case be less than twenty-five (25) feet.
 - (d) 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), shall be no less than twenty-five (25) feet.
- (7) Building standards. The following building standards shall be required:
- (a) 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 apartment 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.
- (8) Off-street parking design standards. In addition to the off-street parking requirements, the following provisions shall apply:
- (a) All parking spaces shall be at least twenty (20) feet from any multifamily dwelling or fifteen (15) feet from any single-family attached dwelling.
 - (b) Driveways or accessways to a parking area shall be no closer than ten (10) feet to a building.
- (9) Water, sewer and drainage.

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

(b) 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 the Borough Council. The borough may require plantings and grading to control runoff.

(10) Refuse storage. All refuse receptacles shall be suitably screened from view.

B. Places of worship.

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

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

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

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

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

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

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

- (5) The site is located and planned in such a manner that it can be used for both school and general community functions.
 - (6) Attractive grading, landscaping and pleasing views.
- D. Public facility owned or operated by the borough or other government. The following minimum requirements shall be met:
- (1) There shall be the minimum lot size.
 - (2) 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.
- E. Nonprofit recreational or educational facility, other than golf courses. The following minimum requirements shall be met:
- (1) There shall be the minimum lot size.
 - (2) 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.
 - (3) Completely detached buildings on the same lot shall be not less than twenty (20) feet from one another.
- F. Bus or taxicab terminal. The following minimum requirements shall be met:
- (1) There shall be a minimum of one (1) acre.
 - (2) There shall be a planted, landscaped screen around the perimeter of the lot.
- G. Nursery or day-care center. The following minimum requirements shall be met:
- (1) Outdoor play area shall be screened from adjoining properties.

(2) All applicable state requirements shall be met.

H. Home professional office and customary home occupation. The following minimum requirements shall be met:

- (1) No persons shall be employed who are not members of the family.
- (2) Not more than one-third ($\frac{1}{3}$) of the area of one (1) floor shall be used for such purposes.
- (3) Signs indicating products made or services rendered shall be in accord with this chapter.
- (4) Adequate space for off-street parking and loading shall be provided.
- (5) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than a sign.
- (6) No machinery or equipment shall be permitted that produces noise, odor, vibration, light or electrical interference beyond the bounds of the immediate property.

I. Planned shopping center. The following minimum requirements shall be met:

- (1) 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.
- (2) 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.
- (3) Off-street parking space shall be provided in accordance with the standards set forth in Article XIII.
- (4) 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.

- (5) All accessways to a public street shall be located not less than one hundred (100) feet from the intersection of any street line.
- (6) 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.
- (7) No storage of materials, equipment or goods shall be permitted outside a building unless they are located within a permanently enclosed patio.
- (8) 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.
- (9) 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.
- (10) 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.

- (11) 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.

J. Planned medical and/or dental center. Such use:

- (1) Shall be totally planned to function as a unit.
- (2) Shall comply with the performance standards of this chapter.

K. Motel, hotel or motor inn. The following minimum requirements shall be met:

- (1) There shall be a minimum lot area.
- (2) The total floor area of principal and accessory buildings shall not exceed twenty-five percent (25%) of the lot area.
- (3) No structure, except a permitted sign, shall be nearer any lot line than one hundred (100) feet.
- (4) A minimum twenty-foot buffer strip along side, front and rear property lines shall be provided, except for entrance and exit drives. The buffer strip shall comprise evergreen trees and foliage and other appropriate ground cover. The entrance and exit drives crossing the street right-of-way shall be limited to two (2) along the frontage of any street.
- (5) All lighting shall be shielded so as not to shine on abutting properties.

L. Automotive service station. The following minimum requirements shall be met:

- (1) The minimum lot width shall be two hundred (200) feet along each street on which the lot abuts.
- (2) All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed building.
- (3) Fuel pumps shall be at least twenty-five (25) feet from any street right-of-way.
- (4) All automobile parts and dismantled vehicles are to be located within a building.
- (5) Full-body paint spraying or body and fender work shall not be permitted.
- (6) 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.

M. Drive-in service eating and drinking place. The following minimum requirements shall be met:

- (1) Signs and outdoor lighting shall be in accordance with specific provisions of this chapter.
- (2) Access points shall be limited to two (2) on each road abutting the lot.
- (3) On-lot traffic circulation channels and parking areas shall be clearly marked.
- (4) Provisions for proper and convenient disposal of refuse shall be demonstrated.

