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ZONING

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Part 1

General Provisions

Subpart A. Preliminary Provisions

Section 101. Short Title. This ordinance shall be known as and may be cited as the "Borough of West Reading Zoning Ordinance of 2009, as amended".

Section 102. Community Development Objectives. The purpose of this Chapter is the implementation of the Borough Comprehensive Plan and the promotion of the health, safety, morals, convenience, order and welfare of present and future inhabitants of the Borough by:

(a) Providing standards to encourage the amount of open space and impervious surfaces within a development and to encourage the intensity of development in order to reduce or eliminate adverse environmental impacts.

(b) Providing methods to implement Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania, which decrees that the people have a right to clean air, to pure water, to the preservation of the natural, scenic, historic and aesthetic values of the environment, and to protect the natural resources which are part of the ecological system to which we are all bound and, which is, therefore, the common property of all the people, including generations yet to come, and must be protected to insure the health, safety and welfare of all the people.

(c) Providing standards for all types of dwelling units so that all the people may have access to decent, sound and sanitary housing.

(d) Regulating the growth of the Borough in terms of the community's facilities and utilities.

(e) Lessening the danger and congestion of traffic on the roads and highways and reducing the excessive number of roads.

(f) Securing safety from fire, panic, flood, and other dangers.

(g) Providing adequate air and light.

(h) Protecting the tax base.

(i) Securing economy in local government expenditures.

Section 103. Interpretation. In interpreting and applying the provisions of this Chapter, these provisions shall be held to be the minimum requirements for the promotion of the public health safety, comfort, convenience, and general welfare.

(a) Whenever any regulations made under the authority of this Chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or a smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards other than those which are required in or under any other statute, the provisions of the regulations made under the authority of this Chapter shall govern.

(b) Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or a smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards other than those which are required by any regulations made under the authority of this Chapter, the provisions of such statute shall govern.

(c) Whenever any regulations pertaining to a specific use or activity under the authority of this Chapter require a greater width or size of yards, court or other open spaces, or require a lower height of buildings or a small number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards other than those which are required for the zoning district or generally required under this Chapter, the greater or higher standards shall govern.

(d) This Chapter does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or implicitly repealed by this Chapter, or any private restriction placed upon property by covenant, deed, or other private agreement, unless repugnant hereto.

(e) Those provisions in Chapter XII of the Code of Ordinances of the Borough of West Reading, entitled "Land Subdivision and Land Development Regulations" of the Borough of West Reading, concerned with varying design standards shall not be considered to be in conflict with the provisions of this Chapter and should be read, where possible, *in pari materia*, with the provisions of this Chapter.

Section 104. Application. This Chapter shall not apply to the Borough where the Borough requires a special exception or variance to permit the Borough to construct, modify, change or place a structure, sign, or building or to otherwise make use of its properties. In any such cases, no special exceptions or variances shall be required by the Borough.

Section 105. Severability. It is hereby declared to be the intent of the Borough that:

(a) If a court of competent jurisdiction declares any provisions of this Chapter to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Chapter shall continue to be separately and fully effective.

(b) If a court of competent jurisdiction finds the application of any provision or provisions of this Chapter to any lot, building or any other structure or tract of land to be invalid or ineffective, in whole or in part, the effect of such a decision shall be limited to the person, property or situation immediately involved in the controversy; the application of any such provision to other persons, property or situations shall not be affected.

Section 106. Repealer. All ordinances inconsistent herewith are hereby repealed. Specifically, Chapter XXV of the Code of Ordinances of the Borough of West Reading, entitled, "Zoning", is repealed in its entirety.

Section 107. Effective Date. This Chapter shall become effective upon enactment.

Subpart B. Legislative Provisions

Section 110. Enactment of Zoning Ordinance. This Chapter is hereby enacted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, et seq.

Section 111. Enactment of Zoning Ordinance Amendments.

(a) The Borough may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter in accordance with the procedural requirements of Section 609 of the Pennsylvania Municipalities Planning Code.

(b) (1) Before voting on the enactment of an amendment, the Borough shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

(2) (i) In addition to the requirement that notice be posted, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Borough at least thirty (30) days prior to the date of the hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.;

(ii) This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

(c) In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough shall submit each such amendment to the Borough Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Borough Planning Commission an opportunity to submit recommendations.

(d) If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Borough shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

(e) At least thirty (30) days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the Berks County Planning Commission for recommendations.

(f) The Borough may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, the Borough and mediating parties shall meet the stipulations and follow the procedures set forth in Section 148 of this Chapter.

(g) Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Berks County Planning Commission.

Section 112. Procedure for Landowner Curative Amendments.

(a) A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, or a landowner aggrieved by a use or development permitted on the land of another by this Chapter or the Zoning Map, or any provision thereof, who desires to challenge its validity on substantive grounds may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendments be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Borough of West Reading Planning Commission and the Berks County Planning Commission as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1. The Borough reserves the right to retain an independent attorney to present the defense of the Zoning Ordinance to any curative amendment challenge.

(b) The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Borough Council; provided, however that the provisions of §908 (1.2 and 9) of the MPC shall not apply and the provisions of §916.1 shall control. If the Borough of West Reading does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and the Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

(c) The Borough Council, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendment, plans and explanatory material submitted by the landowner and shall also consider:

(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

(2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise

unlawfully excluded by the challenged provisions of this Chapter or the Zoning Map.

(3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

(4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

(5) The impact of the proposal on the preservation of agricultural and other land uses which are essential to public health and welfare.

Section 113. Procedure for the Borough of West Reading Curative Amendments. If the Borough of West Reading determines that this Chapter, or any portion thereof, is substantially invalid, it shall take the following actions:

(a) The Borough of West Reading shall declare, by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days of such declaration and proposal the Borough Council shall:

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

(i) References to specific uses which are either not permitted or not permitted in sufficient quantity;

(ii) References to a class of use or uses which require revision; or,

(iii) References to this entire Chapter which require revisions.

(2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

(b) Within one hundred eighty (180) days from the date of the declaration and proposal the Borough of West Reading shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

(c) Upon the initiation of the procedures as set forth in Subsection (a) of this Section, the Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by Subsection (a)(1) of this Section. Upon completion of the procedures

set forth in Subsections (a) and (b) of this Section, no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

(d) The Borough, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

Subpart C. Enforcement Provisions

Section 121. Appointment and Powers of Zoning Officer.

(a) For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed.

(b) The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning.

(c) The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

(d) The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

Section 122. Enforcement Notice.

(a) If it appears to the Zoning Officer or to the governing body that a violation of this Chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

(b) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

(c) An enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person against whom the Zoning Officer intends to take action.

(2) The location of the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of twenty (20) days.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, and proceedings will be initiated before the Magisterial District Judge for the sole purpose of setting fines.

Section 123. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by service a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

Section 124. Enforcement Remedies.

(a) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay judgment or not more than Five Hundred Dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

(b) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

(c) Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

(d) The Magisterial District Judge has initial jurisdiction over proceedings in which there has been a violation of the Zoning Ordinance, either deemed violation, or found by the Zoning Hearing Board and not appealed to the Court of Common Pleas, or found by a higher court after appeal.

Subpart D. Appeal Provisions

Section 131. Zoning Hearing Board.

(a) There is hereby created for the Borough a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901, et seq.

(b) The membership of the Zoning Hearing Board shall consist of three (3) residents of the Borough appointed by resolution by the Borough Council. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify 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 Zoning Hearing Board shall hold no other office in the Borough and may not be employees of the Borough. The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of this Subsection, all alternate members shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Chapter and as otherwise provided by law. Alternate members shall hold no other office in the Borough, including membership on the Borough Planning Commission and Zoning Officer. Any alternate member may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated pursuant to Subsection (f) of this Section unless designated as a voting alternate member pursuant to this Section. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternate members.

(c) 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 public hearing shall be held in connection with the vote if the member shall request it in writing.

(d) 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 all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.

(e) The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough, the Code of Ordinances of the Borough of West Reading and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

(f) 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.

Section 132. Hearings. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

(a) Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. Public 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. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

(b) The first hearing before the Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings

to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

(c) The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

(d) 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, 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.

(e) The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issues subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(f) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

(g) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(h) The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

(i) 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 communications, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

(j) The Board or 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. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the MPC, this Chapter or of any law, 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 had been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days 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 thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 916.2 of the MPC, where the Board fails to render the decision within the period required by this Subsection or fails to commence or complete the required hearing as provided in Subsection (b) of this Section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection (a) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

(k) 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. The Zoning Hearing 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 to all other persons who have filed their name and address with the Board not later than the last day of the hearing.

(l) The Borough Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

Section 133. Jurisdiction.

(a) The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

(1) Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10609.1, 10916.1.

(2) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of

said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Borough and a Zoning Hearing Board had not been previously established, the appeal raising procedural questions shall be taken directly to court.

(3) Appeals from the determination of the Zoning Officer, including, but not limited to, enforcement notices, notices of violation, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

(4) Appeals from a determination by the Borough Engineer or Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

(5) Applications for variances from the terms of this Chapter and flood hazard ordinance of such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

(6) Application for special exceptions under this Chapter or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.

(7) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

(8) Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.

(9) Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq.

(b) The Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

(1) All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §1702 of the MPC.

(2) All applications pursuant to §508 of the MPC, for approval of subdivisions or land developments under Article V of the MPC.

(3) Applications for conditional use under the express provisions of this Chapter. (4) Applications for curative amendment to this Chapter or pursuant to §§609.1 and 916.1(a) of the MPC.

(5) All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC.

(6) Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough Engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Borough Planning Commission, all appeals from determinations under this subsection shall be to the Borough Planning Commission and all appeals from the decision of the Borough Planning Commission shall be to court.

Section 134. Variances.

(a) The Zoning Hearing 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 that all of 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 exceptions, topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(3) That such unnecessary hardship has not been created by the applicant.

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, or not 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 and the Pennsylvania Municipalities Planning Code.

Section 135. Special Exceptions. Where the Borough Council, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing 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 and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

Section 136. Conditional Uses. Where the Borough Council, in this Chapter has stated conditional uses to be granted or denied by the Borough Council pursuant to express standards and criteria, the Borough Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearings shall be conducted by Borough Council or Borough Council may appoint any member or an independent attorney as a hearing officer. The decision, or if no decision is called for, the findings shall be made by Borough Council. A decision shall be rendered within forty-five (45) days following the conclusion of the hearing. However, the appellant or the applicant, as the case may be, in addition to Borough Council, may, prior to the decision of the hearing officer, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, et seq. Where Borough Council fails to render the decision within the period required by this Section or fails to commence, conduct or complete the required hearing as provided in Subsection 132 (b) hereof, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of Borough Council to meet or render a decision as hereinabove provided, Borough Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the MPC. If Borough Council shall fail to provide such notice, the applicant may do so.

Section 137. Parties Appellant Before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Borough Council pursuant to the Pennsylvania Municipalities Planning Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance); or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter; from the determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planning residential

development, may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

Section 138. Time Limitations.

(a) No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan, or a preliminary subdivision/land development plan, or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or Zoning Map or any amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

(b) All appeals from determinations adverse to the landowner shall be filed by such landowner within thirty (30) days after notice of the determination is issued.

(c) Unless otherwise specified by the Zoning Hearing Board, a Special Exception or Variance shall expire if the applicant fails to implement the proposed use or commence construction within twelve (12) months from the date of the authorization of the Special Exception or Variance, unless an extension is granted by the Zoning Hearing Board.

(d) Unless otherwise specified by the Borough Council, a Conditional Use approval shall expire if the applicant fails to implement the proposed use or commence construction within twelve (12) months from the date of the authorization of the Conditional Use approval, unless an extension is granted by the Borough Council.

Section 139. Stay of Procedures.

(a) Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order

such persons to post bond as a condition to continuing the proceedings before the Board.

Subpart E. Administrative Provisions

Section 141. Duties of the Zoning Officer. The procedures of this Chapter shall be administered by the Zoning Officer, who shall be appointed by the Borough Council.

It shall be the duty of the Zoning Officer, and he/she shall have the power to:

(a) Receive, examine and process all applications for building, occupancy and zoning permits for all uses, including signs.

(b) Issue permits only where there is compliance with the provisions of this Chapter, with other Borough ordinances, and with the laws of the Commonwealth of Pennsylvania and the Federal Government. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits for conditional uses requiring approval by the Borough Council shall be issued only after receipt of approval from the Borough Council. In order for the Zoning Officer to issue a permit, there must be demonstrated compliance with applicable state and federal regulations.

(c) Receive applications for conditional uses, curative amendments and zoning changes, forwarding such requests to the Borough Council, the Borough Planning Commission or other appropriate agencies.

(d) Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action thereupon.

(e) Following refusal of a permit, to receive applications for interpretation, appeals and variances. These applications shall then be forwarded to the Zoning Hearing Board for action thereupon.

(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 all applicable regulations. 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 issued lawfully by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Chapter.

(h) Institute civil enforcement proceedings in accordance with §§121-124 above.

(i) With the approval of the Borough Council, or when directed by them, institute in the name of the Borough any appropriate action or proceedings to: (1) prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of a building, structure or property, (2) restrain, correct or abate any such

violation so as to prevent the occupancy or use of any such building, structure or land, and/or (3) prevent any illegal act, conduct, business or use in or about such premises.

(j) Revoke any order or zoning permit issued under mistake of fact, or contrary to the law, or the provisions of this Chapter.

(k) Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be a public record.

(l) Maintain a map or maps showing the current zoning classification of all land in the Borough.

Section 142. Zoning Permits Required. Hereafter, no use listed herein may be established or changed, no structure shall be erected, constructed, reconstructed, altered, razed, or removed, and no building may be used or occupied, changed in use, or changed in non-residential use occupancy, until a zoning permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, alteration or moving structures, the applicant shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work, occupancy, or use has been inspected and approved as being in conformity with the provisions of this Chapter.

Section 143. Application Requirements for Zoning Permits.

(a) All applications for zoning permits shall be made in writing by the owner, tenant, or vendee under contract of sale, or other authorized agent on a form supplied by the Borough, and shall then be filed with the Zoning Officer. The application shall include copies of the following information:

(1) A statement as to the proposed use of the building, land or structure.

(2) A site layout plan drawn to scale (1" = 100' or larger) showing the location, dimensions, height of proposed buildings, structures or uses, and any existing buildings in relation to the property and street lines. If the application relates to property 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.

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

(4) 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.

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

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

(7) Provisions to be made for the treatment and disposal of sewage and industrial wastes supply, and storm drainage. Provisions for storm water management shall be made in compliance with the Land Subdivision and Land Development Regulations of the Borough.

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

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

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

(b) No permit for any new use or construction which will involve on-site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, shall be issued until approval has been granted by the Pennsylvania Department of Environmental Protection.

(c) The Zoning Officer shall render a decision either approving or disapproving the application for a zoning permit within ninety (90) days after the application has been filed, provided that any disapproval of the application shall be issued within said ninety (90) day period and shall contain a brief explanation setting forth the reasons for said disapproval and the manner in which the application can be corrected and/or modified to obtain the required approval. If no decision is rendered on the application within ninety (90) days, the application shall be deemed to have been granted immediately, unless the applicant has agreed, in writing, to an extension of time. A deemed approval of a zoning permit is not a guarantee that a building permit or an occupancy permit will be granted, as the applicant must meet all applicable requirements for the issuance of such permits.

Section 144. Fees and Escrow Deposits. All applicants for zoning permits, special exceptions, conditional uses, variances, interpretations and other appeals shall, at the time of making application, pay to the Zoning Officer for use by the Borough a fee, if any, which shall be in accordance with a fee schedule adopted pursuant to a resolution of the Borough Council upon the enactment of this Chapter or as such schedule may be amended from time to time. In addition, an escrow deposit may be required. Escrow deposit requirements shall also be set from time to time pursuant to a resolution of the Borough Council.

Section 145. Life of a Permit. Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced, and any change in use of a building or land authorized by a zoning permit shall be

undertaken, within one (1) year after the date of issuance of the permit. If not, the permit shall be considered null and void. However, in the case of the erection or construction of a building, the right to proceed with construction may be extended annually without additional fees for an aggregate period of time not to exceed three (3) years, provided that the construction pursuant to said permit was already commenced within the original one (1) year period.

Section 146. Certificate of Occupancy.

(a) Hereafter, no structure erected, constructed, reconstructed, extended or moved, no property sold or exchanged, and/or no land or building changed in use under a zoning permit shall be occupied or used, in whole or in part, for any use whatsoever, nor changed from non-residential occupancy status, until the owner or authorized agent has been issued a certificate of occupancy by the Zoning Officer indicating that the building or use complies with the terms of zoning regulations as provided in this Chapter.

(b) No certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer to be in compliance with this Chapter.

(c) The issuance of a certificate of occupancy in no way absolves the owner or authorized agent from compliance with the terms or intent of this Chapter.

Section 147. Conditional Use Procedures. The Borough Council shall have the power to approve conditional uses when this Chapter specifically requires the obtaining of such approval.

(a) In granting a conditional use, the Borough Council shall make findings of fact consistent with the provisions of this Chapter but shall not approve a conditional use except in conformity with the conditions and standards outlined in this Chapter.

(b) The Borough Council shall grant a conditional use only if it finds adequate evidence that any application for development submitted will meet all of the following general requirements, as well as any specific requirements and standards listed herein for the proposed use. The Borough Council shall, among other things, require that any proposed use and location be:

(1) In accordance with the Berks County Comprehensive Plan as well as in accordance with the Borough Comprehensive Plan.

(2) In the best interests of the Borough, the convenience of the community, and the public welfare.

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

(4) In conformity with all applicable requirements of this Chapter and all other municipal ordinances.

(5) Suitable in terms of effect on highway traffic and safety, with adequate access arrangements, to protect streets from undue congestion and hazard.

(6) In accordance with sound standards of subdivision and land development practices, where applicable.

(7) In accordance with all other standards and criteria of this Chapter.

(c) Review by the Borough Planning Commission. The Borough Council shall request an advisory opinion from the Borough Planning Commission on any application for a conditional use. The Borough shall submit a report of such an advisory opinion prior to the date of the public hearing held by the Borough Council on the relevant application. The Borough Planning Commission may also request a report from the Borough Engineer.

(d) Application Requirement for Conditional Use. Conditional use applications shall be governed by the following:

(1) The landowner shall make a written request to the Borough Council that it hold a hearing on his/her application. The request shall contain a statement reasonably informing the Borough Council of the matters that are at issue.

(2) The application shall be accompanied by plans and other materials.

(3) The Borough Council shall hold a hearing upon the request, commencing not later than sixty (60) days after the request is filed, unless the applicant requests or consents, in writing, to an extension of time. Additional hearings, if required, shall be held in accordance with the time frames established in the PA Municipalities Planning Code.

(e) Review Procedures for Conditional Uses. The Borough Council shall conduct hearings and make decisions in accordance with the procedures set forth in this Chapter and in the Pennsylvania Municipalities Planning Code.

Section 148. Mediation Option.

(a) Parties to proceedings authorized in this Chapter and Article X-A of the Pennsylvania Municipalities Planning Code, may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Chapter and Article X-A of the Pennsylvania Municipalities Planning Code once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

(b) Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Borough Council may offer the mediation option in a particular case pursuant to

a resolution which shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

(1) Funding mediation.

(2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

(3) Completing mediation, including time limits for such completion.

(4) Suspending time limits otherwise authorized in this Chapter, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.

(5) Identifying all parties and affording them the opportunity to participate.

(6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

(7) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the other Sections of this Chapter.

(c) No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 148. Limitation of Liability

(a) Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, site plan review, subdivision or land development approval, erosion control, wetland delineation review, storm water runoff, activity on steep slopes or any other review or permit of this Zoning Ordinance, by an officer, employee, consultant or agency of the Borough, shall constitute a representation, guarantee or warranty of any kind by the Borough, or its employees, officials, consultants, or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant or employee for any damage that may result pursuant thereto.

(b) If the Zoning Officer mistakenly issues a permit under this Zoning Ordinance, the Borough shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

Part 2

Definitions

Section 201. Construction. Words used in the present tense include the future; the singular includes the plural and the plural the singular; the word "shall" is always mandatory; the word "may" is always permissive; the terms "occupied" or "used" as applied to any buildings shall be construed to be followed by the words "or intended, arranged or designed to be occupied or used". The masculine shall include the feminine and the neuter. Any word or term not defined herein shall be used with a meaning of standard usage.

Section 202. Definitions. Unless otherwise expressly stated in this Chapter, the following words and phrases shall be construed throughout this Chapter to have the meanings herein indicated:

Access Drive. A paved drive within a property for purposes of accessing parking or loading areas.

Accessory Building. A building, such as a shed, gazebo or a detached garage, which is an accessory to the main building or residence.

Accessory Structure. A structure, such as a pergola, free-standing solar panel(s), basketball court with pole and backboard, or other similar structure which is an accessory to the main building or residence.

Accessory Use. A use which is an accessory to the main use of a building or property, such as a retail sales area in a restaurant.

Adult Bookstore. See Adult-Oriented Use.

Adult Day Care Center. A structured program that provides a variety of health, social, and related support services to older adults and adults with disabilities in a protected setting during any part of the day, but less than 24 hours. This use shall not include persons who need oversight because of behavior that is criminal or violent.

Adult Oriented Use. Any adult bookstore, adult cabaret, or adult mini-motion picture theater, as defined herein, and which, under the Pennsylvania Obscenity Code, must exclude minors or may now knowingly disseminate to minor.

(1) Adult Bookstore. An establishment, having as a substantial or significant portion of its stock in trade (for sale or rental), books magazines or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein.

(2) Adult Cabaret. A cabaret, tavern, theater, or club which features strippers, male or female, impersonators or similar entertainers who exhibit, display, or engage in nudity, sexual conduct or sadomasochistic abuse, as defined in the Pennsylvania Obscenity Code.

(3) Adult Mini-Motion Picture Theater. An enclosed building offering video presentations distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons within private

viewing booths and/or by use of token or coin operated projectors or other video machines.

(4) Adult Theater. Any business, indoor or outdoor, which exhibits a motion picture show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse, as defined in the Pennsylvania Obscenity Code.

(5) Massage Establishment. Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the State. This definition does not include an athletic club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Adult-Oriented Retail. See Adult-Oriented Use

Adult Theater. See Adult-Oriented Use

Agent. Any person, other than the developer, who, acting for the developer, with written authorization of the developer, submits plans to the Building or Zoning Official, the Borough Planning Commission or the Borough Council.

Alley. A service street providing a secondary means of public access to the rear of abutting property and not intended for general traffic circulation.

Amendment. Any change or revision of the text of this Chapter or the Zoning Map.

Amendment, Curative. See Curative Amendment

Amusement Room (Arcade). An establishment where electronic and/or mechanical coin-operated devices, including but not limited to pinball machines, electronically-operated shuffle boards, bowling, video games, electronically-operated tennis, billiards and other games of amusement are provided.

Anatomical Area, Specific. The depiction of male genitals in a discernibly turgid state, whether uncovered or completely and opaquely covered.

Apartment. A room or suite of rooms designed as a separate dwelling unit and generally located within a building that that may contain other apartments or use(s) as allowed under this Chapter.

