

ZONING
Chapter 340

Borough
of
TRAPPE

GENERAL
CODE

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Chapter 340

ZONING

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[HISTORY: Adopted by the Borough Council of the Borough of Trappe 9-4-1973 by Ord. No. 183. Amendments noted where applicable.]

GENERAL REFERENCES

Construction codes — See Ch. 135.

Property maintenance — See Ch. 243.

Flood damage prevention — See Ch. 173.

Subdivision and land development — See Ch. 295.

Grading; erosion and sediment control; stormwater management — See Ch. 179.

ARTICLE I

General Provisions

§ 340-1. Short title; effective date.

This chapter shall be known and may be cited as "The Trappe Borough Zoning Ordinance of 1973." This chapter shall become effective five days after its adoption.

§ 340-2. Intent. [Amended 2-4-2003 by Ord. No. 366]

- A. This chapter is enacted for the purpose of promoting the health, safety, morals and the general welfare of the Borough in accordance with a comprehensive plan, and is designed to lessen congestion in the streets, roads and highways, and to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements, and to encourage the most appropriate use of land throughout the Borough.
- B. The intent, purpose and scope of this chapter is to promote small business development and foster a business-friendly environment in the Borough. Accordingly, a no-impact home-based business is a permitted use by right in the R-1, R-2 and R-3 Districts, except that it is not the legislative intent to supersede any deed restriction, covenant, or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community. The burden of proving that a particular use is a no-impact home-based business is upon the user.

§ 340-3. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Borough. The comprehensive plan, in accordance with which this chapter, is enacted and which is reflected in the provisions of this chapter, has been formulated to implement the purpose set forth in § 340-2, in the respects therein stated.

§ 340-4. Community development objectives. [Amended 9-5-1989 by Ord. No. 261]

- A. Guiding and encouraging the future development of the Borough in accordance with comprehensive planning of land use and population density that represents the most beneficial and convenient relationships among the residential, commercial, industrial and recreational areas within the Borough, having regard to their suitability for the various uses appropriate to each of them and their potentiality for such uses, as indicated by topography and soil conditions, existing man-made conditions and trends in population,

in the direction and manner of the use of land, in building development and in economic activity, considering such conditions and trends both within the Borough and with respect to the relation of the Borough to surrounding areas.

- B. Protecting the character and the social and economic stability of such areas and encouraging their orderly and beneficial growth.
- C. Protecting and conserving the value of land and buildings throughout the Borough, depending upon necessity or circumstances, appropriate to the various zoning districts established herein.
- D. Bringing about through proper timing the gradual conformity of land use to the comprehensive plan aforesaid, and minimizing conflicts among the uses of land and buildings.
- E. Aiding in bringing about the most beneficial relation between land use and the circulation of traffic throughout the Borough, having particular regard to traffic to and from the expressways, and to avoidance of congestion in the streets and the provisions of safe and convenient access appropriate to the various land uses.
- F. Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services, in the provision of safe and proper sanitary sewage disposal and for private enterprise in building development, investment and other economic activity relating to land use.
- G. Protecting and preserving natural resources and agricultural land activities.
- H. Regulating density and design of all land uses in order to insure the availability of an adequate water supply.

§ 340-5. Effect on other provisions.

It is not intended by this chapter to repeal, abrogate, annul or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this chapter, provided that where this chapter imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than are required by the provisions of such ordinance, enactment, rule, regulation or permit, then the provisions of this chapter shall control.

**ARTICLE II
Terminology**

§ 340-6. Definitions; word usage. [Amended 7-5-1978 by Ord. No. 183-E; 12-1-1981 by Ord. No. 220; 1-3-1984 by Ord. No. 183-I; 1-6-1987 by Ord. No. 235; 3-1-1988 by Ord. No. 250; 12-6-1988 by Ord. No. 254; 9-5-1989 by Ord. No. 261; 3-6-1990 by Ord. No. 266; 6-5-1990 by Ord. No. 268; 12-7-1993 by Ord. No. 296; 12-11-1996 by Ord. No. 318; 6-1-1999 by Ord. No. 341]

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings indicated in this article. The present tense includes the future; the singular includes the plural, and the plural the singular; the word "building" includes the word "structure" and shall be construed as if followed by the words "or part thereof"; the word "occupy" includes the words "designed or intended to be occupied"; the word "use" includes the words "arranged, designed or intended to be used," and the word "shall" is always intended to be mandatory when capable of such interpretation.

ACCESSORY APARTMENT — A self-contained residential dwelling unit resulting from the conversion of an existing single-family detached dwelling into two units. The accessory unit is complete with kitchen and bath facilities, has direct access to the outdoors, and is physically subordinate to the primary unit that exists in the dwelling. When built as an addition, the unit must include at least one structural wall in common with the single-family dwelling.

ACCESSORY BUILDING — A building subordinate to the principal building on the lot and used for purposes customarily incidental to those of the principal building.

ACCESSORY USE — Use subordinate to the principal use of land or a building or other structure on a lot, and customarily incidental thereto.

AGRICULTURE — The cultivating of the soil, and the raising and harvesting of products of the soil, including, but not by limitation, nursery horticulture and forestry.

ALTERATION — An alteration, as applied to a building, is any change, rearrangement in the structural parts, or any enlargement, whether by extending on any side or by increasing in height, or adapting in any way to a different use, or moving from one location or position to another, or in the case of a nonconforming use, any structural change which would prolong the life of such use.

ANTENNA — An apparatus, external to or attached to the exterior of a building, together with any support structure for sending or receiving electromagnetic waves. Antennas may be principal or accessory structures.

ANTENNA RECEPTION WINDOW — The area which lies between a satellite dish antenna and an orbiting satellite.

BASE FLOOD — The flood that has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared; for purposes of this chapter, the one-hundred-year flood, as referenced in the current Flood Insurance Study, Borough of Trappe, prepared by the Federal Insurance Administration, Federal Emergency Management Agency.

BASE FLOOD ELEVATION — The one-hundred-year flood elevation, as referenced in the Flood Insurance Study, Borough of Trappe, prepared by the Federal Insurance Administration, Federal Emergency Management Agency. Within the approximated floodplain, alluvial soils; floodplain, or areas to be determined as floodplain as documented by the Borough Engineer, the one-hundred-year flood elevation shall be established as a point on the boundary of the approximated floodplain nearest to the construction site in question.

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING — Any structure, whether built conventionally or in a manner generally referred to as a "mobile" or "modular" home having enclosing walls and roof, permanently affixed to the land.

BUILDING AREA — The ratio of the total ground floor area of all buildings on a lot to the total area of the lot on which they are located.

BUILDING LINE — The line which establishes the minimum depth of front yard for the particular district as measured from the ultimate right-of-way.

BUILDING, PRINCIPAL — A building in which is conducted the principal use of the lot on which it is situated.

CLUB or LODGE — A voluntary, nonprofit, incorporated or unincorporated association for the purpose of a social, literary or political nature.

COMPREHENSIVE PLAN — Maps, charts, 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, light and power; for the general location, character and extent of community facilities.

CONDITIONAL USE — A use permitted in a particular zoning district pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code.¹

CONSTRUCTION — The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure including the placement of a mobile home.

DEVELOPABLE ACRE — A developable acre consists of all land whose dimensions calculate to the square footage of an acre but in making such calculation, such land as is located within existing road ultimate rights-of-way, noncontiguous land; 100% of floodplain, wetlands, ponds and lakes; 50% of slopes from 15% to 25%, 85% of slopes over 25% and 50% of existing utility rights-of-way shall be excluded in the calculation of the developable acre. **[Added 5-6-2003 by Ord. No. 368]**

DEVELOPMENT — Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, paving, excavation or drilling operations, or the storage of equipment or materials.

DWELLING — A building designed for and occupied exclusively for residential purposes, excluding hotel, rooming house, tourist home, institutional home, residential club, motor court and the like.

1. Editor's Note: See 53 P.S. § 10601 et seq.

DWELLING UNIT — A building or portion thereof providing complete housing facilities for one family.

DWELLING, MULTIPLE — A building, not a single-family dwelling nor a two-family dwelling, designed for and occupied exclusively for dwelling purposes by three or more families living independently of one another, not a row house, but customarily called an apartment house.

DWELLING, SINGLE-FAMILY — A building designed for and occupied exclusively as a dwelling for one family.

DWELLING, SINGLE-FAMILY ATTACHED — A dwelling unit having its own independent outside access and having party walls in common with at least one other unit and located in a building comprised of at least three dwelling units. This dwelling type shall include, but not be limited to, dwelling units commonly known as townhouses, row houses, triplexes, quadruplexes, and multiplexes.

DWELLING, SINGLE-FAMILY DETACHED — A building designed for and occupied exclusively as a dwelling for one family.

DWELLING, TWO-FAMILY — A building designed and occupied exclusively as a dwelling for two families.

FAMILY — Any number of individuals living and eating together as a single nonprofit housekeeping unit, provided that not more than three of such number are unrelated. "Family" does not, in any case, include occupants of a club, fraternity house, lodge, residential club, rooming house, nursing home, halfway house, hospitals, sanitarium, charitable or public residential institutions.

FLOOD — A temporary condition of partial or complete inundation of normally dry land areas.