N. Automobile, truck, mobile home, boat and recreational vehicle sales. The following minimum requirements shall be met:

- (1) 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 XIII.

(2) Signs shall be in accordance with this chapter.

O. Wholesale and distribution activities. The following minimum requirements shall be met:

(1) 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.

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

P. Membership club or lodge. The following minimum requirements shall be met:

(1) There shall be the minimum lot size.

(2) 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.

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

Q. Motor vehicle repair shop. The following minimum requirements shall be met:

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

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

(3) Buffer yard requirements of Article XIV shall be met.

(4) 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 to side and rear lot lines.

- R. Planned industrial, office or research park. Such use shall meet the following minimum requirements:
- (1) Shall contain the minimum lot size.
 - (2) Shall be totally planned to function as a single development unit.
 - (3) Shall be in accordance with the performance standards of this chapter and in accordance with all development standards of the borough subdivision regulations.⁴
 - (4) Shall contain only those individual uses permitted in the district.
- S. Hospital or nursing home, 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.
- T. Cemetery, provided that the minimum lot size is met and buffer yards are provided.
- U. Mortuary or funeral home. The following minimum requirements shall be met:
- (1) A minimum of one (1) acre should be provided.
- V. Conversion of existing single-family detached dwelling to a two-family, single-family attached or multifamily dwelling limited to three (3) units. The following requirements shall be met:
- (1) The property shall comply with the yard and building area requirements for the district.
 - (2) Required off-street parking shall be available.
 - (3) The floor area per dwelling unit shall be not less than six hundred fifty (650) square feet.
 - (4) The Borough Engineer shall assure that adequate water and sewerage facilities are available.
- W. Commercial recreation, such as camps, swimming pools, picnic grounds and fishing, provided the following assurances are given:

⁴ Editor's Note: See Ch. 118, Subdivision and Land Development.

- (1) There will be maximum public health and safety.
 - (2) All special state and local permits are issued to conduct one (1) or more of these uses.
- X. Utility substations, including accepted easements for local need and serving the borough. The following minimum requirements shall be met:
- (1) The substation shall be screened from view by solid and continuous landscaping of massed evergreen and/or deciduous trees and shrubs.
- Y. Mid-rise multifamily residential for the elderly. The following minimum requirements shall be met:
- (1) A twenty-foot buffer yard shall be provided and landscaped in accordance with Article XIV.
 - (2) Landscaped and grassed sitting and other passive recreation areas shall be provided on the lot.

ARTICLE XIII
Off-Street Parking and Loading

§ 137-73. General regulations.

- A. 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. 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.
- B. 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 the parking table unless modifications

are recommended in accordance with the required site plan review.

- C. None of the off-street parking or off-street loading facilities as required in this chapter shall be required for any 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.
- D. Off-street parking for new development shall be owned or leased on a long-term basis consistent with the economic life of the development.
- E. 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 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 required loading and unloading space substituted for a parking space.
- F. 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 ($\frac{1}{2}$) 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.
- G. 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 the parking schedule hereinunder; 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.
- H. 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.
- I. 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.
- J. 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.
- K. Provisions shall be made for the disposal of stormwater from parking areas in conformance with the Borough Building Code,⁵ to ensure that such water shall not flow onto adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto or inconvenient to persons using the sidewalk.
- L. 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.

⁵ Editor's Note: See Ch. 89, Building Construction.

- M. 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.
- N. 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.

§ 137-74. Off-street parking schedule.

All uses permitted by this chapter or hereafter permitted in any of the districts herein established, except Central Business District, shall provide as a minimum the number of off-street parking spaces specified in the following schedule. Parking spaces 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 the following schedule, the same requirements as for the most similar use in the schedule shall apply. Where calculations of spaces result in a fractional space, any fraction under one-half ($\frac{1}{2}$) may be disregarded and any fraction one-half ($\frac{1}{2}$) and over shall be construed as one (1) whole space.

- A. Residences, apartments and conversions (except as hereinafter modified).
- (1) One (1) parking space for each efficiency unit.
 - (2) One and one-fourth (1.25) parking spaces for each one-bedroom apartment unit.
 - (3) One and one-half (1.50) parking spaces for each two-bedroom apartment unit.
 - (4) Two (2) parking spaces for each three-or-more-bedroom apartment unit, townhouse, two-family dwelling or single-family detached or two-family

dwelling structures which are expanded or converted to include more than one (1) or two (2) dwellings respectively, in which case the Zoning Hearing Board may permit the parking for at least one (1) unit to take place on the street, provided it can be clearly demonstrated that sufficient space for all required off-street parking is not possible and that on-street parking is permitted, and that such on-street parking will not increase traffic congestion in the neighborhood.