Apartment, Low-rise. A multi-family residential structure (not including single-family attached dwellings) with a maximum height of three (3) stories containing two (2) or more dwelling units.

Apartment, Mid-rise. A multi-family residential structure having a minimum height of four (4) stories and a maximum height of six (6) stories.

Applicant. A landowner, or developer, as hereinafter defined, who has filed an application for development, including his heirs, representatives, successors, and assigns.

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

Appointing Authority. The individual or body who is authorized by law, ordinance or charter to make appointments to the boards, commissions or agencies or to appoint employees pursuant to this Chapter.

Artist Studio. The office, studio and/or gallery of an artist, photographer or musician where personal services such as lessons or portraits are provided or where the products of such services are displayed for sale.

Assisted Living Facility. See Personal Care Home

Bakery. A retail sales store for baked goods, including those with onsite baking facilities.

Bank. An institution for receiving, lending, exchanging, and safeguarding money, and in some cases issuing notes and transacting other financial business. Includes savings and loans, finance companies, credit unions and other similar enterprises.

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

Bed and Breakfast Inn. An owner-occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than thirty (30) days. Meals may or may not be provided.

Bed and Breakfast Unit. A room or group of rooms in a Bed and Breakfast Inn forming a single habitable unit used or intended to be used for living and sleeping, but not cooking or eating purposes.

Billboard. See Sign, Off-premises.

Boarding House. A dwelling or part thereof where meals and lodgings are provided for compensation for at least two (2) but not more than six (6) persons not transients and where no public restaurant is maintained.

Body Art. Physical body adornment using, but not limited to the following: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are

considered medical procedures. This definition shall not include the piercing of the ears.

Body Art Establishment. A location, place, or business, whether public or private, where the practices of Body Art are performed whether for profit or not for profit. This definition includes facilities commonly referred to as a "tattoo parlor".

Bookstore, Adult. See Adult-Oriented Use

Borough. The Borough of West Reading, Berks County, Pennsylvania.

Borough Council. The Borough Council of the Borough of West Reading, Berks County, Pennsylvania.

Boundary. A line marking the limit, or border, of a lot or district.

Boundary, Zoning District. See Zoning District Boundary

Buildable Area. The area of a lot remaining after the minimum yard areas and open space requirements have been met.

Building. Any structure having a roof supported by columns, piers or walls, including storage sheds, or having other support and any unroofed platform, terrace or porch having a vertical face higher than three feet (3') above the level of the ground from which the height of the building is measured.

Building Area. The aggregate of the ground-level 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. The term "building footprint" is synonymous with this definition.

Building Coverage. The amount of a lot covered by principal and accessory buildings. When this coverage is shown as a maximum allowable figure for any lot, it is usually expressed as a percentage.

Building Materials Sales Yard. Land and structures which are used for the sale, storage, loading, and unloading of building, lumber, and millwork materials.

Building or Structure Alterations. A change or rearrangement in the load-bearing and non-load-bearing structural members, resulting in the extension of any side or the increase in height. The moving of the building or structure from one location or position to another or the conversion of one use to another by virtue of interior change shall also constitute an alteration of a building, as does any increase or decrease in building area.

Bus Shelter. An open roofed structure used as a shield or protection from inclement weather conditions by persons awaiting a bus. This shall include only those structures utilized by a school district or transportation authority.

Cabaret, Adult. See Adult-Oriented Use

Car Wash. See Motor Vehicle Washing Facility

Care Facility, Extended. A long-term facility or distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution. Group Care Facilities and Family Care Facilities are excluded from this definition.

Care Facility, Intermediate. A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but do not require the degree or length of care and treatment that a hospital or a long-term care facility provides. Group Care Facilities and Family Care Facilities are excluded from this definition.

Care Facility, Long-term. An institution or part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four (24) consecutive hours or to two (2) or more patients. Group Care Facilities and Family Care Facilities are excluded from this definition.

Cartway. The paved area of a public street, typically between the raised curbs.

Catering Establishment. An establishment that prepares and delivers foods, beverages and may provide service personnel for specific occasions and events at other locations. This definition does not include establishments that prepare "Take out" foods.

Cell Site. A geographic area or zone surrounding a transmitter in a cellular telephone system.

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

Cemetery. A tract of land designated for the internment of human remains.

Challenge. An appeal brought by a party aggrieved by any regulation on the grounds that the regulation in question prevents the reasonable use of property in which there is an interest or downgrades the value of such property.

Check Cashing Business. See Bank.

Clinic. An establishment where patients are admitted for examination and treatment on an outpatient basis by one (1) or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not lodged overnight.

Club. See "Membership Club"

Commercial Laundries. Any establishment that provides laundry cleaning services for hotels, hospitals, restaurants and other large operations.

Commercial Motor Vehicle. Any vehicle other than a passenger car, station wagon, motorcycle or similar vehicle, and pick-up or other truck less than eighty inches (80") in width, one hundred ninety-six inches (196") in length and gross vehicle weight range of ten thousand (10,000) pounds, and any vehicle which requires a Commercial Drivers' License to operate. 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.

Communications Antenna. Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals including, without limitation, a cell site, omnidirectional and whip antennae, or directional and panel antennae, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate those devices. This definition shall not include private residence mounted satellite dishes not exceeding three feet (3') in diameter or television antennae or amateur radio equipment including, without limitation, ham or citizen band radio antennae that do not exceed fifty feet (50') in height from the ground in the Light Industrial (L-I) District and the Institutional (I) District, and seventy feet (70') in all other zoning districts.

Communications Equipment Building. An unmanned building or cabinet containing communications equipment required for the operation of communications towers and antennae and covering an area on the ground not greater than two hundred fifty feet (250').

Communications Tower. See Communications Antenna

Community Center. (Neighborhood or Community Recreation Building) A building or group of public buildings for the social, cultural, recreational and educational activities of a neighborhood or entire community.

Comprehensive Plan. Borough of West Reading Maps, charts and descriptive matter officially adopted by the Borough showing among other things recommendations for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares, parkways, and recreation areas for the general location and extent of facilities for water, sewer, lights and power; for the general location, character and extent of community facilities.

Comprehensive Plan, Berks County. Maps, charts and descriptive matter officially adopted by Berks County showing among other things recommendations for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares, parkways, and recreation areas for the general location and extent of facilities for water, sewer, lights and power; for the general location, character and extent of community facilities.

Conditional Use. A use permitted in a particular zoning district by the Borough pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601, et seq.

Court. An unobstructed open area, bounded on three (3) or more sides by the walls of a building or buildings with one (1) or more windows opening upon it.

Crematorium. A building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto as an accessory use to a funeral home.

Cultural Center (Facility). A building and/or land open to the public which contains exhibits of a cultural interest, such as a museum, nature study area, etc., but not adult oriented uses.

Curative Amendment, Landowner. A proposed Zoning amendment made to the Borough Council by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which the landowner has an interest.

Curative Amendment, Municipal. A proposed Zoning amendment made by the Borough Council to correct any part or portions of the Zoning Ordinance which the Borough has determined to be substantially invalid.

Curative Amendment, Aggrieved Party. A proposed Zoning amendment made to the Borough Council by any persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds.

Curb. A raised concrete or stone border which separates the street cartway from the planting strip and / or remainder of the street right-of way.

Dance Studio. A business providing dance lessons for individuals or groups of people. For the purposes of this Chapter, this use shall be classified as a "personal service establishment."

Day Care Center. Any premises in which child day care is provided simultaneously for six (6) or more children who are not relatives of the operator and which complies with all laws, rules, ordinances and regulations of the Commonwealth of Pennsylvania, the Borough, and all other governmental entities of whatsoever nature having authority or jurisdiction with respect thereto. Nursery schools are deemed to be day care centers.

Day Care Home. Any premises in which child day care is provided simultaneously for less than six (6) children who are not relatives of the operator and which complies with all laws, rules, ordinances and regulations of the Commonwealth of Pennsylvania, the Borough, and all other governmental entities of whatsoever nature having authority or jurisdiction with respect thereto. The following types of day care are permitted without regulation by this Chapter: 1) care of children by their own relatives or 2) care of one (1) to three (3) children within any dwelling unit in addition to children who are relatives of the care giver.

Decision. Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the Borough lies.

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

(1) The Borough;

(2) The Zoning Hearing Board; or

(3) The Borough Planning Commission, only if and to the extent the Borough Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Developer. Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Donation or Collection Center. An open area, usually part of an existing paved surface, which contains one or more donation or collection containers.

Donation or Collection Container. A structure, usually enclosed on at least three (3) sides, often with a small door or opening providing access to its interior, intended mostly as a receptacle for the depositing of second-hand clothing, household goods, and furnishings

Drive-in Service Place. 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 theaters shall not be included.

Dwelling, Duplex. A building containing two (2) dwelling units, one (1) of which is located above the other.

Dwelling, Single-family Attached. A building containing one (1) dwelling unit which is attached to two (2) or more similar units by common vertical walls.

Dwelling, Single-family Detached. A building containing one (1) dwelling unit and is not attached to any other dwelling by any means.

Dwelling, Single-Family Semi-Detached. A building containing two (2) dwelling units which are attached side by side by use of a common wall.

Dwelling Unit. One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sanitary, and sleeping facilities provided.

Dwelling Unit, Modular or Sectional. A single-family detached dwelling unit manufactured in two (2) or more sections designed for permanent occupancy and transported to a building site in sections which are fastened together and mounted on a permanent foundation ready

for occupancy except for minor and incidental unpacking and assembly operation. For the purposes of this Chapter, modular or sectional dwelling units include prefabricated and other similar types, but mobile homes and travel trailers are not considered as modular or sectional dwelling units. For purposes of this Chapter, modular or sectional dwelling units may be single-family detached, single-family attached or multi-family dwellings.

Dwelling, Multi-family. Dwelling unit in a building or group of buildings containing three (3) or more dwelling units in low-rise, garden, mid-rise, or high-rise apartments.

Eating and Drinking Place. A retail establishment selling food and drink for consumption on or off the premises, including restaurants and establishments that sell alcoholic beverages as a primary or substantial portion of the total trade (See "Tavern"). Adult oriented uses are excluded from this definition, as are any uses meeting the definition of a "nightclub."

Educational Facility. See School.

Efficiency Unit. A dwelling unit providing a sleeping area in combination with one (1) or more other living areas within the dwelling unit, the total area of which contains at least four hundred (400) square feet of habitable floor area.

Engineer, Borough. The duly appointed and licensed engineer of the Borough.

Engineering Specifications. The engineering criteria of the Borough regulating the installation of any improvement or facility.

Façade. The total wall surface, including window and door areas, of a building facing a public street or an access drive available to the public.

Façade, Front. The surface of the building facing a main public street and housing the main public entrance to the building.

Facade, Side. The surface of the building that extends from the front façade to the rear facade.

Façade, Rear. The surface of the building that is opposite the front façade.

Family. One (1) or more persons who are related by blood, marriage, or adoption and who reside together; or no more than four (4) persons who are not related by blood, marriage, or adoption and who live together and share household expenses; who share kitchen facilities and dine together regularly; who may and/or do participate in all activities occurring on the premises; and who have access to all areas of the premises. This does not include, however, family care facilities, group care facilities, or correctional, penal, therapeutic, or other institutional facilities for treatment and/or rehabilitation.

Family Care Facility. A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for six (6) or fewer residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may

not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

Fence. A natural vegetation or artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected.

Flag. A piece of cloth containing distinctive colors, usually with a pattern or design, generally oblong or square in shape, attached to a pole or staff, and often used as a symbol of a government, political subdivision, or other entity.

Floor Area, Gross Habitable. 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.

Floor Area, Minimum Habitable. 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, garages, air shafts, plumbing shafts and mechanical equipment rooms.

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

Funeral Home. A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of human remains for internment or cremation.

Gasoline Service Station. Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories, or any combination thereof, are sold at retail and normal mechanical 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 Use. Municipal, County, State, or Federal government building or facility designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments, excluding clinics.

Group Care Facility. A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than six (6) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal

level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

Halfway House. A residence for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such facility must be leased and operated by the Pennsylvania Department of Corrections for such services.

Hearing. An administrative proceeding conducted by a board pursuant to Section 909.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, et seq.

Height. The vertical distance of a structure measured from the average elevation of the ground surrounding the structure to its highest point.

Height of Building. The vertical distance measured from the average elevation of the proposed finished grades at the front of the building to the highest point on the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridges for gable, hip, and gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the building not intended for human occupancy shall not be included in calculating the height. If there are two (2) or more separate roofs on a single building, the height of such building shall be calculated from the highest roof. See also Dimensional Standards.

Home-based Business, No-impact. See No-Impact Home-Based Business

Hospital. Any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease and obstetrics. The term "hospital" shall also include sanitariums and sanatoriums including those wherein mentally disabled patients, epileptics, alcoholics, senile psychotics or drug addicts are treated or cared for.

Hotel. A building or group of buildings designed clearly as a transient abiding place containing individual rooms for rent for periods of time not exceeding thirty (30) days, for transient guests, with common hallways for all rooms on the same floor and where no provision is made for cooking facilities in any room or suite of rooms. Such establishment furnishes to the guests customary hotel amenities such as maid service and the furnishing and laundering of linen. Eating and drinking facilities may be accessory uses. Such establishment may include additional services, such as meeting rooms, recreational facilities, and entertainment.

Impervious Coverage. The amount of a lot that may be covered by impervious surface, usually expressed as a percentage. Such coverage computations usually include building coverage.

Impervious Surface. Any material that prevents absorption of stormwater into the ground.

Indoor Theater. Building or part of a building devoted to the showing of motion pictures or for dramatic, dance, musical, or other live performances.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed materials or articles including, but not limited to metal, furniture, appliances, abandoned or junked motor vehicles, machinery, equipment, plastics, paper, glass containers, building materials, and the like.

Junk Yard. Any place where discarded materials or articles including, but not limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass containers and structures are stored, disposed of, or accumulated.

Kennels. Any property, including buildings or structures thereon, where five (5) or more non-farm animals or domesticated pets over the age of twelve (12) weeks, are kept or maintained for boarding, grooming, breeding, training, showing, selling or exchange to other individuals.

(1) Licensing. To the extent required by the Pennsylvania Dog Law, the kennel operator shall possess a current, valid Pennsylvania Department of Agriculture kennel license.

(2) Noise Control. Animals shall be kept indoors from 10:00pm until 7:00am unless they are being walked on a leash by personnel of the kennel. Animals shall not be allowed free overnight access to exterior fenced areas.

(3) Odor Control. The facility shall comply with the provisions of the PA Environmental Protection Standards. (\$390.35)

(4) Rodent Control. The facility shall be kept rodent-free, and shall comply with the requirements of the Borough's Property Maintenance Code.

(5) Animal Waste. Animal waste shall be collected and properly disposed of daily.

(6) Exterior Exercise Area. The exterior exercise areas shall be completely enclosed with a six (6') foot high fence. The fence gate(s) shall be locked at all times. The fenced area shall not encroach into any required yard areas (i.e., front, side or rear yards) of the property on which the kennel is located.

Laboratory, Research and Testing. A facility engaged in the research and testing of products, materials, persons, animals, or specimens within a completely enclosed building or structure.

Laboratory, Experimental. A building for experimentation in pure or applied research, design, development and production of prototype machines or devices or of a new product, and uses accessory thereto.

Land Development. Any of the following activities:

(1) The improvement of one (1) lot, or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

(i) a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,

(ii) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features;

(2) A subdivision of land.

(3) "Land development" does not include development which involves:

(i) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

(ii) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or

(iii) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this Subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

Laundromat. A self-service laundry where coin-operated washing machines are available to individual customers.

Lot. A parcel of land used or set aside and available for use as the site of one (1) or more buildings and building accessories thereto or for any other purpose, in one (1) ownership and not divided by a street, not 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. At times, lots may be divided by a street or road, but are described by one deed.

Lot Area. An area of land which is determined by the limits of the property lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

Lot, Corner. 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°).

Lot Coverage. That percentage of the lot area that is covered by structures and impervious surfaces..

Lot Depth. The distance along a straight line drawn from the mid-point of the front lot line to the mid-point of the rear lot line.

Lot Frontage. A property line or portion thereof which is co-existent with a street line. In the case of a street of undefined width, said property line shall be assumed to parallel the center line of the street at a distance of not less than twenty-eight and one-half feet (28-1/2') therefrom.

Lot, Interior. A lot other than a corner lot.

Lot Line. A line forming the front, rear or sides of lots or parcels of property as described in the recorded title.

Lot Line, Front (Street right-of-way line). A line separating the lot from a street right-of-way. The front lot line and the street right-of-way line are the same line.

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 only 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.

Lot Line, Side. Any lot line not a front lot line nor a rear lot line.

Lot, Nonconforming. A lot of record existing at the date of passage of this Chapter or, due to subsequent zoning changes, which does not have the minimum width or contain the minimum area for the zone in which it is located.

Lot, Through or Double Frontage. A lot having its front and rear yards each abutting on a street as defined herein. The front yard regulations of the zone in which such lot is located shall apply to both frontages. Furthermore, no garage or other outbuilding shall be placed closer to the rear street line than the required front yard regulations of the subject zone.

Lot Width. The distance between straight lines connecting the ends of the front and rear lot lines measured at the required building setback lines.

Manufactured Home. A factory-built, single-family structure that meets the National Manufactured Home Construction and Safety Standards Act.

Manufacturing. The treatment or processing of raw products and the production of articles or finished products from raw or prepared materials by giving them new forms or qualities.

Membership Club. An area of land or building owned, leased or occupied by an association of persons, operated solely for a recreational, social, fraternal, religious, political or athletic purpose and whose activities are confined to the members and guests and are not extended to the general public. The definition of "membership club" shall not include an eating or drinking place or nightclub unless an eating or drinking place or nightclub is also permitted in that district. Adult oriented uses are excluded from this definition.

Mixed Use Development. The development of a tract of land, building, or structure with a variety of complementary and integrated uses, including but not limited to residential, retail, office, governmental, public, and entertainment, in a compact urban form.

Mobile Home. See Manufactured Home.

Motel. An establishment providing sleeping accommodations for transient guests for periods not exceeding thirty (30) days, with the majority of rooms having direct access to the outside without passing through a main lobby.

Motor Vehicle. A self-propelled device used to transport persons and/or goods over land surfaces.

Motor Vehicle Repair Facility. Any building or premises in which the maintenance, servicing, or repairing of motor vehicles is conducted.

Motor Vehicle Sales Establishment. Any building, land area, or other premises used for the display and sale of new and used motor vehicles. It may include any preparation or repair work to such vehicles conducted clearly as an accessory use.

Motor Vehicle Washing Facility. Any building or premises or portions thereof used for washing motor vehicles.

MPC. The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended.

Museum. An establishment where collections of natural, artistic, historical, scientific, or other objects of permanent value are kept and displayed. Also see Cultural Center.

Newspaper Sales Rack. A self-service, coin-operated dispenser installed, used, or maintained for the display and sale of newspapers.

News Stand. A structure, usually less than one hundred (100) square feet, from which newspapers, magazines, and similar printed material are sold.

Nightclub. A tavern or restaurant that has a primary or substantial portion of the total trade in the sale of alcoholic beverages and may charge admission or cover charges for live entertainment or music for dancing and which has a capacity of more than 100 persons for such entertainment or dancing. Adult oriented uses are excluded from this definition.

No-impact Home-based Business. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use, which business or commercial activity otherwise satisfies the requirements of this Ordinance.

Nonconforming Lot. A lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. See also Lot, Nonconforming.

Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions of this Chapter or amendment theretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason or annexation.

Non-conformities. Any non-conforming lot, structure, or use of land.

Nuisance. The unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.

Nursery/Greenhouse. An establishment engaged in the growing of trees (for transplanting), ornamentals, shrubs, flowers or houseplants for any commercial purpose.

Nursing Home. Establishment providing nursing, dietary and other similar personal services to convalescents, invalids or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery or other treatments which are customarily provided in sanitariums and hospitals. The facility must be inspected and licensed by the Pennsylvania Department of Health. Group Care Facilities and Family Care Facilities are excluded from this definition.

Obscenity Code, Pennsylvania. §5903, Title 18, Pennsylvania Consolidated Statutes, as amended.

Office. A room, group of rooms, or building in which services are performed involving the functions of a business, profession, service, or industry.

Official Map. A map, adopted by the Borough, showing the exact location of the lines of existing and proposed public streets, water courses, and public grounds, including widenings, narrowings, extensions, diminutions, openings, or closings of the same.

Official Review Agency. An agency appointed by the Borough Council to review certain proposals which are ordinarily among the duties of the Borough Council. The official review agency in the Borough is the Borough Planning Commission. When serving in the function of "official review agency," the Borough Planning Commission handles all procedural steps except final approval, which is the responsibility of Borough Council.

Open Area and Open Space. An unoccupied area open to the sky, usually in a natural state but including squares, plazas, and formal gardens. Also, the unoccupied area open to the sky on the same lot with a principal and/or accessory building.

Parking Lot, Commercial. A parcel of land used solely as (1) an independent off-street motor vehicle parking business for profit or (2) as part of the operation of an adjacent or nearby business (or businesses) where the storage of motor vehicles is permitted (for short periods of time for the public, with or without regard to whether or not a fee is charged therefor).

Parking Lot, Non-commercial. A parcel of land used for off-street temporary placement and storage of motor vehicles by a select or restricted group of individuals with the permission of the owner without a fee or charge and intended to facilitate and complement the operation of legally operated businesses or residential quarters located on the same or contiguous property by providing off-street parking facilities for the patrons of the businesses or the occupiers of the residential quarters.

Parking Space. A stall or berth used for parking motor vehicles, the area of which is not less than one hundred eighty (180) square feet exclusive of a street or alley and to which there is access from a street or alley.

Passenger Terminal. A place where transfer between modes of transportation takes place.

Pawn Shop. A business which offers secured loans to people, with items of personal property used as collateral, and also sells items that have been sold outright to them by customers.

Pennant. A long, narrow, triangular or tapered flag of lightweight plastic, fabric, or other material suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Pennsylvania Municipalities Planning Code. Act of July 32, 2968, P.L. 805, No. 247, as amended.

Permit. A document issued by the proper authority of the Borough authorizing an applicant to undertake certain activities, as further defined below:

(1) Building Permit. A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any Building Code which may be adopted by the Borough and authorizing an applicant to commence with said construction, alteration or reconstruction. Such a permit shall not be confused with a zoning permit or with an occupancy certificate as may be required under the terms of this Chapter.

(2) Occupancy Certificate. A certificate issued upon completion of the construction of a structure, or changes in use of structure or parcel of land indicating that the premises comply with the provisions of the ordinance and may be used for the purposes set forth in the Occupancy Certificate.

(3) Zoning Permit. A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Chapter or with an order of the Zoning Hearing Board and authorizing an applicant to proceed with said use, building or structure.

Person. An individual, partnership, corporation, or other legally recognized entity.

Personal Care Home. A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours, for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living. The term includes a premise that has held or presently holds itself out as a personal care home and provides food and shelter to four or more adults who need personal care services, but who are not receiving the services. The facility must be inspected and licensed by the Pennsylvania Department of Public Welfare. The facility may also be referred as an "assisted living facility". The use shall not include persons who need oversight because of behavior that is criminal or violent, and does not include facilities for drug and alcohol treatment. Group Care Facilities and Family Care Facilities are excluded from this definition.