FLOODPLAIN (OR FLOODPLAIN) — That area defined in Article XIX of this chapter as the Floodplain Conservation District; the floodplain definition (§ 340-133) contained therein shall be considered the definition for floodplain for all purposes and uses of this chapter.

FLOOD-PROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Such measures are set forth in floodproofing regulations published by the Office of the Chief Engineer, U.S. Army, publication number EP 1165 2 314 (June, 1972 and as subsequently amended). Floodproofing measures for all new construction and substantial improvements of structures shall satisfy the requirements of the completely dry spaces (W1) and essentially dry spaces (W2) classes referenced in these regulations. In said publication, where reference is made to "below" (or above) the "BFD" (base flood datum), it shall be interpreted as meaning below, (or above) the base flood elevation. Said regulations are contained in the Building Code of the Borough of Trappe, as amended.²

2. Editor's Note: See Ch. 135, Construction Codes.

GARAGE — An accessory building or a part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than three motor vehicles owned and used by persons other than the owner or tenant of the premises. Not more than one commercial vehicle or truck may be stored in a private garage. For the purposes of this section, a boat shall be considered a motor vehicle.

GARAGE, PUBLIC — A building, other than a private or storage garage, one or more stories in height, used solely for the commercial storage, service or repair of motor vehicles.

GARAGE, STORAGE — A building, not a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks) but not for the service or repair thereof, nor for the sale of fuel, accessories or supplies.

GASOLINE SERVICE STATION — Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of gasoline or other motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs or storage of motor vehicles thereon.

HEIGHT OF BUILDING — A building's vertical measurement from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof.

HISTORIC STRUCTURE — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior as meeting the requirement for individual listing on the National Register);
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION — Any lawful occupation customarily conducted in a dwelling as an incidental use.

HOTEL — A building used for the purpose of furnishing for compensation more or less temporary lodging to the public, with or without meals, and having lodging accommodations for 10 or more persons.

LOADING SPACE — A space, accessible from a street but not including any portion of the public right-of-way, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials.

LOT — A parcel of land which is occupied or is to be occupied by one principal building or other structure or use, together with any accessory building or structures or uses customarily incidental to such principal building or other structure or use, and any such open spaces as are arranged or designed to be used in connection with such principal building or other structure or use, such open spaces and the area and dimensions of such lot being not less than the minimum required by this chapter.

LOT AREA — The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street line shall be deemed a portion of any lot area; the area of any lot abutting a street shall be measured to the ultimate right-of-way.

LOT LINE — A property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts the street shall be deemed to be the same as the street line, and shall not be the center line of the street, or any other line within the street line, even though such may be the property boundary line.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME/MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailer, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK — A parcel or contiguous parcels of land which have been so designated and improved that it contains two or more mobile home lots for the placement thereof of mobile homes.

MOTOR COURT or MOTEL — A building or a group of two or more detached or semidetached buildings, containing rooms or apartments having separate ground floor entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended or used principally for the provision of sleeping accommodations for automobile travelers and is suitable for occupancy at all seasons of the year.

NEW CONSTRUCTION — Structures for which the "start of construction" as herein defined commenced on or after May 5, 1975, and includes any subsequent improvements to such structures.

NEW STRUCTURE — Structures for which the "start of construction" as herein defined commenced on or after May 5, 1975, and includes any subsequent improvements to such structures.

NONCONFORMING — A building or other structure, use or lot, which by reason of design, size or use, does not conform with the requirements of the district, or districts, in which it is located.

ONE-HUNDRED-YEAR FLOOD — A flood that has one chance in 100 years or a 1% chance of being equaled or exceeded in any given year. For the purposes of this chapter, the one-hundred-year flood (base flood) as defined by the Federal Insurance Administration, Federal Emergency Management Agency, in the Flood Insurance Study, the Borough of Trappe.

PARKING SPACE — A reasonably level space, available for the parking of one motor vehicle, not less than 10 feet wide and having an area of not less than 200 square feet exclusive of passageways, driveways or other means of circulation or access.

PARKING SPACE, ALL-WEATHER — The parking space shall be constructed in accordance with the provisions of Chapter 295, Subdivision and Land Development.

PAVING — All areas provided for use by vehicles and/or pedestrian walkways shall be constructed in accordance with the pertinent provisions within Chapter 295, Subdivision and Land Development.

PERFORMANCE STANDARDS — Measures and standards by which the suitability of a proposed use can be measured by the extent of its external effect.

PUBLIC UTILITIES FACILITY — A building or structure and its equipment, used for the transmission and exchange of telephone, radio-telephone, gas, power, sewer and water facilities, provided that: **[Amended 4-6-2004 by Ord. No. 374]**

- A. In a residential district, these facilities shall not include public business facilities, storage of materials, trucks, or repair facilities or housing of repair crews; and
- B. A public utility facility shall be only limited to such facility as used, provided and controlled by a governmental agency or entity or by a publicly held utility under the jurisdiction of the Public Utility Commission or such other comparable agency.

PUBLIC UTILITY — A company or entity regulated by the Pennsylvania Public Utility Commission or the Joint Public Works Department of the Boroughs of Collegeville and Trappe or the Collegeville-Trappe Municipal Authority.

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;

- C. Designed to be self-propelled or permanently towable by a light-duty truck;
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

ROOMING HOUSE — A dwelling, not a single-family or two-family dwelling, apartment house or hotel, providing lodging with or without meals, and having lodging accommodations for less than 10 guests.

SATELLITE DISH ANTENNA — A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as microwave antennas, satellite earth stations, and television reception only (TRVO) antennas.

SIGN — A structure, building wall or outdoor surface, or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, or to display, identify and publicize the name and product or services of any person, exclusive of supporting members that bear no message.

STORAGE SHED — A storage building with or without a concrete slab or footing. Storage sheds of either type shall not exceed 12 feet in depth, nor 12 feet in height as measured from the lowest point in grade to the peak or ridge of the roof.

STREET — A public or privately owned right-of-way, serving as a means of vehicular and pedestrian travel, which may furnish access to abutting properties.

STRUCTURE — Any form or arrangement of building materials built, constructed or erected, which requires location on the ground or attachment to something located on the ground.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before damage occurred.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, as defined herein, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

TOURIST HOME — A dwelling in which sleeping accommodations for less than 10 persons are provided or offered primarily for automobile travelers for compensation.

TRAVEL TRAILER — A vehicle without motive power which may be towed on public highways by a passenger automobile without a special hauling permit, which is designed for human occupancy under transient circumstances such as camping, travel or other recreation, and having a body width not exceeding eight feet and a body length not exceeding 32 feet.

ULTIMATE RIGHT-OF-WAY LINE — The dividing line between a lot and the outside boundary or right-of-way line of a public street, road or highway legally opened or officially plotted, or between a lot and a privately owned street, road or way over which the owners or tenants of two or more lots each held in single and separate ownership have the right-of-way.

VARIANCE — Permission or approval granted by the Zoning Hearing Board to deviate from the exact provisions of this chapter as applied to a specific piece of property in accordance with the provisions of Article XIII hereof.

YARD — An open, unoccupied space on the same lot with a building, or other structure or use, open and unobstructed from the ground to the sky.

YARD, FRONT — A yard extending the full width of the lot along the front line and extending in depth from the front lot line to the nearest point of any structure on the lot.

YARD, REAR — A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any structure on the lot.

YARD, SIDE — A yard extending the full depth of the lot along the side lot line and extending in depth from such side lot line to the nearest point of any structure on the lot.

ARTICLE III Districts

§ 340-7. Districts established and designated. [Amended 12-6-1988 by Ord. No. 257]

For the purpose of this chapter, the Borough is hereby divided into six districts, which shall be designated as follows:

- | | |
|-----|-------------------------------------|
| R-1 | Low-Density Residential District |
| R-2 | Medium-Density Residential District |
| R-3 | High-Density Residential District |
| C-1 | Limited Commercial District |
| CC | Community Commercial District |
| LI | Limited Industrial District |

§ 340-8. Zoning Map.

The boundaries of said districts shall be as shown upon the map attached to and made a part of this chapter, which shall be designated the Zoning Map.³ The said map and all notations, references and other things shown thereon shall be made a part of this chapter, as if the matters and things shown by said map were all fully described herein.

§ 340-9. District boundaries.

If uncertainty exists with regard to the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:

- A. The district boundaries are the center line of roads unless otherwise shown.
- B. Where the district boundaries are not shown to be the center line of road, the boundaries shall be construed to be property lines, or specified dimensions from the center line of streets or roads.

ARTICLE IV**R-1 Low-Density Residential District****§ 340-10. Regulations adopted.**

In an R-1 Residential District, the following regulations shall apply:

§ 340-11. Use regulations.

A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and no other:

- A. Single-family detached dwelling.
- B. Educational, religious, philanthropic use, excluding correctional or penal institutions.
- C. Any public utility use directly related to and necessary for service within the Borough.
- D. Accessory use on the same lot with and customarily incidental to any of the foregoing uses.
- E. No fences shall be constructed in residential districts which shall obstruct vision to any substantial extent to a height greater than four feet; provided, this provision shall not apply to fences constructed around swimming pools, ponds or similar bodies of water.
- F. Golf course and golf house, excluding driving range and miniature golf courses.
- G. Agriculture.