- 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 parking schedule because of any supplementary parking-generating activities represented by uses other than guest and sleeping rooms.
- C. Tourist homes, 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 in Subsection B above.
- 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. Club 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 schedule because of any supplementary parking-generating activities.

G. Hospitals and nursing and convalescent homes.

- (1) 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.
- (2) Nursing and convalescent homes: one (1) parking space for every five (5) beds, plus one (1) space for each staff 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 spaces required herein.

H. Medical and dental clinics: four (4) parking spaces for each doctor or dentist, plus one (1) space for every one (1) employee.

I. 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.

J. 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 schedule because of any supplementary parking-generating activities.

K. Museums, post offices, borough halls and similar establishments: parking or storage space for all vehicles used directly in the operation of such establishments, plus four (4) spaces for the first one thousand (1,000) square feet of gross usable floor area, plus one (1) space for every additional one hundred fifty (150) square feet of floor area.

- L. Bowling alleys: four (4) parking spaces for each alley, plus one (1) for every two (2) employees.
- M. Libraries, theaters, auditoriums, stadiums, sports arenas or similar uses: one (1) parking space for every six (6) 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.
- N. 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.
- O. 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.
- P. 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.
- Q. 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.
- R. 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.
- S. 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 nonretail uses within a shopping center shall provide spaces as required in this schedule.
- T. 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.

- U. Self-service laundries and cleaning establishments: one (1) parking space for every four (4) washing, drying and dry-cleaning machines.
- V. Gasoline service stations, public and 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.
- W. Other business and service establishments not specifically covered herein: one (1) parking space for every two hundred (200) square feet of gross habitable floor area, plus sufficient space to meet the reasonable demands of the business.
- 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, 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.

§ 137-75. 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:
 - (1) A minimum of twelve (12) feet and a maximum of fifteen (15) feet at the curblines for one-way use only.
 - (2) A minimum of twenty (20) feet and a maximum of thirty (30) feet at the curblines for two-way use. There

shall be at least forty (40) feet between all access points, and no access point shall be closer than thirty (30) feet to any street intersection.

- B. 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. 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.

§ 137-76. 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 as determined by the Zoning Officer or another applicable review agent for the borough 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 fifty (12 x 50) feet and, in addition, have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within off-street loading and parking areas.

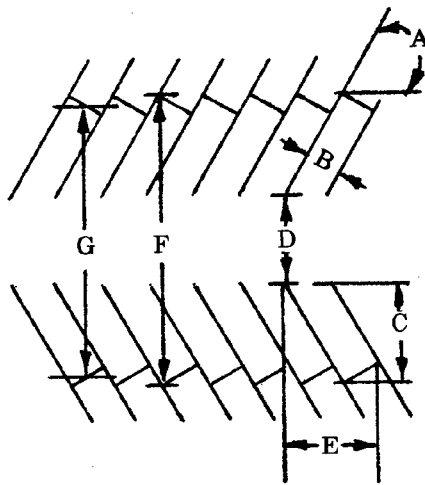
§ 137-77. Parking design standards.

The minimum dimensions of stalls and aisles shall be as follows:

Parking Table

A Parking Angle	B Stall Width	C Stall to Curb (feet)	D Aisle Width (feet)	E Curb Length per Car (feet)	F Width of Double Row Aisle Between (feet)	G (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

A Parking Angle	B Stall Width	C Stall to Curb (feet)	D Aisle Width (feet)	E Curb Length per Car (feet)	F Width of Double Row Aisle Between (feet)	G (feet)
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



**ARTICLE XIV
Buffer Strips**

§ 137-78. Applicability.

All lots or parts of lots which are improved with a predominantly nonresidential use and whose side or rear lines are

adjacent to a residential zone or existing residential or related uses which are not commercial, light industrial, office or related uses shall be screened from such uses by a fifty-foot landscaped buffer strip area in the Light Industrial—Office Research District and eight (8) feet in width within the Commercial District. For uses under Articles VII and VIII, other such screening along said side or rear lines may be required by the Borough Planning Commission and/or the Zoning Hearing Board in accordance with this Article.

§ 137-79. General regulations.

- A. 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 (3½) 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.
- B. 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.
- C. 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. The entire area shall be attractively maintained and kept clean of all debris and rubbish.