Personal Service Establishment. A business that is engaged primarily in providing services involving the care of a person and his/her goods or apparel. These establishments may include but are not limited to laundries, laundromats, dry cleaners, beauty shops, barbershops, nail salons, tanning salons, shoe repair shops, therapeutic massage establishments, dance studios and health and fitness establishments. Adult massage establishments are not included in this definition.

Pervious Surface. Any material that permits full or partial absorption of stormwater into the ground.

Pet Day Care or Pet Play-Care. Any property, including buildings or structures thereon, where pet owners bring their pets for time periods less than twelve (12) hours for the purposes of interaction and/or play with other patrons' pets. There shall be no holding or boarding of pets overnight in this establishment.

Place of Worship. A building or group of buildings, including customary accessory buildings, designed or intended for the conducting of formal religious services. This shall include churches, synagogues, chapels, cathedrals, temples, mosques, and similar designations, as well as parish houses, convents, and related accessory uses, but does not include schools, recreation facilities, or dormitories.

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 areas.

Planting Strip. That area which lies within the street right-of-way between the curb and sidewalk. It is usually planted in grass and may contain street trees.

Pond. Any body of water in a constructed receptacle, whether located indoors or outdoors, for the purposes of landscaping or decoration. Indoor and outdoor fountains and the associated reservoirs are considered ponds for the purposes of this Chapter. Ponds shall not be utilized for swimming or bathing purposes for persons or their pets or animals. Residential ponds are those created on the property of a single family residence, a duplex or arrow home or townhouse. Commercial ponds are those located on the property of a commercial establishment, on the property of an apartment complex, or on the property of any use other than those noted under the Residential Pond classification. Ponds shall comply with the setback requirements for accessory structures for the side and rear yards, and shall be permitted in front yard area providing the pond complies with the front yard, side yard and right-of-way setbacks.

Principal Building, Structure or Use. A structure or use in which is conducted the main or principal use of the lot on which said structure or use is located.

Private Sidewalk. A paved, concrete or otherwise hard walking surface located within lot lines and outside of a street right-of-way.

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

Property Line. See Lot Line and Lot Line, Front.

Public Grounds. Includes:

(1) parks, playgrounds, trails, paths and other recreational areas and other public areas;

(2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and

(3) publicly owned or operated scenic and historic sites.

Public Hearing. An informal meeting held pursuant to public notice by the Borough or the Borough Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. This includes formal hearings of the Zoning Hearing Board and in the case of certain curative amendments and conditional uses, of Borough Council.

Public Meeting. A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271, et seq.

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

Public Sidewalk. A paved, concrete or otherwise hard walking surface along a public street that is located within the street right-of-way.

Public Utility Installation. Hydroelectric and electric lines, power plants and electric substations, pumping and boating stations, pipelines, sewage treatment plants, water plants and other similar facilities necessary to serve demonstrated public needs.

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, mini-bikes, all-terrain vehicles, go-carts and boat trailers are also deemed to be "recreational vehicles."

Redevelopment. The re-purposing of an entire property, including all buildings and site for the purposes of providing new uses in compliance with the requirements of the Redevelopment Overlay District. Re-purposing shall include the complete or partial demolition of existing structures and other improvements on a given property, and the renovation of existing buildings and/or the construction of new buildings, structures, parking, driveways, stormwater structures, and other improvements.

Report. Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board,

officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Residential Conversion. The converting of a single-family residence into two (2) or more dwelling units, all contained within the original residential building.

Restaurant. See Eating and Drinking Places.

Retail Business. Any establishment that engages in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retirement Community. A development consisting of a building or group of buildings designed and used specifically for the residence and care of elderly and disabled persons who are at least 55 years of age.

Rooming House. A dwelling or part thereof where lodging is provided for compensation for at least two (2) but not more than six (6) persons not transients and where no public restaurant is maintained.

School. Any building or part thereof designed, constructed, or used for education or instruction in any branch of knowledge, including public and private schools of all types. Facilities intended for the rehabilitation of persons with criminal and violent behavior, as well as day care facilities, are excluded from this definition.

School, Vocational. A secondary or higher education facility teaching usable skills that prepare students for employment in a trade or business and meeting the State requirements for schools.

Self-storage Facility. A structure containing separate, secure, and private storage spaces of varying sizes which are leased or rented.

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 Chapter, may be erected above the grade level. The setback line is considered to be a vertical surface intersecting the ground on such line.

Sexual Activities, Specified.

(1) Acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, public area, buttocks, or, if such a person be a female, breasts.

(2) The condition of human male or female genitals when in a state of sexual stimulation or arousal.

(3) Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

Shopping Center. A shopping area of integrated design and development having a minimum lot area of thirty-seven thousand five hundred (37,500) square feet and including, but not limited to, such uses as retail shops, personal service establishments, professional and business offices, banks, post offices, restaurants, theaters and auditoriums, and housed in an enclosed building or buildings and utilizing such common facilities as customer parking, pedestrian walks, loading and unloading spaces, utilities and sanitary facilities.

Sign. Any object, device, display, or structure that is used to advertise, identify, display, direct, or attract attention, including structural elements, bases, sign faces, trim and borders.

Sign, Animated. A sign which uses movement or change of lighting to depict action or to create a visual effect or scene.

Sign, Back-to-Back. A structure with two (2) parallel sign faces oriented in opposite directions, or two (2) structures, each with one (1) sign face and located not more than ten feet (10') from an obstruction preventing both structures from being seen at the same time from any point along the thoroughfare.

Sign, Banner. A sign of lightweight fabric or similar material that is attached at one or more edges or corners to a pole or building. A banner which acts as a business identification, informational, or promotional sign is considered a temporary sign.

Sign, Business Identification. A sign which contains elements which identify the official name of a business and which may contain minimal references to products or services that help to clarify the type of business being conducted on the premises.

Sign, Canopy. A sign which is part of or is attached to a canopy, awning, or similar fabric, plastic, or structural cover over a door, entrance, window, or outside service area. A marquee is not a canopy.

Sign, Changeable Copy. A sign or portion thereof with characters or illustrations which can be changed or rearranged without altering the face or surface of the sign. A sign upon which the message changes more than eight (8) times per day shall be considered an animated sign. A sign which shows the date, time, and/or temperature shall not be considered a changeable copy sign.

Sign, Directional. An advertising sign or device intended to direct or point toward a place or object or that points out the way to a place or object that obviously could not be easily found without such a sign or device.

Sign, Electronic. A sign capable of displaying text, graphics, symbols, or images that can be electronically or mechanically changed by remote or automatic means, and which directs attention to a business, activity, product, commodity, service, entertainment, or communication.

Sign Face. That portion of a sign, including the display area, border and trim, but excluding the base, supports and other structural members, facing traffic moving in one (1) direction.

Sign, Flashing. A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked change in lighting effects. Illuminated signs which indicate the date, time, and/or temperature, or other similar information, shall not be considered a flashing sign.

Sign, Free-standing. A permanent in-ground or surface-mounted sign which is constructed to be independent of all adjoining structures or which is supported or suspended from a free-standing column or other support located in or upon the ground surface.

Sign, Illuminated. A sign which is lighted by or exposed to artificial lighting from a light source on or inside the sign or directed toward the sign.

Sign, Nonconforming. A sign that does not conform to the provisions of this Chapter that regulate signs.

Sign, Off-premises. Any outdoor sign, display, figure, painting, drawing, message, billboard or any other thing which is designed, intended or used to advertise or inform, any part of which advertising or information content is visible from any place on the main traveled way of the interstate system or any thoroughfare in the Borough; but does not include on-premise signs advertising or identifying activities conducted on or products sold on the property upon which they are located.

Sign, On-premises. A sign which directs attention to a person, business, profession, product, home occupation, or activity conducted on the same lot.

Sign, Portable. A sign designed to be transported, including but not limited to signs transported by wheels, signs converted to A-frames, menu or sandwich board signs, balloons used as signs, and signs attached to or painted on vehicles that are parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of a business.

Sign, Projecting. A sign which is attached directly to a building wall and which extends at least twelve (12) inches but no more than four feet (4') from the face of such wall, but not canopy signs.

Sign, Promotional. A temporary sign which advertises or describes sales events, products or service promotions, or new products or service introductions related to the business being conducted on the premises.

Sign, Roof. A sign erected and constructed on the roof of the building on which it is located and extending vertically no higher than the highest point of the roof.

Sign, Temporary. A sign which is not permanently mounted or affixed to the ground, building, or display window and which is displayed for a specific period of time.

Sign, Real Estate. A sign relating to the property on which it is located, offering such property for sale, lease, or rent, and includes open house signs.

Sign, V-Type. A structure or structures with two (2) or three (3) given sign faces, forming the shape of the letter "V" or a triangle when viewed from above, with an angle between any two (2) faces of not more than ninety (90) degrees.

Sign, Wall. A sign which is attached parallel to a building wall with the face of said sign extending no more than twelve inches (12") from the face of the wall.

Story. That part of a structure included between any floor and the floor or roof next above. When applied to the permissible height of buildings the term "story" shall not include a basement if the basement is not designated for living quarters and if the floor thereof is more than four feet (4') below the average ground level.

Street. Any road, highway, avenue, street, parkway, lane or other way, public or private, set aside and commonly used by the public for street purposes, and shown upon the Official Map or upon a filed plat. Any alley which provides the primary means of access to two (2) or more dwellings shall be considered a street.

Street, Arterial. A street whose primary purpose is to move a larger volume of vehicles and includes longer trips from one part of an area to another.

Street, Collector. A street whose primary purpose is to conduct vehicles from local streets to arterial streets or limited access highways.

Street, Local. A street whose primary purpose is to provide access to property abutting the public right-of-way. Local streets should not carry through-traffic.

Street Right-of-way. The area between the right-of-way lines of a public street, which typically contains the cartway, the curbs, the planting strips and the public sidewalk. The right-of-way may contain some area beyond the public sidewalk.

Street Right-of-way Line. A line established by measuring from the centerline of a public street cartway or by measuring from the face of a curb along a public street. The distance measured to establish the right-of-way line shall be in accordance with the Borough's Street Plans.

Streets, Functional Classification of. A method of dividing streets into categories that are determined by the use or function of such streets. There are four (4) categories of streets in the Borough's Functional Classification: (1) limited access highway, (2) arterial street, (3) collector street, and (4) local street.

Structure. Anything constructed or erected, which requires its permanent location on or below the ground, or which is permanently attached to something having permanent location upon the ground, excepting fixed and movable awnings. A building shall be construed to be a structure.

Subdivision. The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for

the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwelling, shall be exempted.

Swimming Pool, Private. Any receptacle or artificially constructed container for water, whether erected above or below ground level, having a wall depth of two feet (2') or more at any point within its perimeter, intended or adapted for the purposes of immersion or partial immersion of human beings therein, used in connection with dwelling units, available only to the family of the dwelling unit holder and their private guests, not open to the public, and not otherwise regulated by any statutes or by rules and regulations other than those of the Borough and the State of Pennsylvania.

Swimming Pool, Public or Semi-public. Any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, motels, hotels and other similar uses.

Tattoo Parlor. See Body Art Establishment

Tavern. An establishment where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of a nightclub. The sale of food may also occur. Adult oriented uses are excluded from this definition.

Temporary Seasonal Pools. Any type of seasonal or temporary swimming pool consisting of any structure, basin, chamber or tank containing, designed to contain or capable of containing an artificial body of water for wading, swimming, diving, recreation, therapy or bathing, having a depth of more than twenty-four inches (24") at any point. Temporary seasonal pools shall comply with the setback requirements for accessory structures for the side and rear yard areas, and shall not be permitted in any front yard areas. Temporary seasonal pools must comply with the fencing and other requirements of the Uniform Construction Code.

Temporary Use. A temporary use may be authorized only if it is a permitted use in the zoning district where it is proposed to be located, and shall be limited to a specified time period.

Title Transfers. See Office.

Thoroughfare. Any street, road, expressway, freeway or highway located within the Borough.

Travel Trailer. A vehicular portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, vacation and other short-term uses.

Trucking Terminal. An area or building where trucks load and unload cargo and freight which may be broken down or aggregated into smaller or larger loads for transfer to other vehicles. Any related storage facilities are to be clearly incidental to the principal use.

Use. Any purpose for which a lot or structure may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on in a structure on a lot.

Use, Accessory. A use which:

(1) is subordinate to and serves a principal building or principal use; and

(2) is subordinated in area, extent, or purpose to the principal building or principal use served; and

(3) is located on the same zoning lot as the principal building or use served; and

(4) is not used for dwelling purposes nor normally occupied by personnel associated with any use; and

(5) is not attached to the principal building by covered passageway, has a wall more than three feet (3') high, and shares no wall in common with the principal building.

Use, Conditional. See Conditional Use.

Use, Nonconforming. See Nonconforming Use.

Use Permitted by Right. Any use within a given zoning district that is specifically allowed as a matter of "right".

Use, Principal. The primary use or purpose of which a building, structure, and/or land, or major portion thereof, is designed, arranged or intended, or for which it may be occupied or maintained, under this Chapter.

Use, Prohibited. A use of land or structures which is not permitted within a particular zoning district.

Use, Special Exception(s). A use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601, et seq., 10901, et seq.

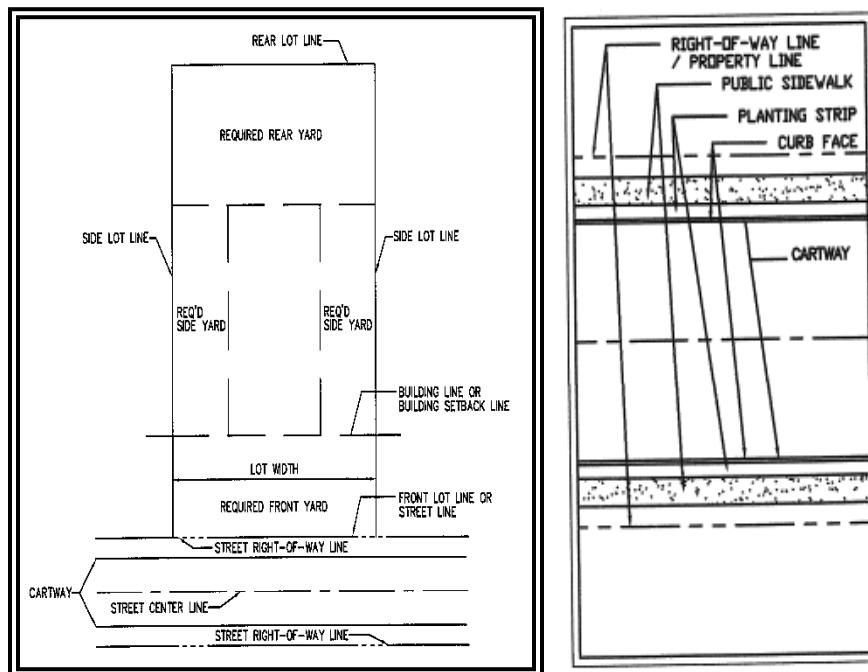
Variance. Relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, et seq.

Veterinary Office. Any building used for the treatment and limited temporary boarding of small domestic animals such as dogs, cats, goats, rabbits and birds or fowl by a veterinarian. Such use shall not be construed as a professional office under the definitions and terms of this Chapter.

Warehouse. A building used primarily for the storage of goods and materials.

Wholesale Business. An establishment which sells merchandise to retailers, other wholesalers, and industrial, commercial, institutional, or professional business users.

Yard. The following graphic provides an illustrative example of different yard types and locations relative to the street right-of-way.



Yard, Front (Required). An area extending along the full length of a front lot line wholly between side lot lines and back to a line drawn parallel to the front lot line at a distance therefrom equal to the depth of the required front setback of the zone wherein the lot is located.

Yard, Rear (Required). An area extending along the full length of a rear lot line wholly between side lot lines and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required rear setback of the zone wherein the lot is located.

Yard, Side (Required). An area extending from the front setback line to the rear setback line along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of the required side setback of the zone wherein the lot is located and excluding any area encompassed within a required front or rear yard.

Zoning District. A contiguous area of land on all parts of which the same uniform zoning regulations apply.

Zoning District Boundary. The perimeter line completely enclosing a zoning district.

Zoning Hearing Board. A body appointed by the Borough Council to examine and decide appeals for relief from strict conformance to this Chapter or relief from a decision of the Zoning Officer and to hear testimony regarding the validity of any regulations upon development in the Borough.

Zoning Map. The official plan of zoning districts in the Borough showing precisely the boundaries and titles of each zoning district, which map is part of this Chapter.

Zoning Officer. A person retained by the Borough to enforce the regulations of this Chapter, with power to issue permits, to halt illegal construction, and to interpret literally the meaning of the various sections of this Chapter subject to appeal of the Zoning Hearing Board.

Part 3

District Regulations

Subpart A. Preliminary Provisions

Section 301. Establishment of Districts.

(a) General. The Borough is hereby divided into districts of different types, each type of such number, shape, kind and area, as well as of such common unity and purpose and adaptability of use, that is deemed most suitable to carry out the objectives of this Chapter and the Comprehensive Plan. These districts are designated and abbreviated in Section 302 of this Chapter.

(b) Zoning Map. Zoning districts are bounded and defined as shown on the map entitled "Zoning Map of the Borough of West Reading", as in effect from time to time, which accompanies this Chapter and which, with all explanatory matters herein, is hereby made a part of this Chapter.

(c) Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of the zoning districts, as indicated on the zoning map, the following rules shall apply:

(1) Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, railroad lines, or streams, such center lines shall be construed to be such boundaries.

(2) Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be the district boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be the district boundaries.

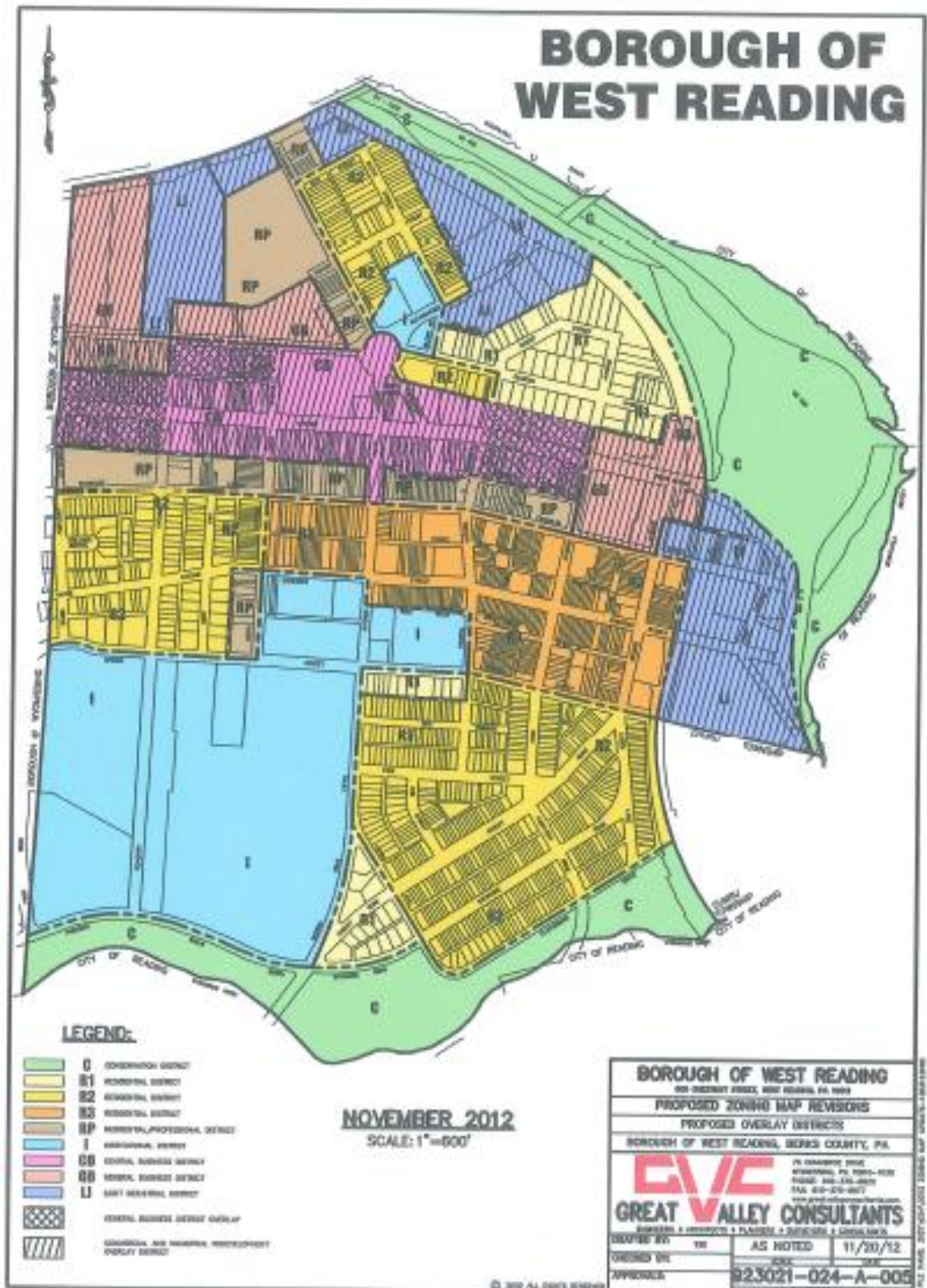
(3) Where district boundaries are so indicated that they are approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel thereto, and at such distance therefrom as indicated on the zoning map.

(4) Where district boundaries divide a lot, any use authorized or permitted in either zone may be extended a distance not to exceed fifty (50') feet beyond the boundary of the zone in which such use is permitted or authorized.

Section 302. Designation of Districts. The following districts are hereby designated as a basis for the establishment of zoning regulations within the Borough:

- (a) C - Conservation
- (b) R-1 - Residential
- (c) R-2 - Medium Density Residential
- (d) R-3 - High Density Residential
- (e) R-P - Residential/Professional District
- (f) I - Institutional
- (g) C-B - Central Business
- (h) G-B - General Business
- (i) L-I - Light Industrial

Section 303. Zoning Map.



Subpart B. Conservation District (C)

Section 310. Purpose. It is the purpose of this district to regulate areas that are subject to flooding and encroachment, which aggravates flood conditions, and are located and featured in such a way as to warrant preservation through limited usage, because of slope, geologic conditions, or overall natural character.

Section 311. Uses Permitted by Right. The following uses and their accessory uses are permitted by right, provided that all applicable requirements of this Chapter are satisfied:

- (a) Public grounds, excluding, however, sites for sewage treatment, refuse disposal and other publicly owned or operated facilities
- (b) Forestry, excluding buildings, structures and open storage
- (c) Flower and vegetable gardening, and outdoor plant nurseries, with no related buildings or structures
- (d) Governmental uses.
- (e) Surface parking areas covered with natural materials, such as wood chips, loose stones and other similar material
- (f) Accessory buildings, structures, and uses on the same lot and customarily incidental to the permitted uses

Section 312. Uses Permitted by Conditional Use. The following uses and their accessory uses may be permitted by conditional use following review and recommendation by the Borough Planning Commission, in accordance with the applicable provisions of this Chapter, and upon approval by Borough Council:

- (a) Nurseries for the growing of flowers, trees and shrubs not for sale on the lot, and with open structures
- (b) Commercial and non-commercial parking lots

Section 313. Uses Permitted by Special Exception. The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board, in accordance with the applicable provisions of this Chapter:

NONE

Section 314. Lot, Yard, and Building Requirements for All Uses.