3. Editor's Note: The Zoning Map is on file in the Borough offices.

§ 340-12. Area regulations. [Amended 6-19-1997 by Ord. No. 323]

- A. Lot area. The lot area of not less than 30,000 square feet, and a lot width of not less than 125 feet at the street line shall be provided for every building or structure erected or used for any use permitted in this district except in a subdivision and development having more than 50 lots, Borough Council, upon recommendation of the Trappe Borough Planning Commission, may reduce the requirement to all or a portion of the said lots so that the lot width shall not be less than 125 feet at the building line so long as the lot width at the street line shall not be less than 75 feet subject to the following standards:
- (1) The change shall promote a better design for the subdivision; or
 - (2) The change shall promote a better configuration, shape or design for individual lot or lots; or
 - (3) The change will promote a better design for public improvements, including streets, impounding basins, service water drainage or public utilities; or
 - (4) The change will promote a better orientation or building envelope for structures to be constructed on a lot; or
 - (5) The change will protect and conserve trees, vegetation or have a lesser environmental impact in development; or
 - (6) The change will promote more open space in the subdivision and development.
- B. Building area. The building area shall not exceed 15% of the lot area.
- C. Front yard.
- (1) There shall be a front yard at least 60 feet in depth.
 - (2) Where a lot has frontage on two streets or roads, the front yard requirements shall be met for both streets.
- D. Side yards.
- (1) On each interior lot there shall be two side yards having an aggregate width of not less than 50 feet, neither side yard having a width of less than 25 feet.
 - (2) In the case of any building other than a single-family dwelling or a building accessory thereto, there shall be two side yards, one on each side of the principal building, neither of which shall be less than 20 feet wide; provided that if such building is over 25 feet high, the width of each side yard shall be increased two feet for each one foot, or portion thereof, by which building exceeds 25 feet in height.
- E. Rear yard. There shall be a rear yard, the depth of which shall be at least 50 feet, except that an accessory use structure may be erected within the rear yard not closer to the rear property line than 15 feet.

§ 340-13. Height regulations.

The maximum height of buildings and other structures erected or enlarged in this district shall be:

- A. For any dwelling, 25 feet and not to exceed two stories.
- B. For any building accessory to any dwelling, 15 feet and not exceeding one story.

§ 340-14. Public utilities. [Added 3-6-2007 by Ord. No. 394]

All new development shall be required to connect to public sewer and water, and provide the necessary infrastructure to do so.

ARTICLE V

R-2 Medium-Density Residential District**§ 340-15. Regulations adopted.**

In an R-2 Residential District, the following regulations shall apply:

§ 340-16. Use regulations.

A building may be erected, altered or used and a lot or premises may be used for any of the following purposes and no other:

- A. A use permitted in R-1 Residential District.
- B. Hospitals, sanitarium, convalescent home.
- C. Noncommercial recreational use, municipal, county, state or federal use.

§ 340-17. Area regulations.

- A. Lot area. A lot of not less than 20,000 square feet and a lot width of not less than 100 feet at the street line shall be provided for every building or structure erected or used for any use permitted in this district.
- B. Building area. The building area shall not exceed 20% of the lot area.
- C. Front yard.
 - (1) There shall be a front yard on each lot, the depth of which shall not be less than 50 feet measured from the street line of the street upon which the lot abuts.
 - (2) In the case of a corner lot, a front yard shall be required on each street which the lot abuts.
- D. Side yards. On each interior lot, there shall be two side yards having an aggregate width of not less than 40 feet, neither side yard having a width of less than 15 feet.

- E. Rear yard. There shall be a rear yard on each lot, the depth of which shall not be less than 50 feet, except that an accessory use structure may be erected within the rear yard not closer to the rear property line than 10 feet.

§ 340-18. Height regulations.

The maximum height of buildings and other structures erected or enlarged in this district shall be:

- A. For any dwelling 30 feet and not to exceed 2 1/2 stories.
- B. For any building accessory to any dwelling, 15 feet and not exceeding one story.

§ 340-19. Public utilities. [Added 3-6-2007 by Ord. No. 394]

All new development shall be required to connect to public sewer and water, and provide the necessary infrastructure to do so.

ARTICLE VI
R-3 High-Density Residential District

§ 340-20. Intent. [Amended 7-5-1983 by Ord. No. 183-G; 12-6-1988 by Ord. No. 254]

In expansion of the declaration of legislative intent set forth in the beginning of this chapter, it is the intent of this article with respect to the R-3 Residential District to allow a diversity of permitted housing types and densities in suitable locations in Trappe Borough, to broaden the housing opportunity for all citizens and to establish reasonable controls and standards of design for the dwelling types allowed in this district. In the R-3 Residential District, the following regulations shall apply.

§ 340-21. Use regulations. [Amended 7-5-1983 by Ord. No. 183-G; 12-6-1988 by Ord. No. 254]

A building may be erected, altered or used, and a lot or premises may be used for any of the following purposes and no other:

- A. The following are permitted uses in the R-3 Residential Zoning District:
- (1) Single-family detached (SFD) dwelling.
 - (2) Two-family (twins and duplexes) dwelling. Both units shall be built at the same time.
 - (3) Single-family attached (SFA) dwellings, including townhouses, and multiplex units (such as triplexes, quadruplex units, garden apartments, etc.).
 - (4) Open space, recreation, etc. in conformance with requirements of this district.

- B. Conditional use. At a density not to exceed eight dwelling units per acre shall be permitted as a conditional use subject to the requirements of § 340-24.

§ 340-22. Development regulations. [Amended 7-5-1983 by Ord. No. 183-G; 12-6-1988 by Ord. No. 254]

The following regulations shall govern all development sites within the Residential District:

- A. The tract of land to be developed shall be in one ownership, or shall be the subject of an application jointly filed by the owners of the entire site, and it shall be agreed that the tract will be developed under single direction with an overall plan. The plan shall be designed as a single architectural scheme.
- B. The development of a tract carried out in either a single phase or in stages, shall be executed in accordance with a development agreement. The owner, developer, and Borough shall enter into said agreement embodying all details regarding compliance with this article to assure the binding nature thereof on the overall tract and its development. Approval of the development shall not be given until a development plan has been submitted, reviewed and found to comply with this article and other local ordinances. A public hearing shall be held to assure strict compliance and invite public comment. The approved plan, along with the development agreement, shall be recorded and a copy of said plan shall be retained in the Borough office.
- C. Public utilities. All new development shall be required to connect to public sewer and water, and provide the necessary infrastructure to do so. **[Amended 3-6-2007 by Ord. No. 394]**
- D. Open space. A minimum of 20% of the land area in a development must be used for open space purposes. Provisions for location, appropriateness, dedication, etc. are found in § 340-26G.
- E. The provision of additional facilities serving the entire development site, such as parking lots, interior pedestrian ways, landscape planting areas, and recreation facilities, etc., are encouraged. If they are provided in common areas, provisions must be made for their maintenance and care. Such provisions shall be found satisfactory to the Borough Council, in accordance with § 340-26G.
- F. Reservation of a one-hundred-foot-by-one-hundred-foot site for future water well purposes with access to a public road on subdivision or land developments of 29 units or more shall be required in accordance with the Trappe Borough well site ordinance.

§ 340-23. Area regulations. [Amended 4-23-1977 by Ord. No. 183-D; 7-5-1983 by Ord. No. 183-G; 12-6-1988 by Ord. No. 254; 6-5-1990 by Ord. No. 268]

- A. Minimum district size. The minimum contiguous area to be zoned for use for the R-3 Residential District shall be five acres.

- B. Density regulations. The maximum density shall be six dwelling units per each developable acre, except when approved by conditional use, the density shall not exceed eight dwelling units per each developable acre. [Amended 5-6-2003 by Ord. No. 368]
- C. Building standards. The applicable following standards and setbacks shall apply to all developments within this district, as follows: setback standards listed under Subsection C(1)(a) below apply to all developments proposed within this district, regardless of whether or not individual lots are provided for each dwelling unit. In addition, unlotted property must also adhere to the regulations under Subsection C(1)(b) below. The regulations listed under Subsection C(1)(c) below only apply to lotted property.
 - (1) The following setback standards apply to all developments proposed within this district, regardless of whether or not individual lots are provided for each dwelling unit. In the event more than one requirement is applicable to a particular situation, the greater restriction shall govern.
 - (a) Building setback from parking areas or driveways serving parking areas shall be at least 20 feet except in the case where an attached garage is provided, in which case no setback is required.
 - (b) The minimum horizontal distance between two unattached structures in which the exterior walls are oriented front to front, front to rear or rear to rear, shall be 40 feet. The minimum horizontal distance between two unattached structures which the exterior walls are oriented side to side shall be 30 feet. The minimum horizontal distance between two unattached structures which are oriented so that the axis of each building is perpendicular to the other shall be six feet between parallel facing walls but only at or near the corners of the structures. In all other cases, there shall be a minimum horizontal distance between two unattached structures of 30 feet.
 - (c) The minimum building setback from an exterior property line (tract boundary line) shall be 50 feet.
 - (2) In addition to the above regulations, the following setbacks shall be required for unlotted development proposals:
 - (a) The setback from a road shall be at least 50 feet.
 - (b) The setback from interior lot lines (if applicable) shall be at least 20 feet.
 - (3) Lot area and yard standards.