- D. 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.
- E. In circumstances where it is impractical for a screen to meet all the requirements of this section or to meet such requirements would create an undue hardship, the Planning Commission may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements.

ARTICLE XV Sign Regulations

§ 137-80. 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.

§ 137-81. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

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, 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.

- A. **ON-PREMISES SIGN** — A lawful sign which directs attention to a person, business, profession, home occupation or activity conducted on the same lot.
- B. **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.

§ 137-82. Types of Signs.

The following are types of signs:

- A. **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.
- B. **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.

- C. 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.
- D. 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.
- E. 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.

§ 137-83. Prohibited signs.

The following signs are prohibited in all zones:

- 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 zone 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.

§ 137-84. 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 not changes or alterations whatsoever.
- B. Permits for temporary signs shall be for a maximum of twelve (12) months' period of time. The permit for such signs may be renewed at the end of each twelve-month period.

§ 137-85. Nonconforming signs.

- A. Only lawful signs existing at the time of passage of this chapter and which do not conform to the requirements of the chapter 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 lawful sign, billboard and other outdoor advertising media erected in the borough prior to the adoption of this chapter may continue to be maintained in spite of lack of conformity with all of the provisions of this chapter after which the owner of every such sign, at his own expense, shall cause the same to be brought into strict conformity with all the requirements of this chapter or shall remove the same. The work of bringing such sign into conformity with such requirements shall constitute either repair, alteration or relocation, and therefore shall require the owner of such sign to obtain a permit; provided that the Zoning Hearing Board may grant special permission permitting the owner of a sign to continue to maintain such sign without conforming to the requirements of this chapter where to require cessation of use would, in the opinion of the Zoning Hearing Board, impair the property rights of any person to such an extent as to be an unconstitutional taking of property.
- C. 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 the adoption of this chapter shall be removed within thirty (30) days from the date of official notification of the Zoning Officer. All signs erected prior to the adoption of this chapter 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 the official adoption of this chapter.

§ 137-86. Areas 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 a single continuous perimeter 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 or other shape 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.

§ 137-87. 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.

§ 137-88. General regulations.

The following requirements shall apply to all specifically designated signs:

- A. 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.
- B. All sign provisions of this chapter shall apply to smokestacks, water towers and other similar structures.
- C. 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.
- D. 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.

- E. 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.
- F. 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.
- G. All freestanding signs shall be set back at least ten (10) feet from the front lot line. No freestanding sign in other than a residential district shall extend within fifty (50) feet of any residential district boundary line.
- H. 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.
- I. Temporary signs may be permitted on new construction sites, such signs not to exceed thirty-two (32) square feet in total area and 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.
- J. 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.

- K. 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 (15) days in any one (1) calendar year. At no other time shall such devices be permitted.

§ 137-89. Signs permitted in residential districts.

The following signs are permitted, provided that no directly illuminated signs shall be allowed:

A. On-premises signs.

- (1) Official traffic signs and other official federal, state, county and township 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, religious organization or 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 Borough 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.

§ 137-90. Signs permitted in commercial districts.

No sign shall be permitted except as follows:

A. On-premises signs.

- (1) All signs permitted in previous § 137-89 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 Authority 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-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) Such signs shall be limited to one (1), except for each separate and distinct business establishment.
- (2) No portion of any such sign shall be less than ten (10) nor 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, be-

yond the outside edge of the backing. No portion of any such backing shall be less than ten (10) feet nor more than thirty-five (35) feet above the ground nor be placed or extend within any existing or future road right-of-way.

§ 137-91. Signs permitted in industrial and office park districts.

No sign shall be permitted except as follows:

A. On-premises signs.

- (1) All signs permitted in § 137-90.

ARTICLE XVI

Planned Neighborhood Convenience Centers

§ 137-92. 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 one-fourth ($\frac{1}{4}$) to one-half ($\frac{1}{2}$) mile of the planned neighborhood convenience center.
- C. Located on or within a two-hundred-foot radius of an intersection of two (2) collector streets, two (2) arterial streets or one (1) collector and one (1) arterial street as designated on the Borough Comprehensive Plan and as defined in the Borough Subdivision and Land Development Ordinance.⁶

⁶ Editor's Note: See Ch. 113, Subdivision and Land Development.