- (a) Minimum Lot Area 5,500 square feet
- (b) Minimum Lot Width 60 feet
- (c) Minimum Yard Requirements:

Front	20 feet
Rear	25 feet
One Side	10 feet
Both Sides	25 feet
- (d) Maximum Structure Height 35 feet

- (e) Maximum Impervious Coverage 25 percent
- (f) Minimum Yard Requirements - Detached Accessory Buildings:
 - Rear 5 feet
 - Side 5 feet

Section 315. Supplemental Regulations. The uses in this district are also subject to the applicable regulations contained in the following sections of this Chapter:

- (a) General Regulations
- (b) Performance Regulations
- (c) Sign Provisions.
- (d) Off-Street Parking and Loading Standards.

Subpart C. Residential District (R-1)

Section 321. Purpose. It is the purpose of this district to provide areas for lower density, predominantly single-family detached residences, and to stabilize and protect the characteristics of these areas.

Section 322. Uses Permitted by Right. The following uses and their accessory uses are permitted by right, provided that all applicable requirements of this Chapter are satisfied:

- (a) Single-family detached dwellings
- (b) No-impact home-based businesses
- (c) Governmental uses
- (d) Forestry
- (e) Public grounds, excluding, however, sites for sewage treatment, refuse disposal and other publicly owned or operated facilities
- (f) Accessory buildings, structures, and uses on the same lot and customarily incidental to the permitted uses

Section 323. Uses Permitted by Conditional Use. The following uses and their accessory uses may be permitted by conditional use following review and recommendation by the Borough Planning Commission, in accordance with the applicable provisions of this Chapter, and upon approval by Borough Council:

- (a) Public utility installations except garages, warehouses and storage yards

Section 324. Uses Permitted by Special Exception. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- (a) Bed and breakfast inns

- (b) Places of worship and related residential uses
- (c) Group care facility
- (d) Family care facility

Section 325. Lot, Yard, and Building Requirements for All Uses.

- (a) Minimum Lot Area
5,500 Square feet
- (b) Minimum Lot Width 66 feet
- (c) Minimum Yard Requirements
 - Front 15 feet
 - Rear 15 feet
 - One Side 8 feet
 - Both Sides 20 feet
- (d) Maximum Structure Height 35 feet
- (e) Maximum Impervious Coverage 50 percent
- (f) Minimum Yard Requirements - Detached Accessory Buildings
 - Rear 5 feet
 - Side 5 feet

Section 326. Supplemental Regulations. The uses in this district are also subject to the applicable regulations contained in the following sections of this Chapter:

- (a) General Regulations
- (b) Performance Regulations
- (c) Sign Provisions.
- (d) Off-Street Parking and Loading Standards.

Subpart D. Medium Density Residential District (R-2)

Section 331. Purpose. It is the purpose of this district to provide areas for medium density single-family and lower density multi-family residential uses.

Section 332. Uses Permitted by Right. The following uses and their accessory uses are permitted by right, provided that all applicable requirements of this Chapter are satisfied:

- (a) Single-family detached dwellings
- (b) Single-family semi-detached dwellings
- (c) Single-family attached dwellings

(d) Mixed use developments incorporating only residential uses permitted in this district

(e) No-impact home-based businesses

(f) Governmental uses

(g) Forestry

(h) Public grounds, excluding, however, sites for sewage treatment, refuse disposal and other publicly owned or operated facilities

(i) Accessory buildings, structures, and uses on the same lot and customarily incidental to the permitted uses

Section 333. Uses Permitted by Conditional Use. The following uses and their accessory uses may be permitted by conditional use following review and recommendation by the Borough Planning Commission, in accordance with the applicable provisions of this Chapter, and upon approval by Borough Council:

(a) Public utility installations except garages, warehouses and storage yards

Section 334. Uses Permitted by Special Exception. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

(a) Low-rise apartments

(b) Non-commercial parking lots

(c) Places of worship and related residential uses

(d) Group care facility

(e) Family care facility

Section 335. Lot, Yard, and Building Requirements for Uses Permitted by Right and by Conditional Use.

(a) Detached Dwellings and Public Utility Installations

(1) Minimum Lot Area 4,000 Square feet

(2) Minimum Lot Width 50 feet

(3) Minimum Yard Requirements

Front	8 feet
Rear	10

feet

One Side 6 feet

Both Sides

15 feet

(4) Maximum Structure Height 35 feet

- | | | |
|-----|----------------------------------------|----------------------|
| (5) | Maximum Impervious Coverage | 70 percent |
| (6) | Minimum Yard Requirements
Buildings | - Detached Accessory |
| | Rear | 3 feet |
| | Side | 2 feet |
- (b) Semi-Detached Dwellings
- | | | |
|-----|----------------------------------------|------------------------------------|
| (1) | Minimum Lot Area | 3,000 square feet each
dwelling |
| (2) | Minimum Lot Width | 30 feet |
| (3) | Minimum Yard Requirements | |
| | Front | 8 feet |
| | Rear | 10 feet |
| | One Side | 10 feet |
| (4) | Maximum Structure Height | 35 feet |
| (5) | Maximum Impervious Coverage | 70 percent |
| (6) | Minimum Yard Requirements
Buildings | - Detached Accessory |
| | Rear | 3 feet |
| | Side | 2 feet |
- (c) Attached Dwellings
- | | | |
|-----|----------------------------------------|----------------------|
| (1) | Minimum Lot Area | 2,000 Square feet |
| (2) | Minimum Lot Width | 20 feet |
| (3) | Minimum Yard Requirements | |
| | Front | 8 feet |
| | Rear | 10 feet |
| | One Side - End Unit | 10 feet |
| (4) | Maximum Structure Height | 35 feet |
| (5) | Maximum Impervious Coverage | 70 percent |
| (6) | Minimum Yard Requirements
Buildings | - Detached Accessory |
| | Rear | 3 feet |
| | Side | 2 feet |
- (d) Other Uses Permitted by Right and Conditional Use
- | | | |
|-----|-------------------|-------------------|
| (1) | Minimum Lot Area | 4,000 Square feet |
| (2) | Minimum Lot Width | 50 feet |

(3) Minimum Yard Requirements

Front	8 feet	
Rear	10 feet	
One Side	6 feet	
Both Sides		15 feet

(4) Maximum Structure Height 35 feet

(5) Maximum Impervious Coverage 60 percent

(6) Minimum Yard Requirements - Detached Accessory Buildings

Rear	3 feet
Side	2 feet

(e) Lot, Yard, and Building Requirements for Uses Permitted by Special Exception.

(1) Minimum Lot Area 4,000 Square feet

(2) Minimum Lot Width 50 feet

(3) Minimum Yard Requirements

Front	8 feet
Rear	10 feet
One Side	6 feet
Both Sides	15 feet

(4) Maximum Structure Height 35 feet

(5) Maximum Impervious Coverage 60 percent

(6) Minimum Yard Requirements - Detached Accessory Buildings

Rear	3 feet
Side	2 feet

Section 336. Supplemental Regulations. The uses in this district are also subject to the applicable regulations contained in the following sections of this Chapter:

- (a) General Regulations
- (b) Performance Regulations
- (c) Sign Provisions.
- (d) Off-Street Parking and Loading Standards.

Subpart E. Residential District (R-3)

Section 341. Purpose. It is the purpose of this district to provide for higher density residential areas and to permit certain land uses which can be compatible with residential neighborhoods.

Section 342. Uses Permitted by Right. The following uses and their accessory uses are permitted by right, provided that all applicable requirements of this Chapter are satisfied:

- (a) Single-family semi-detached dwellings
- (b) Single-family attached dwellings
- (c) Mixed use developments incorporating only residential uses permitted in this district
- (d) Public grounds, excluding, however, sites for sewage treatment, refuse disposal and other publicly owned or operated facilities
- (e) Governmental uses
- (f) Low-rise apartments
- (g) No-impact home-based businesses
- (h) Forestry
- (i) Accessory buildings, structures, and uses on the same lot and customarily incidental to the permitted uses

Section 343. Uses Permitted by Conditional Use. The following uses and their accessory uses may be permitted by conditional use following review and recommendation by the Borough Planning Commission, in accordance with the applicable provisions of this Chapter, and upon approval by Borough Council:

- (a) Boarding and rooming houses
- (b) Public utility installations except garages, warehouses and storage yards

Section 344. Uses Permitted by Special Exception. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- (a) Bed and breakfast inns
- (b) Offices
- (c) Cemeteries
- (d) Funeral homes
- (e) Membership Clubs
- (f) Clinics
- (g) Planned neighborhood convenience center
- (h) Non-commercial parking lots

- (i) Day care homes
- (j) Places of worship and related residential uses
- (k) Group care facility
- (l) Residential conversions
- (m) Family care facilities

Section 345. Lot, Yard, and Building Requirements for Uses Permitted by Right.

(a) Semi-Detached Dwellings

- (1) Minimum Lot Area 3,000 square feet each dwelling
- (2) Minimum Lot Width 30 feet
- (3) Minimum Yard Requirements
 - Front 8 feet
 - Rear 10 feet
 - One Side 10 feet
- (4) Maximum Structure Height 35 feet
- (5) Maximum Impervious Coverage 75 percent
- (6) Minimum Yard Requirements - Detached Accessory Buildings
 - Rear 3 feet
 - Side 2 feet

(b) Attached Dwellings

- (1) Minimum Lot Area 2,000 Square feet
- (2) Minimum Lot Width 20 feet
- (3) Minimum Yard Requirements
 - Front 8 feet
 - Rear 10 feet
 - One Side - End Unit 10 feet
- (4) Maximum Structure Height 35 feet
- (5) Maximum Impervious Coverage 75 percent
- (6) Minimum Yard Requirements - Detached Accessory Buildings
 - Rear 3 feet
 - Side 2 feet

(c) Low-Rise Apartment Dwellings

(1) Minimum Lot Area 5,000 Square feet

(2) Minimum Lot Width 90 feet

(3) Minimum Yard Requirements

Front	8 feet
Rear	10 feet
One Side	10 feet
Both Sides	20 feet

(4) Maximum Structure Height 40 feet

(5) Maximum Impervious Coverage 75 percent

(6) Minimum Yard Requirements - Detached Accessory Buildings

Rear	3 feet
Side	3 feet

Section 346. Lot, Yard, and Building Requirements for Other Uses Permitted by Right and Uses Permitted by Conditional Use.

(a) Minimum Lot Area 3,000 Square feet

(b) Minimum Lot Width 40 feet

(c) Minimum Yard Requirements

Front	8 feet
Rear	10 feet
One Side	6 feet
Both Sides	15 feet

(d) Maximum Structure Height 35 feet

(e) Maximum Impervious Coverage 65 percent

(f) Minimum Yard Requirements - Detached Accessory Buildings

Rear	3 feet
Side	2 feet

Section 347. Lot, Yard, and Building Requirements for Other Uses Permitted by Special Exception.

(a) Minimum Lot Area 4,000 Square feet

(b) Minimum Lot Width 50 feet

(c) Minimum Yard Requirements

Front	8 feet
Rear	10 feet
One Side	8 feet
Both Sides	15 feet

- (d) Maximum Structure Height 35 feet
- (e) Maximum Impervious Coverage 65 percent
- (f) Minimum Yard Requirements - Detached Accessory Buildings
 - Rear 3 feet
 - Side 2 feet

Section 348. Supplemental Regulations. The uses in this district are also subject to the applicable regulations contained in the following sections of this Chapter:

- (a) General Regulations
- (b) Performance Regulations
- (c) Sign Provisions.
- (d) Off-Street Parking and Loading Standards

Subpart F. Residential/Professional District (R-P)

Section 351. Purpose. It is the purpose of this district to provide for medium density predominantly single-family and higher density multi-family residential areas and for professional uses.

Section 352. Uses Permitted by Right. The following uses and their accessory uses are permitted by right, provided that all applicable requirements of this Chapter are satisfied:

- (a) Offices
- (b) Personal service establishments, but not massage establishments
- (c) Governmental uses
- (d) Single-family detached dwellings
- (e) Single-family semi-detached dwellings
- (f) Single-family attached dwellings
- (g) No-impact home-based businesses
- (h) Public parks and playgrounds
- (i) Forestry
- (j) Accessory buildings, structures, and uses on the same lot and customarily incidental to the permitted uses

Section 353. Uses Permitted by Conditional Use. The following uses and their accessory uses may be permitted by conditional use following review and recommendation by the Borough Planning Commission, in accordance with the applicable provisions of this Chapter, and upon approval by Borough Council:

(a) Schools

(b) Public utility installations except garages, warehouses and storage yards

Section 354. Uses Permitted by Special Exception. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

(a) Low-rise apartments

(b) Planned neighborhood convenience centers

(c) Day care centers

(d) Non-commercial parking lots

(f) Places of worship and related residential uses

(g) Passenger terminals

(h) Group care facility

(i) Family care facility

Section 355. Lot, Yard, and Building Requirements for Uses Permitted by Right and by Conditional Use.

(a) Detached Dwellings

(1) Minimum Lot Area 4,000 square feet

(2) Minimum Lot Width 50 feet

(3) Minimum Yard Requirements

Front 8 feet

Rear 10 feet

One Side 6 feet

Both Sides 15 feet

(4) Maximum Structure Height 35 feet

(5) Maximum Impervious Coverage 70 percent

(6) Minimum Yard Requirements - Detached Accessory Buildings

Rear	3 feet
Side	2 feet

(b) Semi-Detached Dwellings

(1) Minimum Lot Area 3,000 square feet each dwelling

(2) Minimum Lot Width 30 feet

(3) Minimum Yard Requirements

Front	8 feet
Rear	10 feet
One Side	10 feet

(4) Maximum Structure Height 35 feet

(5) Maximum Impervious Coverage 70 percent

(6) Minimum Yard Requirements - Detached Accessory Buildings

Rear	3 feet
Side	2 feet

(c) Attached Dwellings

(1) Minimum Lot Area 2,000 Square feet

(2) Minimum Lot Width 20 feet

(3) Minimum Yard Requirements

Front	8 feet
Rear	10 feet
One Side - End Unit	10 feet

(4) Maximum Structure Height 35 feet

(5) Maximum Impervious Coverage 70 percent

(6) Minimum Yard Requirements - Detached Accessory Buildings

Rear	3 feet
Side	2 feet

(d) Other Uses Permitted by Right and by Conditional Use

(1) Minimum Lot Area 4,000 square feet

(2) Minimum Lot Width 50 feet

(3) Minimum Yard Requirements

	Front	8 feet
	Rear	10 feet
	One Side	6 feet
	Both Sides	15 feet
(4)	Maximum Structure Height	35 feet
(5)	Maximum Impervious Coverage	60 percent
(6)	Minimum Yard Requirements - Detached Accessory Buildings	
	Rear	3 feet
	Side	2 feet

Section 356. Lot, Yard, and Building Requirements for Uses Permitted by Special Exception.

(a)	Minimum Lot Area	4,000 square feet
(b)	Minimum Lot Width	50 feet
(c)	Minimum Yard Requirements	
	Front	8 feet
	Rear	10 feet
	One Side	6 feet
	Both Sides	15 feet
(d)	Maximum Structure Height	35 feet
(e)	Maximum Impervious Coverage	60 percent
(f)	Minimum Yard Requirements - Detached Accessory Buildings	
	Rear	3 feet
	Side	2 feet

Section 357. Supplemental Regulations. The uses in this district are also subject to the applicable regulations contained in the following sections of this Chapter:

- (a) General Regulations
- (b) Performance Regulations
- (c) Sign Provisions.
- (d) Off-Street Parking and Loading Standards.

Subpart G. Institutional District (I)

Section 361. Purpose. It is the purpose of this district to provide for schools, churches, hospitals and related institutional uses which can be compatible with both residential and nonresidential neighborhoods.

Section 362. Uses Permitted by Right. The following uses and their accessory uses are permitted by right, provided that all applicable requirements of this Chapter are satisfied:

- (a) Governmental uses
- (b) Forestry
- (c) Accessory buildings, structures, and uses on the same lot and customarily incidental to the permitted uses.

Section 363. Uses Permitted by Conditional Use. The following uses and their accessory uses may be permitted by conditional use following review and recommendation by the Borough Planning Commission, in accordance with the applicable provisions of this Chapter, and upon approval by Borough Council:

- (a) Commercial and non-commercial parking lots as accessory uses
- (b) Places of worship and related residential uses
- (c) Hospitals
- (d) Extended care facilities
- (e) Intermediate care facilities
- (f) Long-term care facilities
- (g) Public utility installations except garages, warehouses and storage yards
- (h) Offices

Section 364. Uses Permitted by Special Exception. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- (a) Mid-rise apartments
- (b) Fire stations

Section 365. Lot, Yard, and Building Requirements for Uses Permitted by Right, by Conditional Use, and by Special Exception.

- (a) Minimum Lot Area 10,000 square feet
- (b) Minimum Lot Width 90 feet
- (c) Minimum Yard Requirements
 - Front 25 feet
 - Rear 20 feet
 - One Side 15 feet
 - Both Sides 35 feet
- (d) Maximum Structure Height 70 feet
- (e) Maximum Impervious Coverage 60 percent

(f) Minimum Yard Requirements - Detached Accessory Buildings

Rear	20 feet
Side	20 feet

Section 366. Supplemental Regulations. The uses in this district are also subject to the applicable regulations contained in the following sections of this Chapter:

- (a) General Regulations
- (b) Performance Regulations
- (c) Sign Provisions
- (d) Off-Street Parking and Loading Standards

Subpart H. Central Business District (CB)

Section 367. Purpose. It is the purpose of this district to provide for a range of central core shopping, business, and related activities and to promote a greater concentration and continuity of retail uses and eating and drinking places along this section of Penn Avenue, which are intended to accommodate a high degree of business resulting from pedestrian traffic.

Section 368. Uses Permitted by Right. The following uses and their accessory uses are permitted by right, provided that all applicable requirements of this Chapter are satisfied:

- (a) Retail stores, but not adult oriented uses or pawn shops.
- (b) Governmental uses
- (c) Cultural centers, indoor theaters, and museums, but not adult oriented uses
- (d) Shopping centers
- (e) Eating and drinking places, not including drive-in service places or adult oriented uses
- (f) Offices, provided nevertheless, that no more than twenty-five percent (25%) of the first floor area and no more than twenty-five percent (25%) of the first floor elevation of any building fronting on Penn Avenue and any building located within the West Reading Shopping Center shall be developed for an office or offices. For purposes hereof, "first floor" shall mean and include the first full story above the average finished grade adjoining a street, including any half or partial story or basement located beneath said full story where any portion of such half or partial story or basement is above the finished grade.
- (g) Catering establishments
- (h) Passenger terminals, including taxi stands, bus and rail passenger stations and shelters

- (b) Minimum Lot Width None
- (c) Minimum Yard Requirements
 - Front 8 feet
 - Rear 10 feet
 - One Side 3 feet
 - Both Sides 6 feet
- (d) Maximum Structure Height 65 feet
- (e) Maximum Impervious Coverage 75 percent
- (f) Minimum Yard Requirements - Detached Accessory Buildings
 - Rear 2 feet
 - Side 2 feet

Section 372. Lot, Yard, and Building Requirements for Uses Permitted by Conditional Use.

(a) Private commercial educational facilities, including schools or special vocational training, dance, music, art, drama and other similar activities

- (1) Minimum Lot Area None
- (2) Minimum Lot Width None
- (3) Minimum Yard Requirements
 - Front 8 feet
 - Rear 10 feet
 - One Side 3 feet
 - Both Sides 6 feet
- (4) Maximum Structure Height 65 feet
- (5) Maximum Impervious Coverage 75 percent
- (6) Minimum Yard Requirements - Detached Accessory Buildings
 - Rear 2 feet
 - Side 2 feet

- (b) All other uses permitted by conditional use
 - (1) Minimum Lot Area 4,000 square feet
 - (2) Minimum Lot Width 50 feet
 - (3) Minimum Yard Requirements
 - Front 8 feet
 - Rear 10 feet
 - One Side 6 feet
 - Both Sides 15 feet

(4)	Maximum Structure Height	35 feet
(5)	Maximum Impervious Coverage	65 percent
(6)	Minimum Yard Requirements - Detached Accessory Buildings	
	Rear	3 feet
	Side	2 feet

Section 373. Lot, Yard, and Building Requirements for Uses Permitted by Special Exception.

(a)	Minimum Lot Area	10,000 square feet
(b)	Minimum Lot Width	90 feet
(c)	Minimum Yard Requirements	
	Front	25 feet
	Rear	20 feet
	One Side	15 feet
	Both Sides	35 feet
(d)	Maximum Structure Height	70 feet
(e)	Maximum Impervious Coverage	65 percent
(f)	Minimum Yard Requirements - Detached Accessory Buildings	
	Rear	20 feet
	Side	20 feet

Section 374. Supplemental Regulations. The uses in this district are also subject to the applicable regulations contained in the following sections of this Chapter:

- (a) General Regulations
- (b) Performance Regulations
- (c) Sign Provisions.
- (d) Off-Street Parking and Loading Standards.

Subpart I. General Business Overlay District

Section 375. Specific Intent.

(a) In addition to the General Business Zoning District established by this Chapter, there shall be established a General Business Overlay District.

(b) The General Business Overlay District shall not be an independent zoning district, but shall be a set of special zoning regulations to be applied over and above the zoning regulations otherwise controlling upon a tract of land, as enabled by and described

in Section 605 of the Pennsylvania Municipalities Planning Code. The district upon which the overlay district is superimposed is referred to herein as the "underlying district."

(c) The purpose of this overlay district is to provide a greater variety of business uses within the Borough by permitting certain uses or combinations of uses not otherwise permitted in the underlying district and by permitting a greater density of development than that which would be otherwise permitted in the underlying district, so as to promote the public health, safety and general welfare of the residents and inhabitants of the Borough.

(d) The General Business Overlay District shall be available throughout those portions of the Central Business District of the Borough that are bounded by Third and Fourth Avenues; Seventh and Eighth Avenues; and Court Street, Seventh and Sixth Avenues, and more specifically identified on the Zoning Map.

Section 376. Uses Permitted by Right. Land and buildings in the underlying Central Business District may be utilized for any use permitted by right in the General Business District provided that such use complies with all requirements identified in Part 4, General Regulations, of this Chapter.

Section 377. Uses Permitted by Conditional Use. The following uses are permitted when conditional use is granted by Borough Council in accordance with the applicable provisions of this Chapter:

(a) All uses and accessory uses permitted by Conditional Use in the General Business District, excluding any adult-oriented uses.

Section 378. Uses Permitted by Special Exception. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

(a) All uses and accessory uses permitted by Special Exception in the General Business District, excluding any adult-oriented uses.

Subpart J. General Business District (GB)

Section 379. Purpose. It is the purpose of this district to provide for general business uses, which are intended to accommodate a high degree of business resulting from vehicular traffic.