Dwelling Type	Minimum Lot Size (or equivalent area) per DU	Lot Width at Building Setback Line per DU (feet)	Front Yard* (feet)	Side Yard (feet)	Rear Yard (feet)
SFD	10,000	75	35	30	40
				aggregate 15 each	

Dwelling Type	Minimum Lot Size (or equivalent area) per DU	Lot Width at Building Setback Line per DU (feet)	Front Yard* (feet)	Side Yard (feet)	Rear Yard (feet)
Two-family	5,000 per unit	40	35	15 one side for twins, both side of duplex	35
SFA	2,000	(a) 25 for a unit without a garage (b) 20 for a unit with a garage	25	15 (ends only)	30

NOTE:

* Front yard setback shall be measured from the closest of the following: The ultimate right-of-way of residential streets, or edge of paving of parking access driveways and parking areas, or private street.

(4) Maximum building length. The maximum building dimension in an R-3 Residential District shall be 160 feet.

(a) Additional standards of single-family attached dwellings. In addition to all other applicable standards, the following standards shall apply to the development of single-family attached units in this district:

[1] No more than six single-family attached units may be attached in a linear row, provided that in the case of back-to-back units, this limitation shall apply to each of both tiers of units. For multiplex units, where a dwelling unit is on top of another dwelling unit, the maximum number of units contained in a single building shall be 10.

[2] Not more than two contiguous single-family attached units shall have a uniform setback from a road right-of-way or private street, a parking area, or driveway in order to create a staggered appearance. Such variation in setback shall be a minimum of four feet. For back-to-back units, this shall be applicable to both tiers.

§ 340-24. Conditional use requirements. [Added 12-6-1988 by Ord. No. 254]

A. Procedures. Plans for a conditional use shall be submitted to the Borough Council in accordance with Chapter 295, Subdivision and Land Development, adopted February 3, 1969, and §§ 340-20 to 340-26 of this chapter.

- B. Standards and criteria for conditional use. In acting on a request for a conditional use, the Borough Council and Planning Commission shall consider the impact of the requested conditional use on the Borough and on facilities and systems as listed below. The applicant shall provide all of the information, data and studies needed to allow the Borough Council and Planning Commission to reach conclusive evaluations of the items listed below.
- (1) The compatibility of the proposed development with existing and proposed land uses adjacent to the site.
 - (2) The impact on the Borough transportation network and the ability of adjacent streets and intersections to efficiently and safely move the volume of traffic generated by the development.
 - (3) The impact on the Perkiomen Valley School District, including an estimate of new pupils generated by the proposed development and their impact on classroom capacities, class size, and existing or planned facilities.
 - (4) The impact on the Borough's community facilities including estimates of additional community facilities which will be needed to serve the proposed conditional use. Community facilities include but shall not be limited to sewage systems, water supply facilities and systems, storm drainage facilities and systems, electrical utility facilities and systems.
 - (5) The ability of the Borough to provide police and fire protection to the proposed conditional use.
 - (6) The impact of the Borough's recreation facilities including estimates of additional facilities which will be needed to serve the conditional use.
 - (7) A cost revenue analysis which shall identify the net cost of the proposed conditional use to the Borough and to the Perkiomen Valley School District. The net cost shall be the difference between the governmental expenditures which will be required to service the proposed conditional use and the revenues that it will generate. The cost analysis shall clearly identify whether a net gain or a net loss is anticipated and shall itemize the measurements used in the evaluation.
- C. Findings.
- (1) The Borough Council shall consider the recommendations of the Borough Planning Commission before granting or denying tentative approval of a development plan.
 - (2) The Borough Council shall by official written communication to the applicant either: grant tentative approval of the plan as submitted; grant tentative approval subject to specified conditions not included in the plan as submitted; or deny tentative approval of the plan.

§ 340-25. Height regulations. [Amended 6-5-1990 by Ord. No. 268; 7-5-1983 by Ord. No. 183-G; 12-6-1988 by Ord. No. 254; 6-5-1990 by Ord. No. 268]

- A. For any dwelling: 35 feet.
- B. For any building accessory to any dwelling: 15 feet and not to exceed one story.

§ 340-26. General regulations. [Amended 7-5-1983 by Ord. No. 183-G; 12-6-1988 by Ord. No. 254; 9-5-1989 by Ord. No. 261]

- A. Signs. Signs shall be permitted only pursuant to the provisions of Article XI of this chapter.
- B. Access standards. The following standard shall apply to all accessways proposed in any development in this district, including access roads which are public, private, or accessways which serve as driveways leading to areas of common parking:
- C. Number of accessways: For any development in this district, there shall not be more than two access roads to any one public road on which the development abuts (minimum 25 feet apart). In the case of adjacent developments, the use of common access roads shall be encouraged to minimize the total number of access roads onto any public road.
- D. Parking regulations. The following standards shall apply to all parking needed to serve any development proposed within this district:
 - (1) Location of parking. All parking areas shall be located within the property line of any proposed development.
 - (2) Number of spaces. No less than 2.3 off-street parking spaces shall be required for each dwelling unit.
 - (3) Landscaping. For purposes of traffic channelization, precluding parking of vehicles in unwanted areas, and reduction of visual monotony, a minimum of 10% of all parking areas, for 20 or more cars, shall be devoted to raised landscaped islands. The landscaping shall be installed in such a manner that no individual landscaped area shall contain less than 200 square feet; the minimum horizontal dimension of any such area shall be 10 feet. Raised landscaped islands shall be placed such that the ends of all parking bays are defined. No shrubs shall be permitted that are taller than two feet at maturity. At least one shade tree shall be required within each landscaped island.
 - (4) To reduce impervious coverage, in parking areas serving 20 or more cars, 15% of the areas of each parking space may be maintained in grass or other ground cover, provided that the grass is separated from the paved area by a curb, suitable wheel stop or bumper.
- E. Parking area setbacks. Any common parking area, together with accessways leading thereto, shall adhere to the following minimum standards:
 - (1) Setback from any interior or exterior property line adjacent to a single-family detached residential district: 50 feet.

- (2) Setback from exterior property line adjacent to a non-single-family detached residential or nonresidential district: 30 feet.
 - (3) Setback from ultimate right-of-way area: 25 feet from a major road, 10 feet from all others.
- F. Buffer requirements. Along all exterior property lines, screening buffers shall be provided in accordance with the following regulations, except when dwelling units in a proposed development shall abut dwellings of the same use and density (as described in § 340-21A).
- (1) The owner shall place and maintain a planting area 25 feet in width containing deciduous trees, evergreen trees, evergreen and/or deciduous shrubs, flowering trees and/or shrubs and ground cover of sufficient planted density to produce a total visual screening consistent with the topography, the existing vegetation and the use of adjacent land. Wherever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography. The purpose of this planting is to block objectionable views, enhance good views, provide seasonal color, add texture and aroma, ameliorate possible noise and generally enhance the limits of the property.
 - (2) All evergreen trees to be installed shall not be less than five feet in height at the time of planting and shall be of such species that expected height at maturity shall not be less than 15 feet. All evergreen shrubs to be installed shall not be less than 18 inches in height at the time of planting and shall be of such species that expected height at maturity shall not be less than six feet for screening shrubs.
 - (3) All deciduous trees to be installed shall not be less than 12 feet in height and 2 1/2 inch caliper at the time of planting. Deciduous trees shall be of such species that expected height at maturity shall not be less than 50 feet. Flowering trees shall have expected height of not less than 20 feet.
 - (4) Applicants are encouraged to provide informal, free-form screening buffers when appropriate which need not be located entirely within the minimum required twenty-five-foot width. Such alternative buffers shall be subject to approval by the Borough Council, upon recommendations of the Borough Planning Commission, either or both of whom may seek the advise of a licensed landscape architect in the review of the alternative plans.
 - (5) Planting plan prepared by a licensed landscape architect in Commonwealth of Pennsylvania shall be required for all screening buffers, which shall clearly show and list the locations, size, species, and number of plant material proposed to be used.
 - (6) All plant material shall be guaranteed for two years. All plant material which dies within that time shall be replaced by the applicant at his cost.
- G. Open space requirements and standards.
- (1) Twenty percent of the land area in a development shall be used for active and passive open space purposes.