- D. Fronting on at least one (1) collector or arterial street as designated on the Borough Comprehensive Plan.
- 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 one (1) acre nor more than three (3) 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 the floor areas for each store, shop or office as deemed essential by the market feasibility study prepared in accordance with Subsection E above. The maximum lot coverage shall not exceed thirty percent (30%).
- 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, except for portions abutting arterial or collector streets to which the center has access, by a twenty-foot buffer strip. 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, except where pedestrian access or recreation activity areas open into the planned neighborhood convenience center.
- 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 arterial or collector street and so that traffic congestion in the center and in the vicinity of the center is minimized.

ARTICLE XVII Zoning Hearing Board

§ 137-93. 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 at the time this chapter becomes effective shall continue and be completed under the former law in effect at the time such Board took jurisdiction of them.

§ 137-94. Membership; terms.

The membership of the Board shall consist of three (3) residents of the borough appointed by the Borough Council. Their 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 Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the borough, except that no more than one (1) member of the Board may also be a member of the Planning Commission.

§ 137-95. 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 the Borough Council which appointed the member, 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.

§ 137-96. Organization.

The 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 Board, but where two (2) members are disqualified to act in a particular matter, the remaining member may act for the Board. The Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in § 137-98. The Board

may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the borough and laws of the commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the governing body once a year.

§ 137-97. Employees; expenditures.

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

§ 137-98. Hearings.

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

- A. Notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the Borough Council shall designate by ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by the ordinance or, in the absence of ordinance provision, by rules of the Board. The Borough Council may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land.
- B. The hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

- C. The parties to the hearing shall be the borough, any person affected by the application who has made timely appearance of record before the Board and any other person, including civic or community organizations, permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- D. The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- G. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- H. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.

- I. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Except in home rule municipalities, 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 this chapter or any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than forty-five (45) days after the decision of the Hearing Officer. Where the Board fails to render the decision within the period required by this subsection or fails to hold the required hearing within forty-five (45) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the borough shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection A of this section. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous.
- J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise,

brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

§ 137-99. Appeals from Zoning Officer.

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to Pa. R.C.P., Sections 1091 to 1098, relating to mandamus.

§ 137-100. Challenges to validity of chapter.

The Board shall hear challenges to the validity of this chapter or Zoning Map except for questions of an alleged defect in the process of enactment or adoption of this chapter or Zoning Map, which shall be raised by an appeal taken directly from the action of the Borough Council to the court filed not later than thirty (30) days from the effective date of this chapter or Zoning Map, and except for a landowner who challenges the validity of this chapter through a curative amendment to the Borough Council. In all such challenges, the Board shall take evidence and make a record thereon as provided in § 137-98. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the court.

§ 137-101. Variances.

- A. 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 the 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 the 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. 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.

§ 137-102. Special exceptions.

Where the Borough 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.

- A. Unified appeals. Where the Board has jurisdiction over a zoning matter pursuant to §§ 137-99 through 137-101, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any borough ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the nonzoning issues, but shall take evidence and make a record thereon as provided in § 137-98. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the court.

§ 137-103. Appeals to Board.

Appeals under § 137-99 and proceedings to challenge an ordinance under § 137-100 may be filed with the Board in writing by the landowner affected, any officer or agency of the borough or any person aggrieved. Requests for a variance under § 137-101 and for special exception under § 137-102 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

§ 137-104. Time limitations.

The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:

- A. No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the Board later than thirty (30) days from the time such ordinance, map or amendment takes effect unless the person raising such issue alleges and proves that he failed to receive adequate

notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinance, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

- B. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any 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 found 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 or preliminary plan pursuant to Section 709 of Act 247⁷ regarding a PRD or from an adverse decision by a Zoning Officer on a challenge to the validity of this chapter or Zoning Map pursuant to Section 1005(c) of Act 247⁸ shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.

§ 137-105. Stay of proceedings.

Upon the filing of any proceeding referred to in § 137-103 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

⁷ Editor's Note: See 53 P.S. § 10700.

⁸ Editor's Note: See 53 P.S. § 11006.

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.

ARTICLE XVIII
Interpretation and Amendments

§ 137-106. 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.

§ 137-107. 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 subsequently 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 per-

centage 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 at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter 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.

§ 137-108. Amendments.

- A. The Borough Council may from time to time amend or change this chapter after public notice and hearing.
- B. Amendment procedure. Proposals for amendment or change may be initiated by Borough Council on its own motion, by the Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment, subject to the following provisions:
 - (1) Every proposed amendment or change shall be submitted to the Secretary of Borough Council, and Council shall refer every proposal, except those initiated by the Borough Planning Commission, to both the Borough and County Planning Commissions at least forty-five (45) days prior to the hearing to provide the Commissions an opportunity to submit

recommendations. The recommendations, if any, of the Planning Commissions shall be submitted in writing to Borough Council.