Section 380. Uses Permitted by Right. The following uses and their accessory uses are permitted by right, provided that all applicable requirements of this Chapter are satisfied:

(a) Retail stores, but not adult oriented uses or pawn shops.

(b) Governmental uses

(c) Cultural centers, indoor theaters and museums, but not adult oriented uses

(d) Hotels and motels

(e) Eating and drinking places, including drive-in service places, but not adult oriented uses

- (f) Offices
- (g) No-impact home-based businesses
- (h) Passenger terminals
- (i) Places of worship and related uses
- (j) Personal service establishments, not including massage establishments
- (k) Membership clubs
- (l) Funeral homes
- (m) Retail sales stores for baked goods, including those with on-site baking facilities
- (n) Mixed use developments
- (o) Banks and other financial institutions, which include automatic teller machines and drive-in services
- (p) Bus shelters
- (q) Forestry
- (r) Catering establishments
- (s) Body Art Establishment
- (t) Apartment(s) on the upper levels of buildings provided that reasonable accommodation can be made for tenant parking.
- (u) Artist Studios
- (v) Accessory buildings, structures, and uses on the same lot and customarily incidental to the permitted uses.

Section 381. Uses Permitted by Conditional Use. The following uses and their accessory uses may be permitted by conditional use following review and recommendation by the Borough Planning Commission, in accordance with the applicable provisions of this Chapter, and upon approval by Borough Council:

- (a) Bed and breakfast inns
- (b) Low-rise apartments
- (c) Mid-rise apartments
- (d) Day care centers
- (e) Adult day care facilities
- (f) Commercial and non-commercial parking lots
- (g) Commercial laundries

(h) Private commercial educational facilities, including schools or special vocational training and other similar activities.

(i) Public utility installations except garages, warehouses and storage yards

Section 382. Uses Permitted by Special Exception. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

(a) Amusement rooms for the use of electronic and/or mechanical coin-operated devices, including but not be limited to pinball machines, electronically operated shuffle boards, bowling, video games, electronically operated tennis, billiards, and other games of amusement

(b) Motor vehicle repair facility

(c) Motor vehicle sales establishment

(d) Motor vehicle washing facility

(e) Gasoline service station

(f) Planned neighborhood convenience centers

(g) Veterinary office

(h) Community centers

(i) Nightclubs

Section 383. Lot, Yard, and Building Requirements for Uses Permitted by Right.

(a) Minimum Lot Area None

(b) Minimum Lot Width None

(c) Minimum Yard Requirements

Front	8 feet
Rear	10 feet
One Side	3 feet
Both Sides	6 feet

(d) Maximum Structure Height 65 feet

(e) Maximum Impervious Coverage 75 percent

(f) Minimum Yard Requirements - Detached Accessory Buildings

Rear	2 feet
Side	2 feet

Section 384. Lot, Yard, and Building Requirements for Uses Permitted by Conditional Use.

(a) Private schools or special vocational training, dance, music, art, drama and other similar activities; bed and breakfast inns; day care centers; and adult day care facilities

- | | | |
|-----|-----------------------------|--------------------------------|
| (1) | Minimum Lot Area | None |
| (2) | Minimum Lot Width | None |
| (3) | Minimum Yard Requirements | |
| | Front | 8 feet |
| | Rear | 10 feet |
| | One Side | 3 feet |
| | Both Sides | 6 feet |
| (4) | Maximum Structure Height | 65 feet |
| (5) | Maximum Impervious Coverage | 75 percent |
| (6) | Minimum Yard Requirements | - Detached Accessory Buildings |
| | Rear | 2 feet |
| | Side | 2 feet |

(b) All other uses permitted by Conditional Use

- | | | |
|-----|-----------------------------|--------------------------------|
| (1) | Minimum Lot Area | 4,000 Square feet |
| (2) | Minimum Lot Width | 50 feet |
| (3) | Minimum Yard Requirements | |
| | Front | 8 feet |
| | Rear | 10 feet |
| | One Side | 6 feet |
| | Both Sides | 15 feet |
| (4) | Maximum Structure Height | 35 feet |
| (5) | Maximum Impervious Coverage | 65 percent |
| (6) | Minimum Yard Requirements | - Detached Accessory Buildings |
| | Rear | 3 feet |
| | Side | 2 feet |

Section 385. Lot, Yard, and Building Requirements for Uses Permitted by Special Exception.

- | | | |
|-----|---------------------------|--------------------|
| (a) | Minimum Lot Area | 10,000 square feet |
| (b) | Minimum Lot Width | 90 feet |
| (c) | Minimum Yard Requirements | |
| | Front | 25 feet |
| | Rear | 20 feet |

	One Side	15 feet
	Both Sides	35 feet
(d)	Maximum Structure Height	70 feet
(e)	Maximum Impervious Coverage	70 percent
(f)	Minimum Yard Requirements - Detached Accessory Buildings	
	Rear	20 feet
	Side	20 feet

Section 386. Supplemental Regulations. The uses in this district are also subject to the applicable regulations contained in the following sections of this Chapter:

- (a) General Regulations
- (b) Performance Regulations
- (c) Sign Provisions.
- (d) Off-Street Parking and Loading Standards.

Subpart K. Light Industrial District (LI)

Section 387. Purpose. The purpose of this zoning district is to provide for and encourage modern, industrial development of clean, light industries while accommodating other compatible uses.

Section 388. Uses Permitted by Right. The following uses and their accessory uses are permitted by right, provided that all applicable requirements of this Chapter are satisfied:

- (a) Research, experimental, or testing laboratories
- (b) Manufacturing or assembling from prepared materials of the following: musical instruments, clocks or watches, toys or novelties, electrical appliances, electronic devices, light sheet metal products, machine tools and machinery not requiring the use of a punch press over one hundred (100) tons rated capacity or drop hammer, or office equipment
- (c) Manufacturing, compounding, processing, or packaging of food and food products and cosmetics, toiletries, and pharmaceuticals, not including fish and meat products, vinegar, yeast, and rendering or refining of fats and oil
- (d) Manufacturing, compounding, or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber, textiles, or cloth products; tobacco, and wood or wood products
- (e) Light metal processing such as metal machining, finishing, grinding, and polishing; metal stamping and extrusion of small products (such as costume jewelry and kitchen utensils); and the manufacture of light metal products, tools, and hardware (such as hand tools, bolts, and nuts)

- (f) Governmental uses
- (g) Retail stores
- (h) Offices
- (i) Personal service establishments
- (j) Bus shelters
- (k) Forestry
- (l) Cultural facilities and museums but not adult oriented uses

(m) Accessory buildings, structures, and uses on the same lot and customarily incidental to the permitted uses, including dwellings used as a residence for caretakers, watchmen, or custodians and their immediate families, and retail sales of products manufactured on the premises or at other locations by the owner of the premises or the owner's tenants of the premises or portion(s) thereof

Section 389. Uses Permitted by Conditional Use. The following uses and their accessory uses may be permitted by conditional use following review and recommendation by the Borough Planning Commission, in accordance with the applicable provisions of this Chapter, and upon approval by Borough Council:

(a) Wholesale businesses, warehouses, trucking terminals, and similar non-processing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive, or noxious materials

(b) Commercial laundries

(c) Vocational and trade schools involving operations of a light industrial nature

(d) Public utility installations

(e) Railroad rights-of-way terminals, repair yards, and related facilities

(f) Manufacturing of ceramic products and building materials using only previously pulverized clay and kilns fired by electricity or gas

(g) Building material sales yards, including the sales of rock, sand, and gravel as an incidental part of the main business, and contractor's equipment storage yards and plants

(h) Motor vehicle, trailer, or mobile home, farm equipment, and marine sales and service; motor vehicle manufacturing or assembling, including farm equipment, but not including salvage

(i) Manufacturing and sales of pre-cast concrete products, stone cutting, and monument manufacturing and sales and the manufacturing and sales of soap and sodium compounds

(j) All uses permitted in this district where outdoor storage of materials and/or outdoor commercial motor vehicle parking are provided

(k) Commercial and non-commercial parking lots

(l) Retail outlet sales conducted in enclosed buildings which have an internal sales area of at least twenty thousand (20,000) square feet, not including adult book stores

(m) Self-storage facilities

(n) Kennels

(o) Pet Day Care or Pet Play-Care establishments

Section 390. Uses Permitted by Special Exception. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

(a) Adult oriented uses

(b) Schools

(c) Hospitals, care facilities, clinics, and related residential uses

(d) Mixed use development

(e) Communications towers and antennae

(f) Junk yards

(g) Places of worship and related residential uses

(h) Halfway house

(i) Mining or mineral extraction

Section 391. Lot, Yard, and Building Requirements for Uses Permitted by Right, by Conditional Use, and by Special Exception.

(a) Minimum Lot Area 10,000 square feet

(b) Minimum Lot Width 90 feet

(c) Minimum Yard Requirements

Front	10 feet
Rear	10 feet
One Side	10 feet
Both Sides	25 feet

(d) Maximum Structure Height 65 feet

(e) Maximum Impervious Coverage 80 percent

(f) Minimum Yard Requirements - Detached Accessory Buildings

Rear	8 feet
Side	8 feet

Section 392. Supplemental Regulations. The uses in this district are also subject to the applicable regulations contained in the following sections of this Chapter:

- (a) General Regulations
- (b) Performance Regulations
- (c) Sign Provisions.
- (d) Off-Street Parking and Loading Standards.

Subpart L. Commercial and Light Industrial Redevelopment Overlay District

Section 393. Specific Intent.

(a) In addition to the General Business and Light Industrial zoning districts established by this Chapter, there shall be established a Commercial and Light Industrial Redevelopment Overlay District.

(b) The Commercial and Light Industrial Redevelopment Overlay District shall not be an independent zoning district, but shall be a set of special zoning regulations to be applied over and above the zoning regulations otherwise controlling upon a tract of land, as enabled by and described in Section 605 of the Pennsylvania Municipalities Planning Code. The district upon which the overlay district is superimposed is referred to herein as the "underlying district."

(c) The purpose of this overlay district is to provide an incentive for the redevelopment of commercial and light industrial sites within the Borough of West Reading by permitting certain uses or combinations of uses not otherwise permitted in the underlying district and by permitting a greater density of development than that which would be otherwise permitted in the underlying district, so as to promote the public health, safety and general welfare of the residents and inhabitants of the Borough.

(d) A secondary and subordinate purpose of this overlay district is to encourage respect for the historic and architectural identity of the structures and neighborhoods in which redevelopment may occur under the terms of this Chapter.

(e) The Commercial and Light Industrial Redevelopment Overlay District shall be available throughout the Central Business District, the General Business District and the Light Industrial District, and more specifically identified on the Borough's Zoning Map, provided the following requirements are met:

(i) A site proposed for redevelopment shall be under single and separate ownership, or in the case of multiple ownership, the lot or lots shall be redeveloped according to a single overall plan.

(ii) The site proposed for redevelopment shall be a minimum of one-half (0.5) acre in area. If the site is not a single, contiguous parcel, no part of the site shall be separated by more than one hundred feet (100') from another part of the site. If a site containing a minimum of one-half (0.5) acre is approved under this Section, smaller adjacent properties may qualify under this Section at a later date as long as the smaller adjacent properties are within the boundaries of this District and the other requirements of this Section (other than minimum site acreage) are met.

(iii) The site proposed for redevelopment shall be occupied by existing commercial or industrial development, and the following shall apply: (1) the majority of the existing commercial or industrial development was originally constructed at least fifty (50) years prior to the proposed redevelopment; and (2) due to changing economic or technological conditions, the existing commercial or industrial development is no longer appropriate.

(iv) The site is not required to be located within a single underlying zoning district, but all portions of the site which are planned to be redeveloped in accordance with this Chapter shall be located within a commercial or industrial zoning district or within fifty (50) feet of such a district.

(v) Land may be added to an established redevelopment site, provided the revised redevelopment site, as modified by the addition of land, continues to meet the requirements of this Chapter.

(vi) Plans for redevelopment shall demonstrate, to the extent practically achievable, respect for the historic and architectural identity of the structures and neighborhoods in which redevelopment may occur under the terms of this Chapter.

(vii) Plans for redevelopment shall include a schedule for completion of the development, which schedule shall be subject to the approval of the Borough Council.

(f) To the extent any regulation in this Chapter conflicts with any regulation in any other Chapter of this Chapter shall be controlling.

Section 394. Uses Permitted by Right. Land and buildings in the Commercial and Light Industrial Redevelopment Overlay District may be used for any one (1) or combination of the following purposes and no others, unless a special exception as provided in Section 135 of this Chapter is granted:

(a) All uses and accessory uses permitted by right in any of the underlying commercial or industrial districts which comprise the site, except as follows:

(1) Single-Family detached dwelling, single-family semidetached dwelling, and two-family detached dwelling uses shall be permitted in the General Business District portion of any redevelopment site, but not within any portion of the

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

(2) Industrial operations involving the production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods and materials, provided that all such activities shall be carried on within a building, shall be permitted in the Light Industrial District portion of any redevelopment site, but not within any portion of the redevelopment site located in any other underlying district.

(b) Development containing apartments and/or townhouses, above one (1) or more non-residential uses permitted in any of the underlying commercial or industrial districts which compromise the site. No new residential use under this Section shall be allowed on the first floor level of any property in this District. Residential uses by right under this Section (b) shall not occupy more than thirty percent (30%) of the combined area available for occupation within the redevelopment site.

(c) Development containing apartments and/or townhouses intended to be "55 or Over Housing" within the meaning of the Fair Housing Act (42 USCA 3601 et seq.), so as to qualify as "housing for older persons" within the meaning of the Fair Housing Act, above one (1) or more non-residential uses permitted in any of the underlying commercial or industrial districts which comprise the site. No new residential use under this Section shall be allowed on the first floor level of any property in this District. The following conditions shall also apply:

(1) The restriction shall be subject to all applicable Federal and State laws concerning "housing for older persons." Occupancy of any dwelling unit shall be restricted to persons fifty-five (55) years of age or older ("age qualified"), provided, however, that a person who is age qualified may occupy such unit with such person's spouse, regardless of age, and with a child nineteen (19) years of age or older who is not enrolled in a secondary school. No occupancy shall be permitted by any person under the age of nineteen (19) years unless such person is a handicapped dependent protected by the provisions of the Fair Housing Act. A permanent resident is a person who resides in a dwelling unit for ninety (90) or more consecutive days. Permitted visitations shall not exceed ninety (90) consecutive days.

(2) Accompanying the plan for redevelopment shall be a declaration of restrictive covenants ("Declaration") which must be approved by the Borough Council and recorded by the developer. The Declaration's restrictions shall insure that the proposed development will function as depicted on the plan for redevelopment and be in compliance with the Federal Fair Housing Act Amendments of 1988, or as subsequently amended. The following are the minimum requirements for the Declaration:

(i) Residency qualifications applicable to the development shall be included in the Declaration. Residents shall be limited by deed and lease to households including one permanent resident age 55 years or older and shall prohibit permanent occupancy by any person age

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

(ii) The applicant shall prove to the satisfaction of the Borough Council that an appropriate entity will have authority to assure compliance with the age limitation.

(3) Residential uses by right under this Section shall not occupy more than eighty percent (80%) of the combined area available for occupation within the redevelopment site. Where uses under Subsection (b) and (c) of this Section are combined within a single redevelopment site, the eighty percent (80%) combined area regulation under this Subsection shall apply to the sum of the areas of the two (2) uses, but in no event shall the use under Subsection (b) of this Section exceed thirty percent (30%) of the total combined area for occupation within the redevelopment site.

(4) No single building may include a use under Subsection (b) and (c) of this Section. Where both uses occur within a single redevelopment site, the uses must be located within separate buildings.

(d) Any combination of the above uses, subject to the limitations set forth in Section.

Section 395. Uses Permitted by Special Exception. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

(a) All uses and accessory uses permitted by special exception in the underlying General Business or Light Industrial District which comprise the site, excluding any adult-oriented uses.

(b) Development containing apartments and/or townhouses above one or more non-residential uses permitted in any of the underlying commercial or industrial districts which comprise the redevelopment site. No new residential uses shall be allowed on the first floor level of any property in this District. Residential uses under Subsection 394(b) and this Subsection (b), together, shall not occupy more than sixty percent (60%) of the combined area available for occupation within the redevelopment site. Where uses under Subsection 394(b) and this Subsection (b) are proposed to occur along with the use under Subsection 394(c), the eighty percent (80%) combined area regulation under Subsection 394(c)(3) shall apply to the sum of the areas of the three uses, but in no event shall the use under Subsection 394(b) and the use under this Subsection (b), together, exceed sixty percent (60%) of the total combined area for occupation within the redevelopment site. No single building may include a use under Subsection 394(b) or this Subsection (b) with a use under Subsection

394(c). Where uses under Subsection 394(b) or this Subsection (b) occur within a single redevelopment site with a use under Subsection 394(c), the uses must be located within separate buildings.

Section 396. Area, Yard and Height Requirements.

(a) Maximum Permitted

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

(b) Minimum Requirements

Lot Size	15,000 square feet
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Building Setback	20 feet where the building setback line is along the perimeter of the redevelopment site or along the right-of-way of a public roadway which passes through the redevelopment site; 9 feet where the building setback line is along the boundary of another lot within the redevelopment site
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Side Yard	20 feet as to each side yard which is along the perimeter of the redevelopment site or along the right-of-way of a public roadway which passes through the redevelopment site; 0 feet where the side yard is along the boundary of another lot within the redevelopment site
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Rear Yard	20 feet where the rear yard is along the perimeter of the redevelopment site or along the right-of-way of a public roadway which passes through the redevelopment site; 0 feet where the rear yard is along the boundary of another lot within the redevelopment site
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(c) Lot Width

At Street Line	100 feet
At Building Setback Line	100 feet

(d) Open Area* 10% within the overall redevelopment site

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

overall redevelopment site shall consist of Open Area exclusive of any area above a building or structure.

Section 397. Additional Performance Standards.

(a) The horizontal distance in feet at the closest place between any principal buildings on the same lot shall not be less than twenty-five feet (25').

(b) A landscaping plan for the site prepared by a Registered Architect or Registered Landscape Architect shall be submitted to the Borough, and is subject to approval by the Borough Planning Commission.

(c) Within the overall redevelopment site, the regulations under Part 5 of this Chapter (Signs) shall permit wall-attached signs for uses located within the redevelopment site to be placed on any building face, regardless of whether the sign faces a street and regardless of where the advertised use is located within the redevelopment site.

(d) Within the overall redevelopment site, in addition to all of the other signs permitted under this Chapter, one (1) sign facing each direction of travel and not exceeding six (6) square feet in area shall be permitted at each street intersection and at each driveway intersection, outside of the legal right-of-way, to identify the overall redevelopment site and to provide directional information to visitors and residents of the overall redevelopment site.

(e) When a part of the overall redevelopment site is separated from another by no more than one hundred feet (100') in accordance with Subsection 393(e) (2) above:

(1) Within the overall redevelopment site, the minimum distance between the centerline of a driveway where it intersects a street and the centerline of another driveway on the same lot or another lot (including another lot which is outside of the overall development site) where that other driveway intersects the same street shall be one hundred feet (100').

(2) The centerline of a driveway where it intersects a street shall be a minimum of seventy-five feet (75') from a lot line, provided that it may be less than seventy-five feet (75') from a lot line if it will be at least one hundred feet (100') from the nearest driveway on the adjoining lot (including an adjoining lot which is outside of the overall redevelopment site).

(3) The minimum distance between the centerline of a driveway where it intersects a street and the intersection of street cartway lines (except in the case of a street intersecting the street the driveway intersects directly opposite from the driveway) shall be one hundred feet (100').

(f) The following off-street parking requirements shall apply to the listed uses:

- | | | |
|-----|----------------|-----------------------------------------------------------------------------------------|
| (1) | Townhouses | 2 spaces for each unit |
| (2) | Apartments | 1.5 spaces for each unit |
| (3) | Office | 1 space for each 250 square feet of gross floor area |
| (4) | Hotel | 1 space per unit |
| (5) | Restaurant | 1 space per 3 seats, plus 1 space for each employee on the shift of greatest employment |
| (6) | Retail/Service | 1 space per each 300 square feet of gross floor area |

(7) Uses within the overall redevelopment site may share off-street parking spaces where the combination of uses are compatible in terms of days and hours of usage for purposes of sharing parking spaces in accordance with the following table. The following table shall be applied by determining the number of spaces needed for each land use listed in the table on a individual basis, then multiplying such number of spaces by the percentage listed for such use under each time period column, then totaling each time period column. The greatest total number for any of the time period columns shall be the minimum number of off-street parking spaces which shall be provided within the overall redevelopment site for the combination of uses listed in the table.

<u>Land Use</u>	<u>Weekdays</u>			<u>Weekends</u>		
	1 am to 7 am	7 am to 6 pm	6 pm to 1 am	1 am to 7 am	7 am to 6 pm	6 pm to 1 am
Office	5%	100%	5%	0%	15%	0%
Retail sales and service	0%	100%	80%	0%	100%	60%
Restaurant (not 24 hours)	20%	70%	100%	30%	75%	100%
Residential	100%	60%	100%	100%	75%	95%
Hotel-Guest Rooms, with or without restaurant and/or lounge (in hotel)	100%	55%	100%	100%		55%
	100%					

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

(9) Off-street parking shall be located to the rear of the property to be redeveloped whenever possible so that the business uses provide the facade visible to the public street.

Part 4

General Regulations

Subpart A. Supplemental Regulations

Section 401. Purpose. This Section contains supplemental regulations which apply to activities within a number of 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.

Section 402. Access to Buildings and Structures. 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 insured by the posting of a performance guarantee pursuant to the Subdivision Regulations of the Borough.

Section 403. Accessory Building and Structures.

(a) In General. An accessory use on the same lot and customarily incidental to a permitted principal use is permitted by right.

(b) Yard Requirements. Every accessory use shall comply with the yard regulations for the district in which it is located, except as otherwise specifically provided in this Chapter.

(c) No accessory building or structure, unless it is 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.

(d) An accessory building or structure, other than a fence, shall not be permitted within the required front yard on the lot. A fence, while included within the definition of "structure", may be permitted within the front yard of a lot, provided that it complies with all other provisions of this Chapter.

(e) An accessory building or structure shall not exceed twenty feet (20') in height.

(f) On every corner lot, on the side of the lot adjacent to a street, no accessory building shall be located within a yard:

- Equal in depth to the front yard requirement of the zoning district in which the corner lot is located;

- Or a distance of forty percent (40%) of the lot width, whichever is less.

(g) No permanent accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.

(h) In residually zoned districts, the following accessory structures or uses are prohibited outdoors:

- wrestling / boxing rings
- archery, shooting or martial arts targets involving the use of bows, arrows, guns, slingshots, paintball weapons, hatchets, axes, spears, or other martial arts throwing equipment or other devices capable of inflicting bodily harm
- trampolines greater than sixteen feet (16') in diameter or two hundred twenty (220) square feet in area
- recreational equipment and open play systems that exceed fourteen feet (14') in height.

(i) Recreational equipment, including trampolines and open play systems are prohibited from the front yard, must be a minimum of seven feet from any lot line and shall not encroach into any recorded easement.