- (2) The Planning Commission and Borough Council shall consider the following criteria in determining whether to approve the location of open space areas in a proposed subdivision or development plan.
 - (a) Open space areas shall be developed to complement and enhance the man-made environment. In the selection of the location of such areas, consideration shall be given to the preservation of natural and man-made features which will enhance the attractiveness and value of the remainder of the property to be subdivided or developed. Such features are: floodplains, including streams and ponds; slopes equal to or greater than 15%; natural, permanent vegetation, historical amenities and other community assets.
 - (b) Wherever possible, open space areas shall be designed as a contiguous system of usable areas, which are interspersed among groupings of residential dwelling units. Such areas shall be coordinated with other common open spaces within a development, as well as with surrounding public open space, existing or planned, and open space areas within contiguous developments. In those instances in which the total minimum required open space is less than two acres in size, said areas shall be located in one parcel, and shall not be broken up unless the development site or its physical constraints dictate otherwise, with the concurrence of the Planning Commission and Borough Council.
 - (c) The area shall be located and designed so that it is easily accessible to all people within the development, including the handicapped. Safe and easy access to common open space areas shall be provided either by adjoining public road frontage, public easements or paths.
 - (d) The areas may be offered for dedication to the Borough. If it is to be held privately, then the maintenance of private open space, common areas, or a recreational use shall be guaranteed by homeowners' association, trust indenture, or other mechanism approved by the municipality. The legal instrument creating same shall be recorded in the office of the Recorder of Deeds' of Montgomery County, simultaneously with the recording of the final plat of the subdivision. Such common land shall be set aside by deed restrictions.
 - (e) Said areas specifically designed for open space shall be usable and suitable for that purpose and shall have all improvements as required by this chapter.
 - (f) Accessways to the site shall be sufficiently wide so that maintenance equipment shall have reasonably convenient access to said areas. In all instances, said open space areas shall be maintained in a careful and prudent manner.
- H. Refuse areas. The design of buildings in the R-3 Residential District shall include either a provision for the storage of refuse inside the building(s) or within an area enclosed by either walls or opaque fencing outside the building(s) designed to be architecturally compatible with the building(s). Such walls or fencing shall be designed to shield the refuse areas from direct view of any adjacent property.

- I. Conditional use. All single-family attached dwellings including but not limited to townhouses and multiplex units shall be subject to the conditional use procedures as set forth under Article XVIII of this chapter.⁴

ARTICLE VII
VC Village Commercial District

§ 340-27. Purpose; applicability. [Amended 6-14-1996 by Ord. No. 315]

The VC Village Commercial District is intended to establish reasonable standards for a variety of residential and nonresidential uses within the Main Street village corridor, in conformance with the following objectives:

- A. Retain and enhance the historic and other desirable village characteristics of the Main Street corridor to the greatest extent possible, including its buildings, mature street trees, and landscaped spaces in front of and between existing buildings.
- B. Allow building conversions and multiple uses that maintain the architectural scale and character of existing development, to encourage retention of existing buildings.
- C. Permit a variety of uses that can be accommodated by existing structural types, lot sizes, and other physical and visual attributes of properties in the district.
- D. Permit uses that do not attract large volumes of traffic or frequent customer turnover.
- E. Prohibit strip-type and highway-oriented commercial appearance, incongruous architectural styles, excessive building or impervious coverage, and nonessential curb cuts.
- F. Encourage shared use of access driveways to reduce the total number of driveways, minimize the number of new driveways, and provide more efficient access and traffic flow.
- G. Encourage parking in side or rear yard areas, and encourage adjoining properties to share parking.
- H. Require sufficient pedestrian access from the street and parking areas to the various permitted uses.
- I. Minimize visual and functional conflicts between residential and nonresidential uses within the district, and protect abutting residential districts from adverse impacts.

§ 340-28. By-right uses. [Amended 10-2-1979 by Ord. No. 183-F; 12-5-1983 by Ord. No. 183-H; 3-1-1988 by Ord. No. 250; 12-6-1988 by Ord. No. 256; 6-14-1996 by Ord. No. 315]

4. Editor's Note: Original Art. VII, GA Garden Apartment District, which immediately followed this section, was repealed 12-6-1988 by Ord. No. 256. Said ordinance also deleted any reference to the Garden Apartment District in this chapter, except as set forth in Ord. No. 255, as it amended Art. VI, R-3 High-Density Residential District, which provides for Garden Apartment use.

The following uses shall be permitted in compliance with the intensity and dimensional standards of §§ 340-31 and 340-32 herein:

- A. Single-family detached dwelling.
- B. Bed-and-breakfast.
- C. Family day-care home.
- D. Accessory uses customarily incidental to the above uses.

§ 340-29. Conditional uses. [Amended 3-1-2005 by Ord. No. 382; 6-14-1996 by Ord. No. 315]

The following uses are permitted only when approved by Borough Council as conditional uses, in compliance with the intensity and dimensional standards in §§ 340-31 and 340-32 herein, and the conditional use standards and criteria in § 340-33 herein.

- A. Class 1 uses:
 - (1) Two or more dwelling units in one building or on one lot, excluding townhouses.
 - (2) Group day-care home, or day-care center.
 - (3) Group home, club, lodge, or residential club.
 - (4) Hotel, inn, or restaurant, not including fast food.
 - (5) Offices, retail shops or personal service shops.
 - (6) Bank or financial institution.
 - (7) Repair shop for electronic equipment and/or small appliances (carry-in).
- B. Class 2 uses:
 - (1) Funeral home.
 - (2) Place of worship, school.
 - (3) Nursing home, personal care facilities, hospital, sanitarium, public residential institution.
 - (4) Borough administrative building, community center, public park or any similar use.
- C. Accessory uses customarily incidental to the uses listed above, including home occupations.

§ 340-30. Prohibited uses. [Amended 10-2-1979 by Ord. No. 183-F; 9-5-1989 by Ord. No. 261; 6-14-1996 by Ord. No. 315; 4-7-1998 by Ord. No. 334]

In support of the legislative intent of this article, the following uses are prohibited:

- A. Outdoor display, sales or storage of materials or equipment, except for garden shops/nursery stock, when placed to the rear or side of buildings.
- B. Manufacturing.
- C. Gas stations of any kind.
- D. Indoor and outdoor places of amusement, such as, but not limited to arcades and miniature golf.
- E. Automobile or other vehicle sales, service, storage, and/or repair agencies for new, used or junk vehicles.
- F. Convenience food stores.
- G. Beverage distributors.
- H. Car washes.
- I. Building supplies; bulk storage.
- J. Warehouses, mini-warehouses.
- K. Adult uses.
- L. Industrial uses. [Added 4-7-1998 by Ord. No. 334]
- M. Fraternity house. [Added 3-1-2005 by Ord. No. 382]
- N. Uses of similar nature to the uses listed in Subsections A through M above. [Amended 3-1-2005 by Ord. No. 382]

§ 340-31. Maximum intensity of development. [Amended 12-6-1983 by Ord. No. 183-H; 6-14-1996 by Ord. No. 315]

All development and use of lots shall be regulated by the following standards:

- A. Residential: requires 5,000 square feet of lot area per dwelling unit.
- B. Bed-and-breakfast, rooming house: requires 5,000 square feet of lot area for the dwelling unit plus 2,500 square feet of lot area per rental room (example: 10,000 square foot lot may contain one dwelling unit plus two rental rooms).
- C. Group home: requires 5,000 square feet of lot area for the residential building plus 2,500 square feet of lot area per client/residential room.
- D. All other individual uses and a mix of nonresidential uses on one lot:
 - (1) Development shall not exceed the maximum building footprint, maximum building coverage, and maximum impervious coverage standards of § 340-32 herein.
 - (2) Development shall comply with the driveway access and parking standards of § 340-33 herein.

- E. Mix of nonresidential and residential uses on one lot:
- (1) Development shall comply with Subsection D(1) and (2), above.
 - (2) Dwelling units are permitted in addition to the nonresidential development at the rate of no more than one per 5,000 square feet of lot area.

§ 340-32. Dimensional standards. [Added 6-14-1996 by Ord. No. 315]

The following standards apply to all uses, subdivision and land development within the VC District.

- A. Minimum lot area: 10,000 square feet (measured from the ultimate right-of-way line).
- B. Minimum lot width at the building line: 60 feet.
- C. Minimum front yard: the minimum depth of front yard shall be equal to the lesser of front yards of the two adjoining lots, or 15 feet, whichever is greater, measured from the ultimate right-of-way.
- D. Minimum side yards: 10 feet each.
- E. Minimum rear yard: 20 feet.
- F. Minimum side or rear yard on a lot within or abutting a residential district: 25 feet.
- G. Corner lots: both street frontages shall have a front yard, and there shall be one side yard, and one rear yard.
- H. Minimum spacing between buildings on the same lot: 20 feet for one story and 30 feet for two story buildings. There shall be no connections between these buildings above the level of a sidewalk or landscaped planter.
- I. Maximum building footprint: 5,000 square feet for Class 1 conditional uses, 10,000 square feet for Class 2 conditional uses.
- J. Maximum building coverage: 20% of the lot area for by-right uses and Class 1 conditional uses, 30% for Class 2 conditional uses.
- K. Maximum impervious coverage (excluding walkways): 35% of the lot area for by-right uses, 65% for Class 1 conditional uses, and 75% for Class 2 conditional uses.
- L. Building height: No building shall exceed 2 1/2 stories or 30 feet in height.
- M. Setback for accessory uses and buildings: no accessory use shall be permitted within the front yard. Setback from side or rear property line shall be five feet.

§ 340-33. Conditional use standards and criteria. [Added 6-14-1996 by Ord. No. 315]

- A. Conditional use application. All conditional use applications shall be filed and processed in compliance with § 340-115, Conditional use requirements, of this chapter.