- (2) Borough Council shall hold a public hearing before voting on the enactment of any amendment or change, and the hearing shall commence within sixty (60) days of a request to amend or change this chapter. Public notice of such hearing shall include either the full text of the proposed amendment or change or a brief summary of the principal provisions and a reference to where copies of the proposed amendment or change may be examined, in addition to the time and place of the hearing. If after any public hearing held upon an amendment or change, the proposed amendment or change is revised or further revised to include land previously not affected by it, the Borough Council shall hold another public hearing pursuant to public notice prior to voting on the amendment or change.
- (3) The hearing shall be conducted in accordance with § 137-98 of this chapter.
- (4) Public notice of any public hearing shall be given not more than thirty (30) days and not less than fourteen (14) days in advance of any public hearing required by this chapter. Such notice shall be 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.
- (5) If a proposed amendment or change affects any land or building within one hundred (100) feet of an adjoining municipality, the proposal shall be forwarded to the Secretary of the governing body of that municipality.
- (6) The Borough Council shall render a decision on a proposed amendment or change within ninety (90) days after the last public hearing.

ARTICLE XIX
Administration, Fees, Permits and Penalties

§ 137-109. Enforcement.

The provisions of this chapter and amendments thereto shall be enforced by the Zoning Officer, who shall be appointed by Borough Council and may 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 the Borough 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 stop, cease and desist orders, and order in writing correction of all conditions found to be in violation of the provisions of this chapter. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this chapter. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating such order shall be guilty of a violation of this chapter.

- H. With the approval of the Borough Council or when directed by it, institute in the name of the borough any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation, so as to prevent the occupancy or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- 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, 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 uses and nonconforming structures created as a result of the adoption of this chapter or created as a result of amendments thereto.
- L. Issue occupancy permits in accordance with the terms of this chapter.

§ 137-110. Fees.

- A. The Borough Council shall establish by resolution a schedule of fees, charges and expenses and collection procedures for zoning permits, occupancy permits, special exceptions, variances and appeals and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended only by the Borough Council.
- B. No action shall be taken on any application or appeal until all application fees, charges and expenses have been paid in full.

§ 137-111. 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, without a zoning 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, 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 the 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 the Borough Building Code.⁹ 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.

§ 137-112. 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

⁹ Editor's Note: See Ch. 59, Building Construction.

§ 137-111. 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, without a zoning 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, 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 the 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 the Borough Building Code.* 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.

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* Editor's Note: See Ch. 59, Building Construction.

permit shall be granted or denied within ten (10) days after the Zoning Officer receives written application.

§ 137-113. Violations and penalties.

- A. The Zoning Officer shall serve a notice of violation on any person, firm, corporation, partnership or other entity responsible for violating any of the provisions of this chapter or any amendment thereto or in violation of a detailed statement or a plan approved thereunder. Notice of violation shall be in writing, indicating the nature of the violation and action necessary to correct same. If the notice of violation is not complied with in the time period set forth in said notice, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land involved in said violation.
- B. Any person, partnership or corporation which shall violate the provisions of this chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars (\$500.). In default of payment of the fine, such person, the members of such partnership or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines shall be paid to the borough for its general use.¹⁰
- C. Nothing herein contained shall prevent the borough from taking such other lawful action as is necessary to prevent or remedy any violation.