Section 404. Additions to Buildings and Structures. Any addition to a building or structure, especially one that is used for residential purposes, may not be located on any side lot line and shall comply with the rear yard setback requirement for that lot.

Section 405. Donation or Collection Centers or Containers.

(a) Donation or collection centers or containers, including but not limited to those for clothing, toys, and furniture, may be located within the Light Industrial District only.

(b) Such centers or containers are not permitted within required front yard setback areas, but they shall be sited so that they comply with side and rear yard setbacks.

(c) All donations made shall be kept within an enclosed facility that cannot be readily accessed by the public.

(d) No such center or container shall be allowed to overflow, so that donated items are outside of the facility.

(e) The owner of the property upon which a center or container is located and/or the owner of the center or container shall be cited by the Borough for non-compliance with these regulations.

(f) The Borough may, at any time, request the removal of such centers or containers for any violation of these regulations.

Section 406. Environmental Performance Standards.

(a) No land, building, structure, or premises shall be used, altered, or occupied in such a manner as to create any dangerous, injurious, noxious, or otherwise objectionable conditions.

(b) 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, to 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.

(c) Standards concerning such emissions shall be in accord with the rules and regulations of the Commonwealth of Pennsylvania or any applicable Borough ordinance, whichever is more restrictive. Emissions from equipment used for the preparation of food by a properly permitted restaurant or mercantile use shall be allowed in the Central Business District and the General Business District, provided that the emission shall comply with the requirements of this Section 406, and the termination of the flue or exhaust duct from the emission source shall be located a minimum of two (2) feet above the eave or edge of the closest roof which is above the occupied interior space or adjacent buildings.

(d) 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.

(e) 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.

(f) Every use requiring power shall be so operated that the service lines, substation, or other facilities shall conform to the highest safety requirements. Such use 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 use.

(g) The following 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 water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or water course.

(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.

Section 407. Height of Buildings and Structures.

(a) No building or structure shall exceed the maximum height specified in this Chapter.

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

Section 408. Lot Area/Width. When 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 and if the owner thereof owns no adjoining land, said parcel may be used as a lot for any purpose permitted in the zone, provided that development and other activity shall be in compliance with all other regulations prescribed for the zone by this Chapter.

Section 409. Newspaper Sales Racks.

(a) Newspaper and similar sales racks shall be so located as to not interfere with pedestrian traffic or restrict the width of a sidewalk to less than four feet (4').

(b) Such racks shall be adequately secured so that they may not be easily moved or removed from their intended location. Only one (1) such rack shall be allowed at the front of any business.

Section 410. Rainwater Collection Systems. Rainwater collection systems shall be permitted in all zoning district subject to the following conditions:

(a) All rainwater collection systems shall have enclosed tops to prevent access by insects, animals or debris. Tops shall be removable to permit cleaning of the system.

(b) Rainwater collection systems shall have drains which permit the connection of a typical garden hose for the purposes of utilizing the water and for the draining of the system for cleaning.

(c) All downspouts and gutters shall have strainers and debris diverters to prevent debris from entering the collection system.

(d) The collection system shall have an overflow system so that the rainwater is diverted back into the rain water conductor system if the collection system is full. The overflow shall not be designed to spill out onto grade.

(e) The base that the collection system is set upon shall be able to support the total load of the weight of the system plus the weight of the water when the system is full. Collection systems shall not be permitted to be set on decks or porches unless the structure of the deck or porch is modified to support the weight of the full system. Building permits are required for the modifications to the deck or porch structure.

(f) Water collected in these systems shall be used for irrigation or non-potable purposes only. Any proposed use of rainwater for non-potable purposes within the dwelling or commercial

establishment shall be required to have plumbing permits and shall provide plans for said system to the Borough for review and approval by the Borough's water authority and the plumbing inspector. Any use of rainwater for non-potable purposes must be metered for purposes of billing by the water authority for the treatment of the sanitary waste.

Section 411. Satellite Antennas.

- (a) Satellite antennas are permitted in all zoning districts.
- (b) Roof-mounted antennas shall not project more than five feet (5') above the roofline.
- (c) Satellite antennas are permitted in the side and rear yards. Satellite antennas are only permitted in the front yard if the diameter of the satellite dish is two (2) feet or less.
- (d) A roof-mounted antenna may project into a required side or rear yards a maximum of fifty percent (50%) of the required yard dimension of the zoning district in which the antenna is to be located.

Section 412. Alternative Energy Systems. Accessory alternative energy systems as noted in the following sections shall be permitted in the Zoning Districts as set forth in this Section. Primary Alternative Energy Systems where the systems are operated by an entity to provide power to the grid or to provide heat to more than one (1) dwelling unit are not permitted in the Borough except as noted in this Section.

(a) Solar Energy Systems. Solar energy systems are permitted by right as an accessory use in all zoning districts where structures of any sort are allowed, so long as the system meets the requirements of this Section and all other applicable construction codes as set forth below or in the Uniform Construction Code as adopted by the Borough.

(1) Applicability. A system is considered a solar energy system only if it supplies electrical or thermal power primarily for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. The owner of the solar energy system shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and that the Utility also approves of such connection. Off-grid systems shall be exempt from this requirement.

This Section applies to Solar Energy Systems to be installed and constructed after December 31, 2012.

Any upgrades, repairs, replacements, modifications or changes that materially alter the size or placement of an existing Solar Energy System shall comply with the provisions of this Chapter.

(2) Design and Installation. The Solar Energy System shall comply with all applicable building and construction codes

as amended from time to time and any regulations adopted by the PA Department of Labor and Industry.

The design and installation of solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Uniform Construction Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

All exterior electrical and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit.

Whenever practical, all solar energy systems shall be attached to a building, or located on an impervious surface. If not designed to be attached to the building, the applicant shall demonstrate by credible evidence that such systems cannot feasibly be attached to a building due to structural limitations of the building.

Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.

No portion of an accessory solar energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any property.

(3) Height Restrictions. Active solar energy systems must meet the following requirements:

(i) Building-mounted or roof-mounted solar energy systems shall not exceed the maximum permitted height in any zoning district. For purposes for the height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices

(ii) Ground-mounted or pole-mounted solar energy systems shall not exceed the maximum accessory structure height within the underlying district.

(b) Wind Energy Systems. Wind energy systems are permitted by right as an accessory use in the Light Industrial zoning district where structures are allowed, so long as the system meets the requirements of this Section and all other applicable construction codes as set forth below or in the Uniform Construction Code as adopted by the Borough.

The number of accessory wind systems per property shall be limited to one (1).

(1) Setback. The base of the tower shall be set back from all property lines, public right-of-ways, and public utility lines a distance equal to the total extended height. Turbines shall be allowed closer to a property line than its total

extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail right-of-ways.

(2) Tower Height. So long as the total extended height meets noise and set-back requirements, there shall be no specific height limitation, except as imposed by Federal Aviation Administration regulations. The total extended height is defined as the height measured from the grade at the base of the tower to the top of the highest blade or motor housing.

(3) Sound. Sound produced by the turbine under normal operating conditions, as measured at the property line, shall not create a noise disturbance, as defined in Part 2, entitled "Noise") of Chapter V, entitled "Conduct" of the Borough Code of Ordinances, and shall comply with all other requirements of Part 2 of Chapter V. Sound levels, however, may be exceeded during short-term events out of anyone's control such as utility outages and/or severe wind storms.

(4) Wind Turbine Equipment. The design and installation of all accessory wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Uniform Construction Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding one hundred twenty (120) square feet, and shall comply with the accessory building requirements specified within the underlying zoning district.

(5) Requirement for Engineered Drawings. Building permit applications for wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Engineer's sealed drawings are required for submission for the building permit.

(6) Soil Studies. For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20kW or less and will not require project-specific soils studies.

(7) Compliance with FAA Regulations. No wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

(8) Compliance with National Electric Code. Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to permit a determination

that the manner of installation conforms to the National Electrical Code.

(9) Utility Notification. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(10) Insurance. Additional insurance beyond homeowners' coverage may not be required.

(11) Abandonment. If a wind turbine is inoperable for six (6) consecutive months the owner shall be notified that they must, within six (6) months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six(6)-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the Borough Code and all other Borough ordinances.

(12) Signage. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

(13) Lighting. No illumination of the turbine or tower shall be permitted unless required by the FAA.

(14) Access. Any climbing foot pegs or rungs below twelve feet (12') of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened

(c) Anaerobic Digesters. Anaerobic digester systems are not permitted within the Borough.

(d) Geothermal Heating Systems. Geothermal heating systems shall be permitted as an accessory use in all zoning districts and shall be subject to the following regulations:

(1) Design and Installation. Only the following types of geothermal energy systems shall be permitted:

(i) Closed horizontal loop

(ii) Closed vertical loop

Open loop systems are not permitted within the Borough.

The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air-Conditioning and

Refrigeration Institute (ARI), or other similar certifying organizations, and shall comply with the Uniform Construction Code and with all other applicable Federal, State and Borough requirements. The manufacturer specifications shall be submitted as part of the application.

For closed loop systems, the following shall apply:

a) For all closed loop geothermal systems relying upon circulating fluids, only nontoxic, biodegradable circulating fluids such as food grade propylene glycol shall be permitted.

b) All horizontal closed loop systems shall be no more than forty feet (40') deep.

(2) Height and Setback Restrictions. All horizontal closed loop systems shall be no more than forty feet (40') deep.

Unless otherwise specified, geothermal system shall be located a minimum distance of ten feet (10') from any property line.

Above-ground equipment associated with geothermal pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for accessory structures in the applicable zoning district.

Geothermal heating systems for use by more than one (1) property shall be permitted under this Chapter with the following conditions:

(i) All property owners of the properties on which the multi-property geothermal piping system is located or properties which draw heat or cooling from this system shall provide permanent recorded easements for the installation and maintenance of the system.

(ii) All properties which utilize the multi-property geothermal system shall be party to an agreement whereby they accept responsibility for the installation and maintenance of the geothermal system.

(iii) Should the parties included in this agreement decide that the use of the system shall be discontinued, there shall be documentation provided to the Borough showing that the parties are in agreement to the removal of the system.

(3) Abandonment. If the geothermal system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner(s) shall remove the abandoned system at their expense after a demolition permit has been obtained in accordance with the following:

The heat pump and any external mechanical equipment shall be removed.

Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.

(e) Outdoor Wood-fired Boilers. Outdoor wood-fired boilers (OWB) are not permitted within the Borough.

Section 413. Swimming Pools.

(a) All swimming pools that contain at least twenty-four inches (24") of water and have a surface area of at least one hundred (100) square feet shall be enclosed by a permanent fence. Such fence shall be at least four feet (4') in height, and any gates associated with this fence shall be lockable and self-latching. Such fence shall be constructed to prevent illegal entry. No fence shall be required for any above-ground permanent pool that has sides at least four feet (4') above grade and can have its access secured, unless the Zoning Officer determines that conditions warrant greater safety measures.

(b) All above-ground permanent pools shall be screened by landscaping that shall consist, at a minimum, of shrubs at least four feet (4') high at the time of planting. Such screening shall be in conformance with the standards for screening contained in this Chapter.

(c) Swimming pools and related structures shall be located in a side or rear yard but not within any required yard setback area.

(d) No swimming pool and related structures shall occupy more than twenty-five percent (25%) of the net lot area.

(e) Any floodlighting or other illumination used in conjunction with a swimming pool shall be in conformance with the lighting standards contained in this Chapter.

(f) An approved temporary construction fence shall be erected around the excavation site during the construction of an in-ground swimming pool and shall remain in place until a permanent fence is erected.

(g) No swimming pool shall be permitted without an operable filtering system using an approved method of treated water.

Section 414. Temporary Structures and Uses.

(a) A temporary structure, necessary during construction or other special circumstances of a temporary nature, may be permitted for a specific time period only, which will be determined by the Zoning Officer.

(b) A permit, authorizing such structure, is required prior to its erection. Such permit may be renewed at the discretion of the Zoning Officer, and such permit may be revoked for nuisance or violation of the terms of the permit at the discretion of the Zoning Officer.

(c) A temporary structure shall be removed completely within thirty (30) days of the expiration of the permit or the point at which said structure is no longer needed.

(d) A temporary use may be authorized only if it is a permitted use in the zoning district where it is proposed to be located. Building's which are proposed to house a temporary use shall, at a minimum, have the following public safety, life safety and fire safety features:

(1) All existing fire and life safety features of the building, such as emergency lighting, fire alarm systems and exit signs, must be fully functional and operating during the temporary occupancy period. Modifications to these systems shall not be required for the temporary use, but the existing systems must be functional and operating.

(2) Each temporary use must have at least one (1) five pound (5 lb.) ABC type fire extinguisher present in the areas being occupied.

(3) A temporary use must have an operational toilet facility for use by the staff. Modifications to this toilet facility for accessibility shall not be required. This requirement does not apply to temporary structures, such as tents.

(4) A temporary use serving food or beverages to the public shall have a minimum of one (1) operational toilet facility available for use by the public. Modifications to this toilet facility for accessibility shall not be required. This toilet facility can also serve as the required staff toilet.

(5) Signage for this temporary use shall be allowed to remain for the duration of the permit and shall not exceed twenty (20) square feet in area.

(e) The temporary use shall be inspected by the Borough prior to occupancy.

(f) The temporary use shall, in no event, be maintained longer than sixty (60) calendar days from the start of the occupancy.

Section 415. Traffic Visibility Across Corners.

(a) No fence, wall, hedge, shrub or planting shall be maintained between thirty inches (30") above curb level and ten feet (10') above curb level within the triangular area formed by the street or alley property lines and a line connecting them at points fifteen feet (15') from the intersection of the property lines, or in the case of a rounded property corner, from the intersection of the property lines extended. This requirement shall not apply to new land development projects. Calculation of traffic visibility across corners for any new land development project shall be in accordance with the West Reading Subdivision and Land Development Ordinance Section 410.

(b) On any lot where a private drive enters a street, no obstruction between thirty inches (30") above curb level and ten feet (10') 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 feet (8') 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 inches (30") above curb level and the level of ten feet (10') above curb level, the diameter or greatest dimensions of the supporting pole(s) or standard(s) does not exceed ten inches (10").

Section 416. Yard Requirements.

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

(b) 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.

(c) Where a street or highway shown on the street and highway plan has a proposed right-of-way greater than that existing, the front yard requirement shall be measured in accordance with the proposed right-of-way.

(d) Ground-story bays and porches not over half the length of the front wall may project a distance of five feet (5') into any front yard.

(e) Chimneys, flues, columns, sills, ornamental features, cornices and gutters may project not more than two feet (2') into any front yard.

(f) Bays, balconies, chimneys and flues may project into a required side yard not more than one-third (1/3rd) of its width, or not more than four feet (4'), whichever is less.

(g) 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 feet (4').

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

(i) Where there is, at the time of the enactment of this Chapter, a lot whose width and area is 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 yard existing on the adjoining lots.

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

(3) No requirements for rear yards, side yards, or lot areas 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.

(4) 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.

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

(6) 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 (1) front yard shall meet the yard requirements for the applicable zone, and the other shall be not less than fifteen feet (15').

(7) In the case of irregularly shaped lots, the minimum lot width specified in each 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 required minimum lot width. In measuring the depth of rear yards, average dimensions may be used where the rear lot line is not parallel with the street line.

Section 417. Lighting Control. When any property is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining properties and streets. No direct beams of light shall be directed toward adjacent properties or roads. No lighting shall be utilized in such a manner to produce noxious glare or a light intensity greater than one-half (0.5) foot-candle beyond the lot boundaries.

Subpart B. Performance Standards

Section 421. Purpose. In addition to all other requirements of this Chapter, the following performance standards shall apply to specific uses permitted in the various zoning districts.

Section 422. Adult Oriented Uses.

(a) The lot or closest property line of an adult oriented use shall not be located within five hundred feet (500') of any other zoning district.

(b) The lot or closest property line of an adult oriented use shall not be located within one thousand feet (1,000') of another adult oriented use.

(c) The lot or closest property line of an adult oriented use shall not be located within five hundred feet (500') of the lot or closest property line of any religious institution, school, playground or similar recreation area, day care facility, or public library.

(d) There shall be no display of materials that are characterized by specified sexual activities or specified anatomical areas, which can be seen from outside the establishment or business.

(e) No more than one adult oriented use shall be permitted within the same building or located on the same lot.

(f) The Borough Zoning Hearing Board shall review and approve all exterior signs proposed for an adult oriented use for compatibility with adjacent uses. Such signs shall not be permitted if they are characterized by specified sexual activities or specified anatomical areas.

(g) No adult oriented use may change to another type of adult oriented use except upon application to and approval by the Borough Zoning Hearing Board of such change as a special exception.

Section 423. Amusement Rooms.

(a) Amusement rooms are spaces established for the use of electronic and/or mechanical devices, including but not limited to, pinball machines, electronically operated shuffleboards and bowling games, electronically operated tennis or other racket games, billiards, video games, and other games of amusement. Payment for the use of these machines or devices may be by coin-operated or token-operated equipment or by "pay-to-play" arrangements on an individual game, block of games or on a time-period basis, or on any other basis under which payment is made to the operator of the establishment for the use of the devices or equipment.

(b) There shall be no more than twenty (20) amusement machines situated in any one (1) establishment or business.

(c) The lot or closest property line of any such establishment or business shall be no closer than three hundred feet (300') to the lot or closest property line of any religious structure, school, playground or other recreation area, day care facility, or public library.

(d) The lot or property line of such establishment or business shall not be located within one thousand feet (1,000') of any similar establishment or business.

(e) Amusement machines shall not be operated or played between 10:00 p.m. and 7:00 a.m.

Section 424. Bed and Breakfast Inns.

(a) All bed and breakfast units shall be contained within the principal structure.

(b) The principal structure shall contain a minimum of two thousand (2,000) square feet of gross floor area.

(c) No more than one (1) bed and breakfast unit shall be provided for each seven hundred (700) square feet of gross floor area in the principal structure.

(d) One (1) off-street parking space shall be provided for each bed and breakfast unit.

(e) Dining or other eating facilities shall not be open to the public but shall be exclusively for the residents and registered bed and breakfast guests.

Section 425. Cemeteries.

(a) Cemeteries may include mausoleums, chapels, and storage facilities for maintenance and related equipment.

(b) The minimum lot size is one (1) acre.

(c) A planted buffer strip shall be provided when a cemetery abuts an existing residential use or a residential district and shall be in accordance with the standards for such, as contained in this Chapter.

Section 426. Membership Club.

(a) The proposed use must be principally for the recreation and enjoyment of the members and their guests.

(b) Outdoor use 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 setback.

(c) The proposed use shall not adversely affect safe and comfortable enjoyment of properties in the neighborhood.

(d) Design of any structures erected in connection with such use shall be in keeping with the general character of the area.

(e) Buffer strips are to be provided, as required by this Chapter.

(f) Exterior lighting, other than that required for the safety and convenience of the users, shall be prohibited. All essential exterior lighting shall be shielded from view from surrounding streets and lots.

(h) The use of outdoor public address systems for any purpose shall be approved by the Zoning Hearing Board.

Section 427. Drive-In Places.

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

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

(c) Signs and outdoor lighting shall be in accordance with the specific provisions of this Chapter.

Section 428. Hospitals or Nursing Homes.

(a) The minimum lot size is one (1) acre.

(b) Existing hospitals, nursing homes, and extended, intermediate or long-term care facilities may not be expanded by more than fifty (50) beds over their existing size without approval by the Borough Council as part of a Conditional Use hearing.

(c) New hospitals, nursing homes, and extended, intermediate or long-term care facilities shall accommodate no more than one hundred (100) patients at one (1) time.

Section 429. Junkyards.

(a) The storage of garbage or organic or biodegradable material is prohibited.

(b) All junk shall be at least one hundred feet (100') from any lot line and street-right-of-way line.

(c) The site shall have at least two (2) points of access to a public street, each of which is not less than thirty feet (30') wide.

(d) The site shall be completely surrounded by well-maintained and secure fencing at least six feet (6') high with gates that can be securely locked.

(e) The site shall be completely surrounded by a forty feet (40') wide buffer yard, which shall contain evergreen plantings at least six feet (6') high at the time of planting. The buffer yard shall be on the outside of any fencing.

(f) All junk shall be stored and arranged so as to allow access by fire fighting equipment and to prevent the accumulation of stagnant water. No material shall be piled higher than six feet (6') above grade.

(g) The burning or incineration of any junk is prohibited.

(h) Where practical, liquids and fluids shall be drained from junked or scrapped motor vehicles. Adequate precautions shall be taken to prevent the seepage of oils, grease, or battery acid into the soil or water.

Section 430. No-impact Home-based Business.

(a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(b) The business shall employ no employees other than family members residing in the dwelling.

(c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(g) The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

(h) The business may not involve any illegal activity.

Section 431. Off-Street Parking Facilities (Lots or Structures).

(a) The facility is to be used only for the parking of passenger motor vehicles, pick-up trucks, motorcycles, station wagons, SUVs, and other similar vehicles not defined as commercial motor vehicles in this Chapter.

(b) The facility is not to be used for sales, long-term storage, repair work or servicing of any kind.

(c) Entrance to and exit from the facility are to be located in accordance with the provisions of this Chapter.

(d) There shall be no movement of vehicles on lots located in residential districts that are intended to serve nearby commercial uses in commercial districts between 10:00 p.m. and 7:00 a.m.

(e) All parking is to be kept back of the setback line by barrier.

(f) The parking facility shall be adequately screened from the street and adjoining properties as deemed necessary.

(g) All lighting fixtures used to illuminate parking areas shall be arranged to prevent glare into public streets and adjoining properties.

(h) Parking lots serving residential uses shall, as a minimum, be illuminated over their entire surface to one-half (0.5) average maintained footcandles (5.4 avg. maintained lux).

(i) Parking lots serving commercial and industrial uses shall, as a minimum, be illuminated over their entire surface to one (1.0) average maintained footcandles (10.8 avg. maintained lux).

Section 432. Residential Conversions.

(a) Residential conversions shall be restricted to existing single-family detached dwellings.

(b) A single-family detached dwelling may be converted into no more than two (2) units.

(c) The minimum floor area of each converted dwelling unit is not less than five hundred (500) square feet.

(d) Dwelling exteriors shall conform to the general character of the neighborhood.

Section 433. Self-Storage Facilities.

(a) Structures containing storage units shall be limited to one story and shall not exceed twelve feet (12') in height.

(b) Each individual storage unit shall abut a paved access drive.

(c) Access drives shall be at least fifteen feet (15') wide.

(d) No storage outside of individual units shall be permitted.

(e) A security fence at least six feet (6') high shall surround a self-storage facility, and access through such fence shall be by way of an automatic gate, security guard, or similar means. A planted buffer strip shall be provided when a self-storage facility abuts an existing residential use or a residential district and shall be in accordance with the standards for such, as contained in this Chapter. Lighting shall be in accordance with all applicable provisions of this Chapter.

(f) The use of individual storage units shall be restricted to household goods and business equipment, supplies, and records. No storage of perishable items or hazardous materials shall be permitted. Storage units shall not be used as areas for rehearsals by musical groups.

Section 434. Veterinarian Offices.