B. Retention and use of existing principal building:

- (1) The proposed use shall retain and use the existing principal building(s) on the lot, and shall retain the general appearance, character, and types of building materials of the front and side facades of the existing building, existing front and side porches, and window openings.
- (2) Expansion shall be permitted only to the sides and rear of the existing principal building.
 - (a) Expansion to the side shall conform in general appearance, scale, and building materials to the front facade of the existing building, and shall be set back a minimum of 10 feet from the front facade of the existing building.
 - (b) Expansion to the rear shall conform in scale to the existing building;
 - (c) Rooflines shall be similar or complementary to those of the existing building.
- (3) An existing principal building that faces the street shall not be expanded toward the street, except to permit an open front porch consistent with the architectural of the building. An existing principal building located behind a principal building that faces the street may be expanded toward the street.
- (4) The applicant shall submit architectural drawings for evaluation of the proposed principal building expansion, including building elevations and colored renderings. Borough Council may approve expansion different from the existing building, provided that it complements the existing building, conforms to the character of the village, and does not detract from the intent of this Code to preserve the village appearance.
- (5) Existing, healthy, mature trees shall be preserved in the front and side yards unless they must be removed to provide vehicular access appropriate for the proposed use.

C. Removal of existing principal buildings.

- (1) An applicant shall not remove an existing principal building unless Borough Council is satisfied that the building is not suitable for the proposed use according to the following criteria:
 - (a) Building is structurally unsound.
 - (b) Building cannot reasonably be modified to accommodate access for handicapped individuals.
 - (c) Interior spaces are too small to be converted to be suitable for the proposed use.
- (2) An applicant shall not remove an existing principal building until Borough Council has approved a land development plan for conditional use of the property from which the applicant would remove the building.

- (a) The location of the building proposed for removal shall not be used for parking, but shall be used for a new building or landscaping.
 - (b) Where adjoining properties are combined for use, or share vehicular access, the location of a removed building may be used for the vehicular access.
 - (c) Replacement buildings shall be similar in general appearance, size, scale, bulk and building materials to the removed principal building. The applicant shall submit architectural drawings for evaluation of the proposed building, including building elevations and colored renderings. Borough Council may approve a replacement building different from the removed principal building, provided that it conforms to the character of the village and does not detract from the intent of this Code to preserve the village appearance.
- (3) Documented historic principal buildings shall not be removed and any expansion shall be consistent with or complementary of the historic architecture.
- D. New principal buildings: New principal buildings may be constructed on vacant properties or to the rear of existing principal buildings, provided that they shall be similar in size, scale, general appearance, and building materials to one or more buildings on adjoining lots, or to an existing historic building. The applicant shall submit architectural drawings for evaluation of the proposed principal buildings, including building elevations and colored renderings. Borough Council may approve a new building different from surrounding buildings, provided that it conforms to the character of the village and does not detract from the intent of this Code to preserve the village appearance.
- E. Shared access and parking. Conditional uses shall provide shared access, access easements, and driveway interconnections with adjoining lots when required by Borough Council, in compliance with § 340-34 herein.
- (1) Access easements and maintenance agreements or other suitable legal mechanisms shall be provided, acceptable to the Borough Council in consultation with the Borough Solicitor.
 - (2) Liability safeguards for all property owners and lessees served by the shared access shall be guaranteed to the satisfaction of the Borough Council in consultation with the Borough Solicitor.
 - (3) When it is not yet appropriate to construct driveway interconnections, potential interconnections shall be shown on the applicant's plans.

§ 340-34. Vehicular access; parking and sidewalks. [Added 6-14-1996 by Ord. No. 315]

A. Vehicular access.

- (1) Traffic volume. Generators of large volumes of vehicular traffic or frequent customer turnover (especially during peak traffic periods of adjacent streets) shall not be permitted. Use of individual lots shall be limited to those that require low-volume or minimum-use driveways, according to PennDOT standards. Projected traffic generation data shall be provided by the applicant for conditional

uses, for evaluation by the Borough Engineer. A low-volume driveway has less than 750 vehicle trips per day; a minimum-use driveway has less than 25 vehicular trips per day.

- (2) Number of curb cuts. Each lot shall have not more than one curb cut per street frontage for a two-way driveway for vehicular access. If sufficient room is not available for one two-way driveway, Borough Council may approve two curb cuts for two one-way driveways, subject to approval by PennDOT.
- (3) Shared access. Applicants should seek agreements for shared vehicular access as the preferred means of reducing the total number of curb cuts within the district, for traffic safety and congestion reasons.
 - (a) When two or more abutting lots share an access driveway, that driveway should be designed as the main access to those lots, and one or more existing access driveways should then be closed.
 - (b) Where development of three or more adjoining parcels consolidates vehicular access into one shared driveway, that driveway may be upgraded into a medium volume driveway according to PennDOT standards.
 - (c) Shared access may be located entirely on one lot or be split among a common lot line.
 - (d) Access easements and maintenance agreements or other suitable legal mechanisms shall be provided, acceptable to the Borough Council in consultation with the Borough Solicitor.
 - (e) Liability safeguards for all property owners and lessees served by the shared access shall be guaranteed to the satisfaction of the Borough Council in consultation with the Borough Solicitor.
- (4) Driveway setbacks from intersections.
 - (a) On individual lots, driveways shall be located as far from street intersections as feasible.
 - (b) Where two or more lots share an access driveway, it shall be located as far from street intersections as feasible, preferably not on the corner lot.
- (5) Driveway widths and grades are regulated by § 295-10D(5) of Chapter 295, Subdivision and Land Development.

B. Parking regulations:

- (1) Parking capacity shall comply with the standards of Article X, Off-Street Parking and Loading, including the reserve parking standards.
- (2) Shared parking is encouraged and may be located along or across a common lot line. The required aggregate parking capacity may be reduced by Borough Council, at its discretion, where shared parking allows greater efficiency for the uses proposed, subject to review and recommendation by the Borough Engineer.

Changes in use shall require reevaluation by Borough Council. The requirements of § 340-33E must be strictly met.

- (3) Parking in the front yard shall be partially screened by dense landscaping or a decorative masonry wall that completely blocks the view to a height of three feet above the parking lot, and partially screens the view above three feet, but does not block sight distance at the driveway entrance.
- (4) Parking setbacks.
 - (a) Parking spaces and driveways serving the spaces shall be set back a minimum of five feet from rear and side property lines abutting nonresidential uses within the VC District unless parking is shared with an abutting lot, in which case parking may abut or cross the property lines shared by the common users. Where landscaped buffers or screens are required along lot lines, the parking and driveways shall be setback a sufficient distance to accommodate the buffer or screen.
 - (b) Parking spaces and driveways serving the spaces shall be set back a minimum of 10 feet from rear and side property lines abutting residential uses within the VC District. Where landscaped buffers or screens are required along lot lines, the parking and driveways shall be set back a sufficient distance to accommodate the buffer or screen.
 - (c) Parking spaces and driveways shall be set back a minimum of 20 feet from the boundary line of a property located in a residential district.
 - (d) Parking spaces shall be setback a minimum of 10 feet from all buildings.
- C. Sidewalks. Sidewalks shall provide access from the street to the building(s). When required by Borough Council, sidewalks shall provide access from parking lots to the building(s).

§ 340-35. Landscaping and buffer requirements. [Added 6-14-1996 by Ord. No. 315]

- A. Landscaping. All areas of a lot not covered by building and/or impervious paving materials shall be maintained as landscaped areas containing trees, shrubs and ground cover materials, which may include lawn areas.
- B. Buffer planting. A landscaped buffer, containing trees, shrubs and/or hedge planting to provide partial visual screening, shall be installed and maintained between parking lots and side and rear property lines, as follows:
 - (1) Along side or rear property lines within the VC District, the buffer shall be a minimum width equal to the parking setback from the property line.
 - (2) Along side or rear property lines abutting a residential district, the buffer shall contain trees, shrubs, and/or hedge planting to provide a complete visual screen, a minimum of 15 feet in width.

- (3) Buffer planting is not required along those segments of lot lines where shared access and/or shared parking are located.

§ 340-36. Other development regulations. [Added 6-14-1996 by Ord. No. 315]

- A. Public utilities. All new development shall be required to connect to public sewer and water, and provide the necessary infrastructure to do so. [Amended 3-6-2007 by Ord. No. 394]
- B. Utility lines. All utility lines (electrical, telephone, etc.) shall be placed underground whenever feasible for new development or expansion of existing development.
- C. Signs. All signs in the VC District shall comply with Article XI of this Code. All signs to be constructed with respect to the subject property in use shall be approved by the Borough Council and shall be architecturally in conformance with and compatible with the Main Street village characteristic of the Borough of Trappe.
- D. Lighting facilities:
 - (1) Lighting facilities shall not produce unreasonable amounts of light, or any glare, or hazardous interference on abutting properties or highway.
 - (2) Glare control shall be accomplished primarily through the selection and application of lighting equipment. Only after these means have been exhausted shall vegetation, fences, and similar screening methods be considered acceptable for reducing glare.
 - (3) All lighting shall be directed away from residential properties.
 - (4) Light fixtures shall not be located higher than 12 feet above grade.
 - (5) Light fixtures higher than three feet above grade shall be shielded to direct light downward and not permit the light source to be seen off the premises.
 - (6) Light fixtures shall not be located within parking lots unless they are installed within a raised, barrier island, a minimum of five feet wide.
- E. Trash and refuse areas. Trash and refuse shall be stored inside the building or within an opaque screened area which shall be at least six feet high as needed to screen the trash. This screened area shall be put in the rear or side yard.
- F. Service areas. Loading and unloading areas shall be provided which do not conflict with pedestrian or vehicular movement.