¹⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ZONING

APPENDIX A

SUGGESTED PLANT MATERIALS FOR BUFFER AREAS

Evergreen and Deciduous Trees

Botanical Name	Common Name
<i>Abies concolor</i>	White fir
<i>Acer ginnala</i>	Amur maple
<i>A. platanoides</i>	Norway maple
<i>A. pseudoplatanus</i>	Sycamore maple
<i>A. rubrum</i>	Red maple
<i>A. saccharum</i>	Sugar maple
<i>Carpinus betulus</i>	European hornbeam
<i>Cornus mas</i>	Cornelian cherry dogwood
<i>Crataegus phaenopyrum</i>	Washington hawthorn
<i>Eucalyptus</i> species	Eucalyptus
<i>Fagus</i> species	Beech
<i>Fraxinus americana</i>	White ash
<i>Fraxinus pennsylvanica lanceolata</i>	Green ash
<i>Juniperus</i> species	Juniper
<i>Ligustrum lucidum</i>	Glossy privet
<i>Maclura pomifera</i>	Osage orange
<i>Malus baccata</i>	Siberian crab apple
<i>Picea abies</i>	Norway spruce
<i>P. glauca</i>	Colorado blue spruce
<i>P. omorika</i>	Serbian spruce
<i>Pinus nigra</i>	Austrian pine
<i>P. resinosa</i>	Red pine
<i>P. strobus</i>	White pine
<i>Populus alba</i>	White poplar
<i>P. berolinensis</i>	Berlin poplar
<i>P. nigra italica</i>	Lombardy poplar
<i>P. simoni</i>	Simon poplar
<i>P. tremuloides</i>	Quaking aspen
<i>Pseudotsuga taxifolia</i>	Douglas fir
<i>Quercus</i> —(many species)	Oak
<i>Q. imbricaria</i>	Shingle oak
<i>Q. phellos</i>	Willow oak
<i>Rhamnus davurica</i>	Dahurian buckthorn

ALBURTIS CODE

Evergreen and Deciduous Trees

Botanical Name	Common Name
<i>Syringa amurensis japonica</i>	Japanese tree lilac
<i>Thuja</i> species	Arborvitae
<i>Tilia</i> species	Linden
<i>Tsuga caroliniana</i>	Carolina hemlock
<i>Ulmus americana</i>	American elm
<i>U. pumila</i>	Siberian elm
<i>Viburnum prunifolium</i>	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
<i>Acer ginnala</i>	Amur maple
<i>Buxus sempervirens</i>	Common box
<i>Caragana arborescens</i>	Siberian pea shrub
<i>Cornus mas</i>	Cornelian cherry dogwood
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Euonymus bungeana</i>	<i>Euonymus bungeana</i>
<i>sempersistens</i>	<i>sempersistens</i>
<i>E. europaea</i>	<i>E. europaea</i>
<i>E. yedoensis</i>	Yeddo Euonymus
<i>Hamamelis vernalis</i>	Vernal witch hazel
<i>Kolkwitzia amabilis</i>	Beauty bush
<i>Lagerstroemia indica</i>	Crepe myrtle
<i>Laurus nobilis</i>	Sweet bay
<i>Ligustrum species</i>	Privet
<i>Lonicera bela</i>	Belle honeysuckle