(a) Veterinarian offices shall not include animal shelters, kennels, or outdoor exercise run areas.

(b) Animals may be kept overnight on a limited basis, usually for a single night as a follow-up to specific treatment that requires such a stay. Animals that are kept overnight must remain inside the building and may be taken outside for a limited time only by office staff.

Section 435. Family Care and Group Care Facilities

(a) Refer to Section 443 of this Chapter for off-street parking requirements for these facilities.

(b) The applicant shall demonstrate that all necessary approvals and permits from the Pennsylvania Department of Labor and

Industry have been obtained or waived, particularly with respect to fire protection, safety measures, construction standards and design standards to accommodate the handicapped.

(c) The sponsoring social services agency shall document to the Zoning Officer that all building, fire, plumbing, heating, electrical and similar facilities meet the standards set by the Borough and by the Commonwealth of Pennsylvania.

(d) The premises at which the facility is located shall be owned or leased by the social service agency sponsoring the facility. The family or group care facilities by design and intent, shall provide for the long-term needs of its residents and shall not accommodate the needs of transient individuals.

(e) A licensed physician, psychologist, counselor, or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group or family care facility.

Subpart C. Off-Street Parking and Loading

Section 441. Purpose. This section contains regulations which apply to the provision of accessory off-street parking spaces, open or closed, as required by this Chapter.

Section 442. General Regulations.

(a) Off-street parking and loading spaces shall be provided as specified in this Chapter and shall be furnished with necessary passageways and driveways.

(b) All off-street parking and loading spaces shall be deemed to be required spaces on the lot on which it is situated, and it shall not be encroached upon or reduced in any manner.

(c) All parking areas, passageways, and driveways for non-residential uses shall be surfaced with a dustless, durable, all-weather paved parking surface, shall be clearly marked for vehicle spaces, and shall be adequately drained, in conformance with Borough standards prior to issuance of an occupancy permit.

(d) No vehicle parking on grass or bare soil shall be permitted.

(e) If an off-street parking area is provided in the Central Business (CB) District, the area must be paved, in accordance with the standards of this section. However, such area does not have to comply with the requirements for minimum number of spaces for that particular use or with the requirements for vehicle space markings.

(f) No vehicle parking shall be permitted in a front yard unless there is direct access from the street.

(g) The standards for driveway location and design, as included in the Land Subdivision and Land Development Regulations of the Borough shall be followed.

(h) All parking spaces shall have a stall width of no less than nine feet (9'). Stall depth and aisle width shall comply with the parking table requirements shown at the end of this section.

(i) None of the off-street parking or 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 (existing and proposed) must be provided per the requirements of this Chapter.

(j) Off-street parking spaces for new development shall be owned or leased on a long-term basis consistent with the economic life of the development.

(k) Vehicle parking or loading spaces 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 a new building, structure, addition, or land use. In addition, no required parking spaces shall be substituted for off-street loading or unloading spaces, nor shall any required loading or unloading spaces be substituted for parking spaces.

(l) The parking spaces required for any number of separate uses may be combined on one lot, but the required spaces assigned to one use may not be assigned to another use at the same time, except that one-half ($\frac{1}{2}$) of the parking spaces required for churches, theaters, or assembly halls whose peak attendance will be at night or on the religion's or denomination's Sabbath may be assigned to a use which will be closed at night or on Sunday.

(m) In the case of mixed or multiple uses, the parking spaces required shall be the sum of the requirements for the various individual uses, computed separately in accordance with the parking schedule hereunder. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use. Where the same spaces are used for several purposes, the most stringent parking requirement shall govern.

(n) Off-street parking spaces required for a principal use may be located on off-street property other than that lot occupied by the principal use, as long as such spaces lies within three hundred feet (300') walking distance of the principal use.

(o) 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 vehicle headlights.

(p) Parking areas serving nonresidential uses may be located in residential districts, provided such parking areas are within two hundred fifty feet (250') walking distance of the principal use served

and provided that screening, lighting, and use of parking areas are in accordance with all applicable provisions of this Chapter.

(q) Adequate provisions shall be made for the disposal of storm water from parking areas in conformance with Borough requirements, including but not limited to the Land Subdivision and Land Development Regulations of the Borough.

(r) A structurally sound wall or series of wheel stops to insure safety shall be installed around each side of any parking area in such a manner that no part of any vehicle shall extend over any property line.

(s) 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.

(t) No recreational vehicles shall be parked within any required front or side yard area. Recreational vehicles may be parked or stored in a garage, or other roofed structure, or in the rear yard of a lot.

Section 443. Off-Street Parking Schedule. All uses permitted by this Chapter or hereafter permitted in any of the districts herein established, with the exception of the Central Business (CB) 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. Where calculations of spaces result in a fractional space, any fraction under one-half (1/2) may be disregarded and any fraction one-half (1/2) and over shall be construed as one (1) whole space. For uses not specified in the following schedule, the requirements of the most-similar use in the schedule shall apply.

(a) Residences. Two (2) spaces per each single-family dwelling unit.

(b) Apartments and Conversions. Two (2) parking spaces for each dwelling unit.

(c) Hotels and Motels. One (1) parking space for each guest or sleeping room or suite, plus one (1) space for each employee, plus one (1) space for any resident manager on the premises. Parking for any associated restaurant or other eating or drinking establishment will be calculated separately, according to the standards of those uses.

(d) Bed and Breakfast Inns. One (1) off-street parking space for each bed and breakfast unit, plus one (1) space for the resident owner or manager, plus one (1) space for any outside domestic help.

(e) Places of Worship. One (1) parking space for every five (5) seats in the main worship or congregation space, plus one (1) parking space for every one hundred (100) square feet of other meeting room area.

(f) Membership Clubs. One and one-half (1½) parking spaces 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.

(g) Hospitals. One (1) parking space for every two (2) patient beds excluding bassinets, plus one (1) space for every outpatient treatment bed, 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 these requirements.

(h) Nursing and Convalescent Homes. One (1) parking space for every eight (8) 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 ambulance and similar vehicles are not included in the space required herein.

(i) Medical and Dental Clinics. Four (4) parking spaces for each doctor or dentist.

(j) Funeral Homes. One (1) parking space for every fifty (50) square feet of aggregate floor area in the viewing rooms, slumber rooms, parlors, or individual funeral service rooms, plus one (1) space for each employee.

(k) Bowling Alleys. Five (5) parking spaces for each alley.

(l) Civic and Cultural Centers. One (1) parking space for every six (6) seats in the main or largest meeting room, plus one (1) parking space for every one hundred (100) square feet of other meeting room area. Where individual seats are not provided, each twenty inches (20") of benches or other similar seating shall be considered as one (1) seat.

(m) Stadiums and Sports Arenas. One (1) parking space for every six (6) seats.

(n) Schools, Elementary and Junior High. One (1) parking space for each employee, including teachers and administrators, plus one (1) space per classroom, plus one (1) space per twenty (20) auditorium seats.

(o) Schools, High. One (1) parking space for each employee, including teachers and administrators, plus five (5) spaces per classroom, plus one (1) space per twenty (20) auditorium seats, plus one (1) space per twenty (20) gymnasium seats.

(p) Office, Professional, or Public Buildings. One (1) space for each two (2) occupants or employees working on the premises, plus one (1) space for every five hundred (500) square feet of floor space.

(q) Transportation Terminals (Passenger). One (1) parking space for every one hundred (100) square feet of waiting room space, plus one (1) space for every two (2) employees.

(r) Restaurants and Night Clubs. One (1) parking space for every three (3) seats for customers, plus one (1) space per each employee.

(s) Drive-In Restaurants. One (1) parking space for every two (2) seats, plus one (1) per each employee.

(t) Shopping Centers and Planned Neighborhood Convenience Centers. Six (6) parking spaces for every one thousand (1,000) square feet of retail sales areas. Office uses and other major non-retail uses within a shopping center shall provide spaces as required in this schedule.

(u) Retail Stores. One (1) parking space for every two hundred (200) square feet of gross floor area, plus parking and storage space for all vehicles used directly in the conduct of business.

(v) Self-Service Laundries and Cleaning Establishments. One (1) parking space for every four (4) washing, drying, and dry cleaning machines.

(w) Motor Vehicle Repair Garages. Three (3) spaces for each vehicle lift or service bay, plus one (1) space for each employee, plus parking space for all vehicles used directly in the conduct of the business.

(x) Other Business and Service Establishments Not Specifically Covered Herein. One (1) parking space for every two hundred (200) square feet of gross floor area, plus parking spaces for all vehicles used directly in the conduct of business.

(y) 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 floor area intended for use by visitors, plus parking spaces for all vehicles used directly in the conduct of business.

(z) Warehouses, Freight and Trucking Terminals, and Wholesale Businesses. One (1) space for each two (2) employees, plus parking spaces for all vehicles used directly in the conduct of the business.

(aa) Family Care and Group Care Facilities; Halfway Houses. One (1) space for each four residents, plus one (1) space for each employee in the maximum working shift, plus parking spaces for all vehicles used directly in the conduct of the facility.

Section 444. Other Parking Design Requirements.

(a) Parking areas shall be designed to permit each motor vehicle to enter and exit a parking space without requiring the moving of another motor vehicle.

(b) The width of entrance and exit drives shall be as follows:

(1) A minimum of twelve feet (12') and a maximum of fifteen feet (15') at the curb line for one (1)-way use only.

(2) A minimum of twenty-two feet (22') and a maximum of thirty feet (30') at the curb line for two (2)-way use.

(c) There shall be at least six feet (6') between all access points, and no access point shall be closer than fifteen feet (15') from any street intersection.

(d) Parking lots for three (3) or more vehicles should be designed to discourage vehicles from backing into a public street in order to leave the lot.

(e) In the case of any parking or off-street loading area of five (5) or more spaces, all spaces not within a building shall be provided with a suitable fence, wall, or evergreen planting at least four feet (4') in height, designed to screen visibility and headlight glare, and be located between such parking spaces and any lot in a residential district that abuts directly or across a street. Any lot that would include more than fifteen (15) parking spaces shall be required to provide landscaped areas within the paved area. This required landscaped area shall be equal to a minimum of ten percent (10%) of the total paved area. Such landscaped areas shall be configured to promote pedestrian safety by defining walkways, to enhance motorist safety by defining traffic lanes and discouraging cross-lot taxiing, to act as a barrier against wind-borne debris and dust, to provide shade moderating micro-climatic conditions, to reduce the volume and velocity of stormwater runoff, and to enhance the appearance of the parking areas.

(f) All non-commercial lots shall have no more than one (1) level for parking and shall not be covered or sheltered by any roof, building, or structure.

(g) For properties proposed to be redeveloped, off-street parking shall be located to the rear of the property whenever possible so that the business uses provide the facade visible to the public street.

Section 445. Off-Street Loading.

(a) Off-street loading spaces shall be provided to accommodate the maximum demands generated by the use of the lot and with proper access from the street or alley.

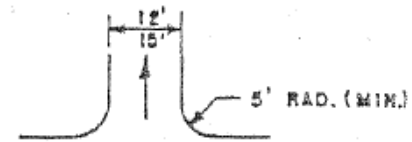
(b) All off-street loading and unloading spaces shall be graded and provided with an all-weather surface and drained to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property in accordance with the requirements of the Borough's land development ordinance

(c) Each off-street loading and unloading space shall be a minimum of twelve feet (12') by fifty feet (50') and have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within off-street loading and parking areas. There should be sufficient space provided for maneuvering such that vehicles will not have to back onto public streets from the loading area.

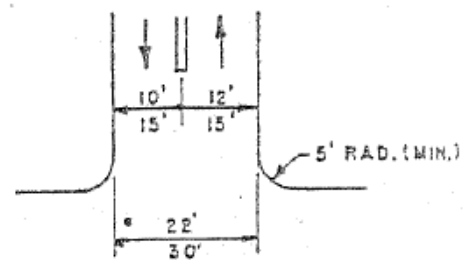
Section 446. Table and Diagrams - Parking Design Standards; Examples.
The minimum dimensions of stalls and aisles shall be as follows:

SEE DIAGRAMS ON FOLLOWING PAGE

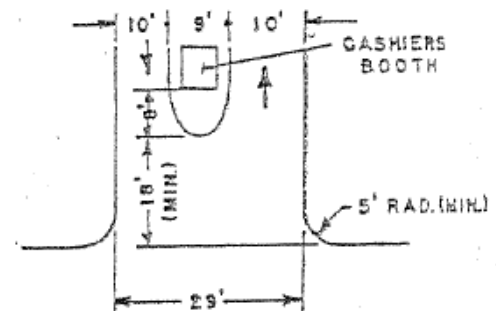
A	B	C	D	E	F
0°	9.0	9.0	12.0	23.0	30.0
	9.5	9.5	12.0	23.0	31.0
	10.0	10.0	12.0	23.0	32.0
20°	9.0	15.0	11.0	26.3	41.0
	9.5	15.5	11.0	27.8	42.0
	10.0	15.9	11.0	29.2	42.8
30°	9.0	17.3	11.0	18.0	45.6
	9.5	17.8	11.0	19.0	46.6
	10.0	18.2	11.0	20.0	47.4
45°	9.0	19.8	13.0	12.7	52.6
	9.5	20.1	13.0	13.4	53.2
	10.0	20.5	13.0	14.1	54.0
60°	9.0	21.0	18.0	10.4	60.0
	9.5	21.2	18.0	11.0	60.4
	10.0	21.5	18.0	11.5	61.0
70°	9.0	21.0	19.0	9.6	61.0
	9.5	21.2	18.5	10.1	60.9
	10.0	21.2	18.0	10.6	60.4
80°	9.0	20.3	24.0	9.1	64.6
	9.5	20.4	24.0	9.6	64.8
	10.0	20.5	24.0	10.2	65.0
90°	9.0	19.0	24.0	9.0	62.0
	9.5	19.0	24.0	9.5	62.0
	10.0	19.0	24.0	10.0	62.0



ENTRANCE
ONE WAY, SINGLE LANE



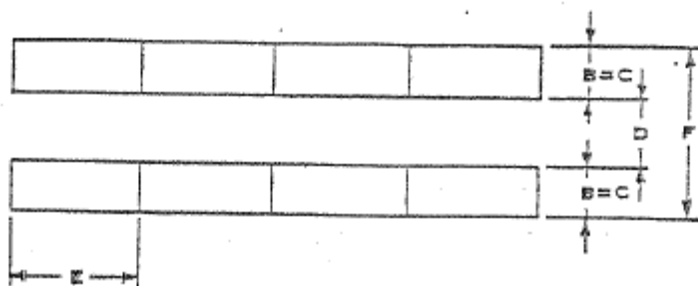
ENTRANCE - EXIT
TWO WAY



ENTRANCE - EXIT
ATTENDANT CONTROLLED

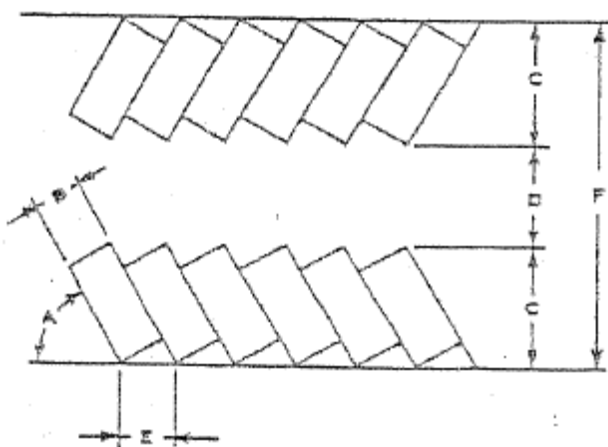
EXAMPLES OF PARKING LOT
ENTRANCES - EXITS

EXAMPLES OF PARKING STALLS AND AISLES



PARALLEL TO CURB

$A = 0^\circ$



ANGLE PARKING

$A = 60^\circ$

STALL LENGTH = 19 FT.

Subpart D. Buffer Strips

Section 451. General Regulations.

(a) All lots or parts of lots which are in a predominantly non-residential use and whose side or rear lines are adjacent to a residential zone shall be screened from such residential zone by landscaped buffer strips.

(b) All artificial fences erected on or after the effective date of this Chapter shall comply with this Chapter.

(c) All natural fences existing as of or planted after the effective date of this Chapter shall not be subject to the provisions of Subsection (a) of this Section and shall comply with Section 453 of this Chapter.

(d) Within a required buffer area, a solid and continuous landscape screen shall be planted and maintained. Said landscaping shall consist of massed evergreen and/or deciduous trees and/or shrubs of at least three and one-half feet (3½') in height and of such species as will produce, within three (3) growing seasons, a screen at least six feet (6') in height, so as to continually restrict a clear view beyond said buffer strip.

(e) 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 such 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.

(f) The entire buffer strip shall be at least three feet (3') wide and shall be graded and planted with grass seed or sod and such other shrubbery or trees as may be desired by the owner. The entire area shall be attractively maintained and kept clean of all debris and rubbish.

(g) The Zoning Occupancy Permit for a use on the premises shall not be issued until such time as the landscaping requirements, buffer strips and/or other approved dividers, as required by this Chapter, are either actually installed in full compliance herewith or, in the event that the season is not appropriate, a performance guarantee of one hundred percent (100%) of the cost, as approved by the Borough, has been deposited with the Borough. Such guarantee 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.

(h) In required buffer areas where a natural buffer strip is considered to be impracticable or inappropriate, an opaque fence may be substituted in whole or in part for a natural buffer, provided the Zoning Officer approves its specifications.

(i) In circumstances where it is impractical for a screen to meet all the requirements of this section or 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.

Section 452. Artificial Fence Regulations.

(a) No person shall erect or replace an artificial fence without first obtaining a zoning permit. All artificial fences shall comply with all of the regulations contained herein and any other applicable Borough building code restrictions.

(b) Artificial fences existing at the date of this Chapter and not conforming to the requirements of this Chapter shall be replaced

only with fences which conform to the requirements of this Chapter and any other applicable Borough building code restrictions.

(c) Artificial fences may be installed and maintained within property lines of rear and side yards provided that the fences shall not exceed six feet (6') in height. A minimum isolation distance of two feet (2') from any structure shall be maintained within any side yard. The height of the artificial fence shall be measured from the ground surface where the fence is installed. If gates with arbors or gates with pergolas are constructed as part of the fence then they shall comply with the same setback requirements as the rest of the fence. The height of the gate shall be no higher than the height of the fence.

The Zoning Officer shall have the right to require that the applicant provide a survey prepared by a surveyor licensed in the Commonwealth of Pennsylvania to document the location of the proposed fence.

(d) Artificial fences may be installed in front yards areas up to the right-of-way line of the public street. Maximum fence height shall be three feet (3') as measured from the ground, or a maximum height of four feet (4') shall be allowed if the fence has a uniform open area of more than twenty-five percent (25%). Use of chain link fencing in front yard areas is prohibited. If gates with arbors or gates with pergolas are constructed as part of the fence then they shall comply with the same setback requirements as the rest of the fence. The height of the gate shall be no higher than the height of the fence.

The Zoning Officer shall have the right to require that the applicant provide a survey prepared by a licensed surveyor to document the location of the proposed fence.

(e) No artificial fence shall be installed on corner lots at intersecting streets, alleyways, and driveways if the fence restricts the line of vision of vehicular traffic. All fences shall comply with the appropriate regulations of PA DOT Title 67, Chapter 441, "access to and occupancy of highways, driveways, and local roads, with regard to sight distance."

(f) All artificial fences shall be uniformly anchored within the ground or retaining structure and shall be properly surface coated upon completion.

(g) No solid artificial fence shall be installed closer than ten feet (10') from a side property line and five feet (5') from a rear property line if the top of the fence stands more than six feet (6') above the surface on which it is mounted.

(h) Artificial fences may be erected on the side property lines of adjoining properties where there is mutual agreement by the property owners. Such agreements of mutual consent, if written and filed with the Borough, shall be binding upon any future owner of either adjoining property should one or both parties consenting to this agreement sell his respective property.

(i) Artificial fences composed in whole or in part of barbed wire are hereby expressly prohibited except where erected or employed

in connection with property used or to be used by a municipal corporation or a public utility corporation.

Section 453. Natural Fence Regulations.

(a) No person shall plant or replace a natural fence without first obtaining a zoning permit. All natural fences shall comply with all of the regulations contained herein and any other applicable Borough building code restrictions.

(b) Natural fences existing at the time of passage of this Chapter and not conforming to the requirements of this Chapter shall be considered non-conforming fences and, once removed, shall be replaced only with fences which conform to the requirements of this Chapter and any other applicable Borough building code restrictions.

(c) Any natural fence to be planted in a front yard as defined by this Chapter shall be subject to the front yard setback requirements contained herein for a structure.

(d) No natural fence shall be installed on corner lots at intersecting streets, alleyways, and driveways if the fence restricts the line of vision of vehicular traffic. All such fences shall comply with the appropriate regulations of PA DOT Title 67, Chapter 441, "access to and occupancy of highways, driveways and local roads, with regard to sight distance."

(e) All natural fences existing as of the effective date of this Chapter shall be considered pre-existing natural fences and shall be properly maintained as follows:

(f) Pre-existing shape and/or size shall not impede, obscure or restrict vision of traffic or pedestrians at intersecting streets and/or alleyways, driveways or on corner lots.

(g) Growth or manicure below the height of twelve feet (12') of pre-existing natural fences shall not extend beyond side, front or rear property lines.

(h) Growth or manicure of pre-existing natural fences shall not extend over sidewalks or destroy, deface or damage sidewalks.

(i) Growth in height of pre-existing natural fences shall not pose a potential burden and/or hazard to adjacent property or to the community.

(j) Natural fences may be planted on the side property lines of adjoining properties where there is mutual agreement by the property owners. Such agreements of mutual consent, if written and filed with the Borough, shall be binding upon any future owner of either adjoining property should one or both parties consenting to this agreement sell his respective property.

Subpart E. Communications Towers and Antennae

Section 461. General Regulations. The following regulations for communications towers and antennae shall apply in any Zoning District where these uses are permitted by special exception:

(a) Building mounted communications towers and antennae shall not be located on any single-family dwelling or two (2) family dwelling.

(b) Building mounted communications towers and antennae shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty feet (20').

(c) Omnidirectional or whip communications antennae shall not exceed twenty feet (20') in height and seven inches (7") in diameter.

(d) Directional or panel communications towers and antennae shall not exceed five feet (5') in height and three feet (3') in width.

(e) Communications towers and antennae shall be build and constructed according to then prevailing national standards.

(f) Any applicant proposing communications towers and antennae to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the communications towers and antennae location.

(g) Any applicant proposing communications towers or antennae to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the communications towers or antennae will be mounted on the structure for review by the Code Enforcement Officer for compliance with the Borough's Building Code and other applicable law.

(h) Any applicant proposing communications towers or antennae to be mounted on a building or other structure shall submit evidence or agreements and/or easements necessary to provide access to the building or structure on which the communications towers or antennae are to be mounted so that installation and maintenance of the antennae and communications equipment building can be accomplished.

(i) Communications towers and antennae shall comply with all applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.

(j) Communications towers and antennae shall not cause radio frequency interference with other communications facilities located in the Borough.