ARTICLE VIII
CC Community Commercial District

§ 340-37. Intent. [Amended 4-4-1989 by Ord. No. 258]

The purpose of establishing planned community commercial districts shall be to encourage the logical and timely development of land for commercial purposes in accordance with the objectives, policies and proposals of the comprehensive plan; to discourage any use which would interfere with the use of the district as a shopping and service center for surrounding residential area; and to assure suitable design to protect residential environmental of adjacent and nearby neighborhoods. It is further hereby declared to be the intent of this district to provide the shopping service center with a minimum of traffic congestion, overcrowding of land, noise, glare, pollution, so as to lessen the danger to the public safety. The protective standards contained in this article are intended to minimize any adverse effect of the shopping center on nearby property values and to provide for safe and efficient use of the shopping center itself. Submission of a market analysis is intended in order to establish evidence of a need for a change in the comprehensive zoning plan for the municipality and to substantiate a finding that such a change will promote the general welfare of the municipality. The location of a shopping center shall as much as possible be in relation to the Comprehensive Plan of the municipality.

§ 340-38. Use regulations. [Amended 3-1-1988 by Ord. No. 250; 4-4-1989 by Ord. No. 258]

In a CC Community Commercial District, a building or combination of buildings may be erected or used, and a lot area may be used or occupied for any of the following purposes and no other:

A. Permitted uses.

- (1) Retail store, including retail outlet or show room for uses permitted in Subsection C hereof, including automobile sales agency, gas station (excluding self-service), provided that no goods shall be displayed on the exterior of any building or on that lot, and provided that only incidental storage, including floor samples, shall be permitted.
- (2) Restaurant.
- (3) The following personal service shops, dealing directly with customers: beauty parlor, barber shop, clothes cleaning including a dry-cleaning plant, but not including a cleaning and dyeing plant, automatic self-service laundry, dressmaking, millinery or similar shop provided all repair or processing work is conducted in accordance with Subsection B below.
- (4) Theater, not including outdoor motion picture establishment, assembly hall or community building, indoor recreational establishment or library, child day-care center.

- (5) Bakery, confectionery or custom shop for the production of articles to be sold at retail on the premises, provided that all baking or processing is conducted in accordance with Subsection B below.
 - (6) Bank and other financial institutions including automatic teller machines, drive-in windows and walk-up windows.
 - (7) Passenger bus station, electric substation, telephone and telegraph offices.
- B. The following uses, provided that if such uses are located on the ground floor, they shall not be located within 25 feet of the front of the building, and such uses, provided that they shall be effectively screened from the front portion of the building by a wall or partition:
- (1) Upholstering.
 - (2) Carpentry or woodworking.
 - (3) Electrical, radio, television repair.
 - (4) Hand laundering, dry cleaning or pressing, provided inflammable fluids are used.
 - (5) Tailoring, dressmaking or repair.
 - (6) Millinery repair.
 - (7) Baking, confectionery making or similar processing.
- C. Accessory use customarily incidental to any of the above uses.
- D. Any use of the same general character as any of the above permitted uses, provided that no trade or business shall be permitted which is either noxious or hazardous.
- E. Signs when erected and maintained in accordance with Article XI of this chapter.
- F. No area shall be zoned for CC District use if there exists in the area sought to be zoned, any residential, industrial or other use which would be nonconforming under the terms of this section. The governing body may zone the area CC District, however, if the developer guarantees the removal or discontinuance of the nonconforming use.
- G. If the development of the center is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this chapter shall be fully complied with at the completion of any stage. The initial stage of development shall comprise either a total ground floor area of not less than 40,000 square feet or at least five of the permitted uses.

§ 340-39. Special procedural requirements. [Amended 4-4-1989 by Ord. No. 258]

- A. The application for a permit to develop an area for any permitted use shall be accompanied by a plan for the proposed use of the tract or entire district. Such plan shall be subject to review by the Planning Commission and shall comply with the requirements of this section and Chapter 295, Subdivision and Land Development.

- B. The request for permit shall be accompanied by the following information:
- (1) A plan for the integrated development of the total area to be developed which shall be drawn to scale and shall include, among other things:
 - (a) The location, boundaries, dimensions and ownership of the land to be included in the area for which application is made.
 - (b) The location, dimensions, arrangements and proposed use of all buildings and open spaces, yards, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrianways, buffer area and screening devices.
 - (2) A description of the provisions made for sewage and waste disposal, water supply and stormwater drainage.
 - (3) Sufficient data, in all instances, to enable the Planning Commission to judge the effectiveness of the design and the character of the proposed structure of use, its compliance with the requirements of this article, and to consider properly such areas as anticipated traffic, public health, safety and welfare.

§ 340-40. Special design requirements. [Amended 4-4-1989 by Ord. No. 258]

- A. Each building shall be designed so as to harmonize with the character of the development in the surrounding areas. In the case of Trappe Borough, the design of any proposed structure shall be compatible with this setting.
- B. Each permitted use, other than a parking lot, off-street loading facility or public utility shall be conducted within a completely enclosed building.
- C. Along each side or rear property line which directly abuts a residential district boundary line, a buffer area not less than 15 feet in width shall be provided on which shall be placed hedge, evergreens or other suitable plantings sufficient to constitute an effective screen.
- D. No storage of merchandise, articles or equipment shall be permitted outside a building.
- E. If there is more than one building or use on a single lot:
 - (1) The proposed development shall be designed as, or as part of, a single architectural and landscaping scheme;
 - (2) The group of buildings as a whole shall comply with the area and yard regulations of the district; and
 - (3) The distance at the closest point between any two buildings or groups of buildings shall not be less than 12 feet.
- F. Each use also shall comply with the provisions of Articles X and XI relating to off-street parking and loading and permitted signs and to the other applicable general regulations of this chapter.

§ 340-41. Development requirements. [Amended 4-4-1989 by Ord. No. 258]

The general plan for a shopping center shall include evidence and facts showing that the developer has considered and made provision for, and the development shall be executed in accordance with the following essential conditions:

- A. The development shall consist of a harmonious selection of uses and groupings of buildings, service and parking areas, circulation and open spaces, planned and designed as an integrated unit, in such manner as to constitute a safe, efficient and convenient retail shopping center.
- B. The proposed development shall be constructed in accordance with an overall plan and shall be designed as a single architectural unit with appropriate landscaping.
- C. The total area shall not be less than 10 acres.
- D. All buildings shall be arranged in a group or groups.
- E. No more than 20% of the lot area shall be occupied by buildings.
- F. The distance at the closest point between any two buildings or groups or units of attached buildings shall be not less than 12 feet.
- G. The maximum height of any building or other structure may be increased to maximum of 65 feet when approved by the governing body, provided that for every foot of height in excess of 40 feet, there shall be added to each yard requirement one corresponding foot of width of depth.
- H. Adequate areas shall be provided for loading and unloading of delivery trucks and other vehicles, servicing of shops by refuse collection, fuel, fire and other service vehicles; automobile accessways; and pedestrian walks. All area provided for use by vehicles and all pedestrian walks shall be constructed in accordance with the municipality's specifications. Service areas shall be screened from view of any abutting roadway and from within the parking area in accordance with this section.
- I. Provisions shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center without undue congestion to or interference with normal traffic flow. All points of vehicular access to and from public streets shall be located not less than 140 feet from the intersection of any public street lines. The Planning Commission shall satisfy itself as to the adequacy of the thoroughfares to carry the additional traffic engendered by the district.
- J. No building may be located closer than 35 feet to the ultimate right-of-way of any public street, no closer than 50 feet of a side or rear property line adjacent to an agricultural or residential district, or within 25 feet of any property line.
- K. No parking access and service area may be located closer than 25 feet of a side or rear property line adjacent to any agricultural or residential district.
- L. Not less than three square feet of automobile parking space with suitable access shall be provided for each square foot of gross floor area devoted to patron use. Notwithstanding anything to the contrary contained in this chapter, as amended, this Subsection L shall

constitute the sole and controlling regulation of parking spaces in a CC Community Commercial District located in the Borough of Trappe.