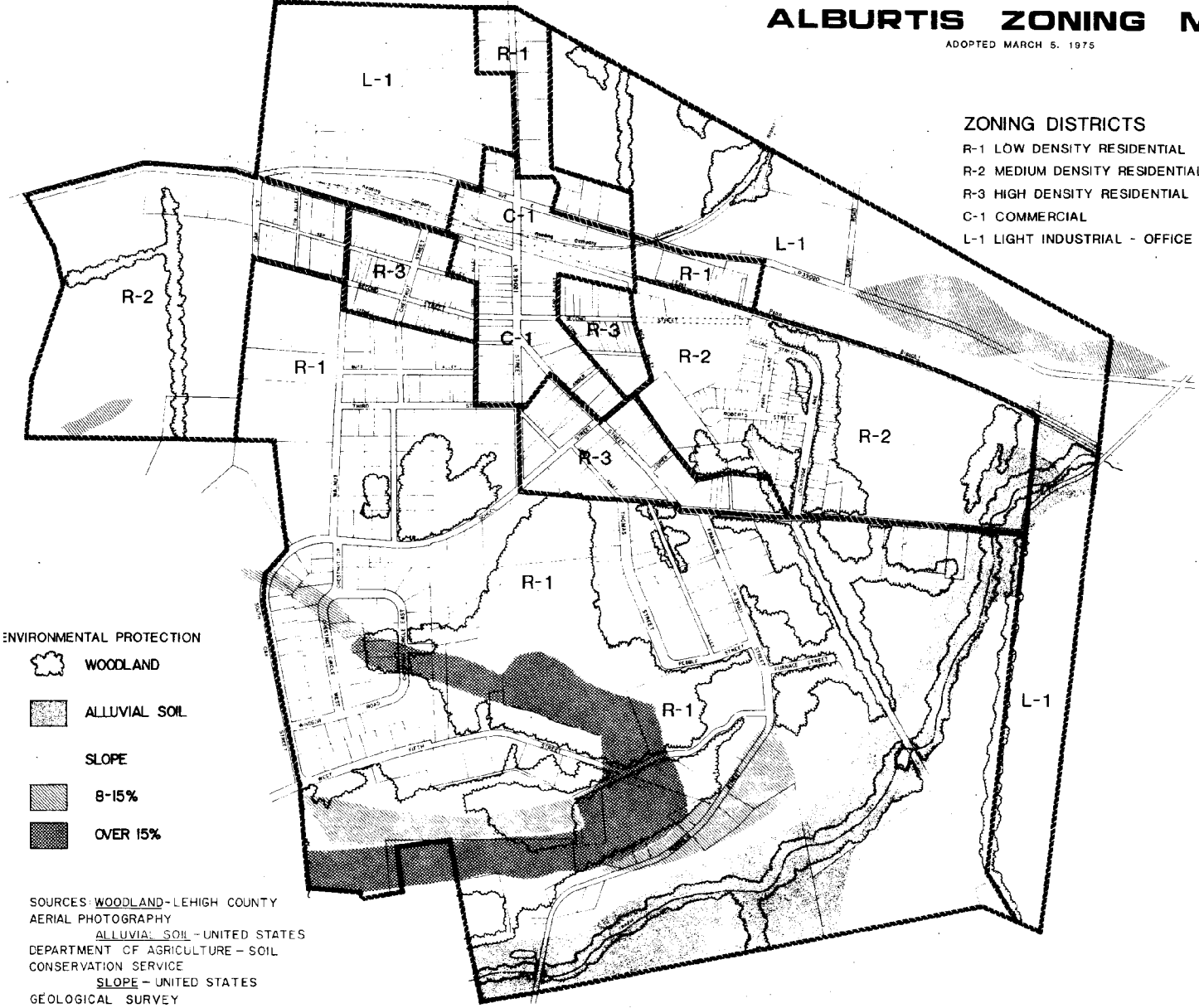
ZONING

Botanical Name	Common Name
<i>L. maacki podocarpa</i>	Amur honeysuckle
<i>L. tatarica</i>	Tatarian honeysuckle
<i>Magnolia stellata</i>	Star magnolia
<i>Philadelphus coronarius</i>	Sweet mock orange
<i>P. grandiflorus</i>	Big scentless mock orange
<i>P. monstrosus</i>	Monstros mock orange
<i>P. Pubescens</i>	Hoary mock orange
<i>Photinia species</i>	Photinia
<i>Physocarpus opulifolius</i>	Eastern ninebark
<i>Prinsepia sinensis</i>	Cherry Prinsepia
<i>Prunus laurocerasus</i>	Portugal laurel
<i>Rhamnus frangula</i>	Alter buckthorn
<i>Spiraea veitchi</i>	Veitch spirea
<i>Symplocos paniculata</i>	Asiatic sweetleaf
<i>Syringa amurensis japonica</i>	Japanese tree lilac
<i>S. henryi</i>	Henry lilac
<i>S. josikaea</i>	Hungarian lilac
<i>S. prestoniae</i>	Preston lilac
<i>S. villosa</i>	Late lilac
<i>S. vulgaris</i>	Common lilac
<i>Thuja occidentalis</i>	American arborvitae
<i>T. orientalis</i>	Oriental arborvitae
<i>Vaccinium arboreum</i>	Farkleberry
<i>Viburnum dentatum</i>	Arrowwood Viburnum
<i>V. lantana</i>	Wayfaring tree
<i>V. lentago</i>	Nannyberry
<i>V. prunifolium</i>	Black haw Viburnum
<i>V. rufidulum</i>	Southern black haw Viburnum
<i>V. Sieboldi</i>	Siebold Viburnum

ALBURTIS ZONING MAP

ADOPTED MARCH 5, 1975

- ZONING DISTRICTS**
 R-1 LOW DENSITY RESIDENTIAL
 R-2 MEDIUM DENSITY RESIDENTIAL
 R-3 HIGH DENSITY RESIDENTIAL
 C-1 COMMERCIAL
 L-1 LIGHT INDUSTRIAL - OFFICE RESEARCH



- ENVIRONMENTAL PROTECTION**
- WOODLAND
 - ALLUVIAL SOIL
 - SLOPE
 - 8-15%
 - OVER 15%

SOURCES: WOODLAND - LEHIGH COUNTY
 AERIAL PHOTOGRAPHY
 ALLUVIAL SOIL - UNITED STATES
 DEPARTMENT OF AGRICULTURE - SOIL
 CONSERVATION SERVICE
 SLOPE - UNITED STATES
 GEOLOGICAL SURVEY

BOROUGH OF ALBURTIS Lehigh County, Pa.



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