(k) A communications equipment building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

(l) The owner or operator of communications towers and antennae shall be licensed, if applicable, by the Federal Communications Commission (FCC) to operate these communications towers and antennae.

Section 462. Standards for Communications Towers and Antennae as Special Exceptions. In reviewing an application for the construction of freestanding communications towers and antennae as a special exception, the following standards shall be considered by the Zoning Hearing Board:

(a) The applicant shall demonstrate that it is licensed, if applicable, by the Federal Communications Commission (FCC) to operate a communications tower or antennae.

(b) The applicant shall demonstrate that the communications tower or antennae proposed to be mounted thereon shall comply with all applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.

(c) Communications towers or antennae shall comply with all applicable Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation and applicable Zoning regulations relating to airport clearance areas. Coordination shall be made with the appropriate authorities.

(d) The applicant shall demonstrate that a good faith effort has been made to design, build and construct the communications tower or antennae to blend in with its surroundings.

(e) Any applicant proposing construction of a communications tower or antennae shall demonstrate that a good faith effort has been made to obtain permission to mount the communications tower or antennae on an existing building, structure, communications tower or antennae in the zoning District. A good faith effort shall require that all owners of potentially suitable structures within a 1/4 mile radius of the proposed communications tower or antennae site be contacted and that one or more of the following reasons for not selecting the existing building, structure, communications tower or antennae apply:

(1) The proposed communications tower or antennae and related equipment would exceed the structural capacity of the existing building, structure, communications tower or antennae and its reinforcement cannot be accomplished at a reasonable cost.

(2) The proposed communications tower or antennae and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, communications tower or antennae and the interference cannot be prevented at a reasonable cost.

(3) The existing buildings, structures, communications towers or antennae do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(4) Addition of the proposed communications tower or antennae and related equipment would result in electromagnetic radiation from the building, structure, communications tower or antennae exceeding applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.

(5) A commercially reasonable agreement could not be reached with the owners of the existing buildings, structures, communications towers or antennae.

(6) Access shall be provided to the communications tower or antennae and communications equipment building by means of a

public street or easement to a public street. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all weather surface for its entire length.

(f) A communications tower or antennae may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.

(g) Recording of a plat of subdivision or land development shall be required for a parcel on which a communications tower or antennae is proposed to be constructed.

(h) The applicant shall demonstrate that the proposed height of the communications tower or antennae is the minimum height necessary to perform its function.

(i) The foundation and base of any communications tower or antennae shall be set back from the property line (not lease line) in accordance with the requirements of the applicable Zoning District.

(j) The base of a communications tower or antennae shall be landscaped to screen the foundation and base and communications equipment building from abutting properties.

(k) The communications equipment building shall comply with the required yards and height requirements of the applicable Zoning District for an accessory structure.

(l) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower or antennae will be designed and constructed in accordance with the current "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Borough's Building Code.

(m) The applicant shall submit a copy of its current Federal Communications Commission (FCC) license; the name, address and emergency telephone number for the operator of the communications tower or antennae; and a certificate of insurance evidencing general liability coverage in the minimum amount of One Million Dollars (\$1,000,000.00) per occurrence and property damage coverage in the minimum amount of One Million Dollars (\$1,000,000.00) per occurrence covering the communications tower or antenna.

(n) All guy wires associated with guyed communications towers and antennae shall be clearly marked to be visible at all times and shall be located within a locked fenced enclosure.

(o) The site of a communications tower or antennae shall be secured by a locked fence with a minimum height of eight feet (8') to limit accessibility by the general public.

(p) Signs or lights shall be mounted on a communications tower and antennae as may be required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA) or any other governmental agency, including this Zoning Hearing Board.

(q) Communications towers and antennae shall be protected and maintained in accordance with the requirements of the Borough's Building Code.

(r) If a communications tower or antennae remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of the twelve (12) month period.

(s) One off-street parking space shall be provided within the fenced area.

Subpart F. Non-Conformities

Section 471. Non-Conformities. The Zoning Officer may, upon adoption of this Chapter or amendment thereof, identify and register all non-conforming uses, lots and structures. Upon identifying the non-conformity, the Zoning Officer shall mail registration forms to the owner of record.

Section 472. Continuation. The lawful use of any lot, building or structure which is existing and lawful at the time of the enactment of this Chapter, or, in the case of an amendment to this Chapter, at the time of such an amendment, may be continued except as hereinafter provided, although such use does not conform to the provisions of this Chapter or subsequent amendments.

Section 473. Enlargement.

(a) A structure that does not conform with the dimensional standards or any other requirements of the district in which it is located may only be expanded by special exception.

(b) A use that does not conform to the use regulations of this district in which it is located may be enlarged by special exception provided that:

(1) The proposed enlargement shall take place only upon the lot or contiguous lots held in the same ownership as that existing at the time the use became non-conforming. Permission to enlarge the non-conforming use, as described in this section, shall not be construed to mean that the new use or uses may be established. A non-conforming use shall be prohibited from encroaching on another parcel of land subsequently added to the original parcel.

(2) The proposed enlargement shall conform to the Dimensional Standards as well as any and all other requirements of the district in which the said enlargement is located.

(3) Any increase in building or floor area shall not exceed an aggregate of more than twenty-five percent (25%) of the building or the floor area, whichever is less, which was existing at the time that the use became non-conforming under this or any previous ordinance, and, in any event, shall be permitted only special exception under the provisions of this Chapter. Structures or land uses that have reached their maximum expansion allowance under previous ordinances are not eligible for any

increase in building or floor area under this Chapter. A structure which is non-conforming in terms of height shall not be enlarged to increase the height.

Section 474. Restoration. A non-conforming building, or any building containing a non-conforming use, which is destroyed, whether wholly or partially, by fire, explosion, flood or other phenomenon, or which is legally condemned, may be reconstructed and used for the same non-conforming use, provided that the reconstruction of the building shall commence within one (1) year from the date the building was destroyed or condemned, and shall be carried on without interruption.

Section 475. Abandonment. If a non-conforming use of a building or land is abandoned for a continuous period of one (1) year or more, subsequent use of such a building or land shall be in conformity with the provisions of this Chapter. For the purpose of this Chapter, abandonment shall commence when the non-conforming use ceases.

Section 476. Use Changes. Once changed to a conforming use, no building structure or land shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another non-conforming use only under all of the following conditions:

- (a) Such change shall be permitted only as a special exception.
- (b) The applicant shall show that the non-conforming use cannot reasonably be changed to a permitted use.
- (c) The applicant shall show that the proposed change will be less objectionable in external effects than the existing non-conforming use, with respect to:
 - (1) Traffic generation and congestion, including truck, passenger car and pedestrian traffic.
 - (2) Noise, smoke, dust, fumes, vapors, gases, heat, glare, or vibration.
 - (3) Storage and waste disposal.
 - (4) Appearance.

Part 5

Signs

Subpart A. General Provisions

Section 501. Scope and Applicability.

(a) This Part recognizes that signs perform an important function, but that a minimum control of signs is necessary to promote the health, safety and general welfare by lessening hazards to pedestrian and vehicular traffic, by preserving 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.

(b) Those elements excluded from sign controls include (1) flags of any governmental unit or branch or of any charitable or religious organization, (2) directional flags or signs posted by religious organizations, schools, or hospitals, (3) interior signs not visible from a public right-of-way or adjoining property, (4) cornerstones built into or attached to a wall of a building commemorating a person or event, (5) official notices of any court of public office, (6) legal notices posted pursuant to law, and (7) public service company signs as aids to safety or service.

(c) In all permitted districts, signs may be erected, altered, maintained, used, removed, or moved only if they comply with the provisions of this section and other regulations of the Borough relating to such activities.

(d) All signs shall require the issuance of a sign permit before erection or replacement. All signs must comply with all of the regulations contained herein regardless, whether or not a permit is required. A new permit must be obtained before a copy change takes place. No permit shall be required for copy changes on a changeable copy sign.

(e) Signs existing at the time of passage of this Chapter and which do not conform to the requirements of this Chapter shall be considered non-conforming signs. Nonconforming signs may be repainted or repaired (including lighting), provided that a repainted or repaired sign does not exceed the dimensions of the existing sign. Copy may also be changed, but a new permit must be obtained before such copy change takes place.

(f) Signs shall conform to the general character of the neighborhood in which they are located.

Section 502. Sign Size and Area Computation.

(a) The area 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.

(c) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle which can encompass 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 sign faces are identical. If the interior angle formed by the two (2) faces of a double-faced sign is greater than forty-five degrees (45°), then both sides of such sign shall be considered in calculating the sign area.

Section 503. Prohibited Signs. The following signs shall not be permitted to remain or to be erected:

(a) Signs which are obsolete structures not meeting construction standards, out-of-date political billboards, signs advertising defunct businesses and signs which have been erected without a building permit having been issued therefor.

(b) Signs which are illegal under state law or regulations.

(c) Signs that are not securely fixed on a substantial structure.

(d) Signs which attempt or appear to attempt to regulate, warn or direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.

(e) Signs that prevent free ingress or egress from any doors, window or fire escape; or that are attached to a standpipe or fire escape.

(f) Signs advertising a use no longer in existence or a product no longer available.

(g) Banners, spinners, flags, pennants, or any moving objects used for commercial advertising purposes, whether containing a message or not, except as specifically allowed in this part.

(h) Flashing, blinking, twinkling, animated, or moving signs of any type, except those portions of signs which indicate time and temperature.

(i) Real estate signs except for signs on the property for sale as noted in Subsection 504(d).

(j) Signs located or arranged in such a manner to interfere 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.

Section 504. Signs Permitted in All Districts.

(a) Signs necessary for direction, regulation, and control of traffic" street name signs; legal notices; warnings at railroad crossings; and other official Federal, State, County and Borough governmental signs.

(b) Temporary signs announcing or advertising any educational, charitable, civic, professional, religious or similar campaign or event may be permitted, providing they do not exceed thirty-two (32) square feet in area and are removed promptly after the conclusion of the

campaign or event. This does not include "A" type sandwich sidewalk or curb signs used for commercial businesses.

(c) Temporary political signs announcing political candidates seeking office, political parties and/or political and public issues contained on a ballot shall be subject to the following:

(1) On private property, each political sign shall not exceed an aggregate gross area of six (6) square feet per side or twelve (12) square feet in aggregate.

(2) On private property, temporary political signs may be located in any front, side or rear yard areas.

(3) The top of temporary political signs shall not project higher than three feet (3'), as measured from the grade at the base of the sign to the top of the sign.

(4) No temporary political sign shall be located within twenty feet (20') of any street intersection or any intersection between a street and an alley. Temporary political signs shall not interfere with the visibility or effectiveness of an official traffic sign, signal or device, nor shall any temporary political sign obstruct or physically interfere with a driver's view of approaching or intersecting traffic.

(5) Temporary political signs may be erected or maintained for a period not to exceed sixty (60) calendar days prior to the date of the election to which such signs are applicable, and shall be removed within seven (7) calendar days following such election.

(d) Signs advertising the sale, lease, or rental of property, provided that the area of any such sign shall not exceed six (6) square feet. No more than one (1) such sign shall be placed on property held in single and/or separate ownership unless such property fronts on more than one (1) public street, in which case one (1) such sign may be erected on each public street frontage. All signs shall be removed within seven (7) days after settlement or rental has been entered into. All signs shall be located within the lot lines and outside of the street right-of-way.

(e) No 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.

(f) Where a real estate developer is engaged in selling lots only, then temporary signs advertising the sale of lots in the subdivision shall be permitted during the initial period of the development project, which period shall commence with the recording date of the subdivision plan and shall end twelve (12) months thereafter. The permit for such signs may be renewed at the end of each twelve (12) month period. For construction and construction related signs, refer to Subsection 505(d).

Section 505. General Sign Regulations.

(a) No sign shall be erected 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.

(b) 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 Laboratory, Incorporated, or to applicable Borough codes, whichever is more stringent.

(c) 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 fifteen feet (15') above ground level.

(d) Non-illuminated temporary signs may be permitted on new construction sites, if such signs do not exceed thirty-two (32) square feet in total area and if they are removed within seven (7) days after completion of the construction work. Not more than one (1) sign shall be placed on each street frontage of the construction site.

For renovations or repairs to existing buildings or residences, non-illuminated temporary signs noting individual contractors are permitted only on the specific property where work by said contractor is being performed. These signs may be no larger than four (4) square feet, shall not be installed more than seven (7) calendar days prior to the start of the work on the site, and shall be removed within seven (7) calendar days of the completion of the work. These signs are not permitted on the sites of construction projects where there are multiple contractors performing the project work.

(e) 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 the Borough and in compliance with the Commonwealth of Pennsylvania regulations.

(f) If a building has facades fronting on two (2) or more public streets or access drives available to the public, the sign area for each building façade shall be computed separately.

(g) 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 of any building.

(h) Any vehicle to which a sign is 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, shall be considered a free-standing sign and, as such, be subject to the provisions regarding free-standing signs in the district in which such vehicle is located.

(i) Pennants, flags, banners, balloons and similar temporary signs shall be permitted only for a new business for a period of one (1) month and for existing businesses in the Central Business District, the General Business District, and the Light Industrial District for special occasions not more than four (4) times per year for a period of no more than twenty (20) days per occurrence up to a maximum annual

total of sixty (60) days per calendar year. Temporary and banner signs shall be a maximum of twenty (20) square feet per occurrence.

(j) "A" type sandwich signs shall be permitted for use on sidewalks by businesses in the Central and General Business Districts at all times, but must be located no more than three feet (3') from the facade of the establishment for which the advertisement is being displayed, unless otherwise approved by the Borough. The signs may only be displayed during the regular business hours of the establishment and shall not exceed twelve (12) square feet in area. Permits must be obtained for these signs. Signs are to be displayed at the location noted on the permit application. Any changes to the sign location shall require the submission of a new permit application.

(k) Wall signs shall not extend beyond the edge of any facade or other surface to which they are mounted.

(l) Projecting signs shall not extend more than four feet (4') from the wall or surface to which they are mounted. No projecting signs shall interfere with normal pedestrian or vehicular traffic or be closer than six feet (6') to the property line.

(m) Unless otherwise provided in this Chapter, no sign except a wall sign or projecting sign, as defined herein, shall be permitted to have any portion thereof extending into the public right-of-way in excess of four feet (4'), except as hereinafter modified, and shall be at least ten feet (10') above the pavement or ground.

(n) All sign provisions shall apply to signs on smokestacks, water towers, and other similar structures.

(o) Canopy or awning signs shall state only the name, address, or both, of the resident of the property where the sign is located. Logos of the resident business shall be permitted on the canopy/awning. The canopy/awning shall provide a minimum clearance of eight feet (8') from the bottom of the canopy / awning to the sidewalk. Fixed or retractable canopies or awnings shall not project more than four feet (4') into any street right-of-way. No portion of any awning structure, brace or pole shall interfere with the use of a public sidewalk.

(p) Electronic signs are permitted only in the Central Business District and the General Business District. Electronic signs must comply with all provisions of Part 5, Subparts A, B and C of this Chapter. Electronic signs may not contain flashing, blinking, scrolling or moving lights, text or graphics, or any full-motion video. An electronic sign must remain static for a minimum period of ten (10) seconds during which the display may not transition to display new information. A maximum transition interval of one (1) second, during which period the sign display transitions to another display, is required.

Subpart B. Billboards; Off-Premise Signs

Section 511. Location of Off-Premise Signs. Off-premise signs which conform with the provisions of this Section shall be permitted only in the General Business Zoning District and the Light Industrial Zoning District. In no event shall any portion of any sign be erected within one hundred feet (100') of any residentially zoned property.

Section 512. Size of Off-Premise Signs. The maximum area of an off-premise sign face shall be three hundred (300) square feet with maximum length of twenty-five feet (25'), plus temporary embellishments not exceeding twenty percent (20%) of the permanent sign area, but not to exceed one (1) display panel on the same face.

Section 513. Spacing of Off-Premise Signs. Property facing thoroughfares and all other property which is zoned so as to permit the construction and maintenance of off-premise signs shall be subject to the following:

- (a) Each side of a thoroughfare shall be considered separately.
- (b) V-type or back-to-back off-premise signs shall be considered one (1) sign.
- (c) No two (2) off-premise signs shall be spaced less than one thousand five hundred feet (1,500') apart on any thoroughfare.
- (d) No off-premise sign shall be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of, an official traffic sign, signal or device, or obstruct or physically interfere with a driver's view of approaching or intersecting traffic.

Section 514. Height of Off-Premise Signs. Off-premise signs shall not exceed an overall height of twenty-five feet (25') above the adjacent ground elevation or forty feet (40') above the surface of the road, whichever is lesser in height. Off-premise signs shall not be closer than ten feet (10') to the nearest right-of-way/property line.

Section 515. Lighting of Off-Premise Signs. Off-premise signs may be illuminated, subject to the following restrictions:

- (a) No revolving or rotating beam or beacon of light that simulates any emergency light device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign; however, illuminated signs which indicate customary public information, such as time, date, temperature or other similar information, shall be permitted.
- (b) External lighting, such as floodlights, thin line and goose neck reflectors, are permitted, provided the light source is directed on the face of the sign.
- (c) The illumination of any sign within two hundred feet (200') of a residential zone lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.

Section 516. Construction Standards. All off-premise signs shall be constructed in accordance with the Building Code for the Borough. The structural elements of all off-premise signs shall be of metal construction.

Section 517. Maintenance or Replacement of Existing Off-Premise Signs. The maintenance or replacement of off-premise signs existing prior to this Section shall be permitted, provided upgrades are in accordance with the Building Code of the Borough.

Section 518. Removals. Abandoned off-premises signs shall be promptly removed. All off-premise signs removed for the purpose of abandonment cannot be replaced unless they are conforming to this Section.

Subpart C. On-Premise Signs

Section 531. Signs Permitted in Residential and Conservation Districts.

(a) 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. Not more than one (1) such sign shall be erected on each premises.

(b) Signs identifying permitted non-residential buildings, provided that the area of any such sign shall not exceed eight (8) square feet. A maximum of two (2) such signs shall be placed on a corner property on which such buildings are located.

Section 532. Signs Permitted in the Institutional District. Signs identifying permitted non-residential buildings, provided that the area of any such sign shall not exceed eight (8) square feet. A maximum of two (2) such signs shall be placed on a corner property on which such buildings are located.

Section 533. Signs Permitted in the Central Business District.

(a) No portion of a projecting sign shall be less than ten feet (10') above the basic grade and no more than twenty-five feet (25') above grade.

(b) Banner signs.

(c) Business identification signs.

(d) Canopy signs.

(e) Changeable copy signs and electronic signs.

(f) Directional signs.

(g) Illuminated signs.

(h) Promotional signs.

(i) Roof signs.

(j) Temporary signs.

(k) The total area of all signs on the front façade shall not exceed fifty (50) square feet, and in no case shall one (1) sign be larger than thirty (30) square feet. Permanent window signs shall be included in this area calculation.

The total area of all signs on the rear façade shall not exceed fifty (50) square feet. Permanent window signs shall be included in this area calculation

The total area of all signs on a side façade shall not exceed twenty-five (25) square feet. Permanent window signs shall be included in this area calculation.

(l) In the case of a shopping center, a group of stores, 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 property shall apply with respect to each building, separate store, or similar use. Only wall and window signs shall be permitted for individual establishments. However, a total area permitted to be covered by wall and window signs shall not exceed one hundred fifty (150) square feet, with no more than seventy (70) square feet on any one building facade.

(m) No permanent, in-ground, free-standing signs shall be permitted in the Central Business District, except that, in the case of a motor vehicle service station or a shopping center, one (1) free-standing sign per site may be erected on or along the main thoroughfare adjacent to the parking lot on the premises and such sign shall contain only a directory or list of the occupants of the shopping center or motor vehicle service station located therein. For shopping centers, the free-standing sign shall contain a maximum area of twenty-four (24) square feet to identify the name and street address of the center, plus eight (8) square feet per occupant to list the name of each business occupant within the center. For motor vehicle service stations, the sign shall not exceed a total area which, when added to all other permitted non-freestanding sign areas, exceeds seventy (70) square feet. The maximum height of any free-standing sign shall be twenty-five feet (25').

(n) For a single building with multiple tenants, the total area of all signs shall not exceed seventy (70) square feet, and in no case shall any one (1) sign be larger than thirty (30) square feet. Permanent window signs shall be included in this area calculation. The building owner shall be responsible for allocating the percentage of the permitted total area to a given tenant.

Section 534. Signs Permitted in the General Business District.

(a) No portion of a projecting sign shall be less than ten feet (10') above the basic grade and no more than twenty-five feet (25') above grade.

(b) Banner signs.

(c) Business identification signs.

(d) Canopy signs.

(e) Changeable copy signs and electronic signs.

(f) Commercial advertising signs (billboards)

(g) Directional signs

(h) Free-standing signs not exceeding one (1) square foot of sign area for each two feet (2') of lot frontage or three hundred seventy-five (375) square feet, whichever is smaller. Not more than one (1) such sign shall be placed on a property unless it fronts on more

than one (1) street, in which case one (1) such sign may be erected on each street frontage.

(i) Illuminated signs

(j) Promotional Signs

(k) Roof signs

(l) Temporary signs

(m) The total area of all signs on the front façade shall not exceed fifty (50) square feet, and in no case shall one (1) sign be larger than thirty (30) square feet. Permanent window signs shall be included in this area calculation.

The total area of all signs on the rear façade shall not exceed fifty (50) square feet. Permanent window signs shall be included in this area calculation

The total area of all signs on a side façade shall not exceed twenty-five (25) square feet. Permanent window signs shall be included in this area calculation.

(n) In the case of a shopping center, a group of stores, 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 property shall apply with respect to each building, separate store, or similar use. Only wall and window signs shall be permitted for individual establishments. However, a total area permitted to be covered by wall and window signs shall not exceed one hundred fifty (150) square feet, with no more than seventy (70) square feet on any one building facade.

(o) New sign construction shall be of a type which is harmonious with existing, conforming signs and is subject to review and approval of the Planning Commission.

(p) For a single building with multiple tenants, the total area of all signs shall not exceed seventy (70) square feet, and in no case shall any one (1) sign be larger than thirty (30) square feet. Permanent window signs shall be included in this area calculation. The building owner shall be responsible for allocating the percentage of the permitted total area to a given tenant.

Section 535. Signs Permitted in Light Industrial District (LI).

(a) Signs identifying permitted non-residential buildings, provided that the area of any such sign shall not exceed eight (8) square feet. A maximum of two (2) such signs shall be placed on a corner property on which such buildings are located.

(b) All wall and projecting signs shall not exceed two (2) square feet for each foot of length of the front building wall or length of that portion of such wall which is devoted to such establishment or three hundred and seventy-five (375) square feet, whichever is smaller. Said signs are permitted on a side or rear wall only if such wall abuts a street, driveway, or parking area. No sign shall be closer than one hundred feet (100') to a residential district.

(c) Free-standing signs shall not exceed one (1) square foot of sign area for each two feet (2') of lot frontage or three hundred seventy-five (375) square feet, whichever is smaller. Not more than one (1) such sign shall be placed on a property unless it fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.

(d) No sign shall project higher than the roofline. No sign shall be located beyond the rear or side wall of the main building when the rear or side property line upon which it is situated abuts a residential district.