- (1) For purposes of this Subsection L, a "parking space" shall be defined as "a reasonably level space, available for the parking of one motor vehicle, not less than nine feet wide and having an area of not less than 162 square feet exclusive of passageways, driveways or other means of circulation or access."
 - (2) Not less than four spaces shall be provided for every 1,000 square feet of gross leasable area devoted to all uses permitted under § 340-38A(1), and (3) to (7). Not less than 10 spaces shall be provided for every 1,000 square feet of gross leasable area for the uses permitted under § 340-38A(2).
- M. Parking, loading or service areas used by motor vehicles shall be located entirely within the lot lines of the shopping center and shall be physically separated from public streets.
- N. Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties from unreasonable direct glare or hazardous interference of any kind.
- O. The CC District shall be permanently screened from adjoining and contiguous residential districts and service areas shall be screened from view from any abutting roadway, by a wall, fence, evergreen hedge, and/or other suitable enclosure of a minimum height of five feet and a maximum height of seven feet, placed at least 10 feet inside the CC District property line. However, along each side or rear property line which directly abuts and residential boundary line, a buffer area of not less than 15 feet in width shall be provided and which shall be placed a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of five feet and a maximum height of seven feet to constitute an effective screen. The area between such enclosure and the property line shall be landscaped to form a permanent screening area. The Planning Commission may waive the requirement for a screening enclosure and/or screening area if equivalent screening is provided by earthen berms, existing parks, parkways, recreational area or by topography or other natural conditions.
- P. A landscaped screen planting area shall be provided along street frontage occupied by a CC District at least 25 feet in depth and must be located between the property line and a line parallel to and 25 feet inside the CC District property line.
- Q. No shopping center permitted in a CC District shall be erected or used that is not adequately served with both sanitary sewers and public water unless authorized as a special exception and upon submission of satisfactory evidence to the fact that sanitary sewers and public sewer supply are not feasible in the particular location in question. Such evidence may include, but shall not be limited to, a specified recommendation from the municipal engineer, local Health Officer, official representative of the State Health Department and/or the municipal Sewer Authority.
- R. For the purpose of calculating the minimum lot dimension and yard requirements established by this section, a single planned shopping center district cannot lie on two sides of a public street or alley. Any area designated as being a CC District and lying on both sides of a public street shall be deemed to be CC Districts, and all minimum

requirements shall be met by buildings on each side of said public street as separated districts.

- S. The governing body may prescribe particular requirements or any further reasonable conditions deemed appropriate with respect to the suitability of the shopping center in the CC District.
- T. Public utilities. All new development shall be required to connect to public sewer and water, and provide the necessary infrastructure to do so. [Added 3-6-2007 by Ord. No. 394]
- U. No single use structure shall exceed a total of 50,000 square feet. [Added 3-6-2007 by Ord. No. 394]
- V. The total square footage of any site with more than one use shall not exceed a total of 100,000 square feet. [Added 3-6-2007 by Ord. No. 394]

§ 340-42. Application and review by Planning Commission. [Amended 10-2-1979 by Ord. No. 183-F; 4-4-1989 by Ord. No. 258]

- A. Preliminary plans for any CC District use shall be submitted to the municipal Planning Commission prior to the issuance of any building permit as provided in Article XII. If, however, portions of the project are to be completed in successive stages, a less detailed sketch or layout of the area not scheduled for immediate development will suffice initially, provided that as further development occurs, a plan showing all of the required detail shall then be submitted prior to the construction of any portion. Information to be shown on all shopping center plans or on attached reports shall include:
 - (1) A plot plan of the lot showing the location of all present and proposed buildings, sidewalks and other areas to be devoted to pedestrian use, drives, parking lots, loading and unloading areas and other construction features on the lot; and all buildings, streets, streams and other topographical features of the lot and within 200 feet of any lot line.
 - (2) Architectural plans for any proposed buildings.
 - (3) The location, size in square feet, dimensions and arrangements of areas and buildings devoted to any purpose.
 - (4) A description of the commercial uses proposed, including approximate number of employees, and an indication of the number of customers in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire hazards or safety hazards.
 - (5) Engineering and architectural plans for the treatment and disposal of sewage, including the general drainage system.
 - (6) The stages which will be followed in the construction of the planned shopping center.

- (7) A market analysis suitable for the size center proposed, showing the desirability of a shopping center in the location requested. For these purposes, the market analysis shall contain, but not necessarily be limited to, the following determinations:
 - (a) The trade areas of the proposed shopping center.
 - (b) The trade area population, present and future.
 - (c) Effective buying power in the trade area.
 - (d) Net potential customer buying power for stores in the proposed shopping center.
- B. The Planning Commission shall review all preliminary plans for CC District uses submitted to them and shall submit these plans, with recommendations thereon to the governing body for approval.
- C. Upon receipt of preliminary plans for any CC use and recommendations thereon by the Planning Commission, the governing body shall have the power of approval or disapproval of these plans and the rezoning of the area desired for CC District use.
- D. Upon approval of the zoning change and the adoption and approval of the preliminary plan, the developer shall submit, within not more than one calendar year, unless otherwise extended by the governing body, a final development plan to the Planning Commission for its review and recommendations. The Planning Commission may require the final development plan be submitted separately for the first and each successive stage.
- E. The Planning Commission shall determine that each stage, or all of the final development plan, conforms to the intent of the preliminary plan on which the zoning change was made. The Commission, having reviewed the final development plan for any or all stages of the development and finding that it is in compliance with the intent of the preliminary plan, shall present its recommendations to the governing body.
- F. Upon approval of the final plan, construction shall begin in accordance with the approved plan within the year from final approval, unless otherwise extended by the governing body. If the center is to be developed in stages, the initial development must be completed within two years after the final development plan has been approved, unless otherwise extended by the governing body. In the event that construction is not started within the specified time, the Planning Commission shall review the zoning and the progress which has taken place, and if deemed necessary, recommended to the governing body, the reclassification of the property in a manner consistent with the comprehensive plan of the municipality.
- G. In the event that initial development has not been completed within the specified time limit, and the property has been rezoned as from CC District to another classification and the shopping center has been partially constructed, such partial construction shall not be considered a nonconforming use as defined in this chapter.

- H. A final development plan prepared for each succeeding stage shall also be reviewed by the Commission and recommendations made to the proper authorities before a building permit is issued for that stage.
- I. The final development plan, drawn to scale and with controlling dimensions, shall contain all the necessary information and be accompanied by the surrounding data as required by this article.
- J. After the final development plan has been approved and when in course of carrying out this plan, adjustment or rearrangements of buildings, parking areas, entrances, heights or yards are requested by the developer and such requests conform to the standards established by the approved development plan for area to be covered by building spaces, entrances, height, setback and lot area requirements, such adjustment may be approved by the Zoning Hearing Board, upon application, without fee, and after receiving the recommendations of the municipal Planning Commission.

ARTICLE IX

LI Limited Industrial Districts

§ 340-43. Use regulations.

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings for the following uses and no other:

- A. Any individual use not specifically excluded, which meets the provisions of §§ 340-44 to 340-54, inclusive, of this article.
- B. Agriculture.
- C. Dwelling quarters for watchmen and caretakers employed on the premises shall be permitted in connection with any industrial establishments.
- D. The following shall not be permitted:

Abattoir

Acetylene gas manufacture and/or storage

Acid manufacture (hydrochloric, nitric, picric, sulphuric, sulphurous, carbolic)

Ammonia, bleaching powder or chlorine manufacture

Ammunition manufacture and/or storage

Arsenal

Asphalt manufacture or refining

Blast furnace

Bone distillation

Celluloid manufacture

Cement, lime, gypsum or plaster of paris manufacture

Coal distillation

Coke ovens
 Creosote treatment or manufacture
 Dead animal and offal reduction
 Distillation of bones, coal, petroleum, refuse, grain or wood (except in the
 manufacture of gas)
 Distillation of tar
 Explosives, fireworks and gunpowder manufacture or storage
 Fat rendering
 Fertilizer manufacture
 Forge plant
 Hog farm
 Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats,
 garbage, dead animal or offal
 Oilcloth or linoleum manufacture
 Ore reduction
 Petroleum or kerosene refining, distillation or derivation of by-products and/or storage
 Potash works
 Power forge (riveting, hammering, punching, chipping, drawing, rolling or tumbling of
 iron, steel, brass or copper, except as a necessary incident of manufacture of which
 these processes form a minor part, and which are carried on without objectionable
 noise outside the plant)
 Rolling mill
 Steel furnace, blooming or rolling mill
 Stock yards
 Tar distillation or manufacture

§ 340-44. Smoke control.

- A. No smoke shall be emitted from any chimney or other source a visible grey greater than No. 1 on the Ringelmann Smoke Chart as published by the U.S. Bureau of Mines.
- B. Smoke of a shade not darker than No. 2 on the Ringelmann Chart may be emitted for not more than four minutes in any 30 minutes.
- C. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color, but with an equivalent apparent opacity.

§ 340-45. Control of dust and dirt, fly ash and fumes, vapors and gases.

- A. No emission shall be made which can cause any damage to health, or to animals or vegetation or other forms of property, or which can cause any excessive soiling at any point.

- B. No emission of liquid or solid particles from any chimney or otherwise shall exceed 0.3 grains per cubic foot of the covering gas at any point.
- C. For measurement of the amount of particles of gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air.

§ 340-46. Control of noise.

At no point on the boundary of a residence or business district shall the sound pressure level of any operation exceed the described levels in the designated octave bands shown below for the districts indicated:

Octave Band in Cycles per Second	Sound Levels	
	Along Residential District Boundaries-Maximum Permitted Sound Level in Decibels	At Any Other Point on the Lot Boundary-Maximum Permitted Sound Level in Decibels
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	62	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

§ 340-47. Control of odors.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at lot boundary line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system shall fail. There is hereby established as a guide in determining such quantities of offensive odors, Table 111 (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual," copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C.

§ 340-48. Control of glare or heat.

Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.

§ 340-49. Control of vibration.

No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

§ 340-50. Control of radioactivity or electrical disturbances.

There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbances.

§ 340-51. Outdoor storage and waste disposal.

- A. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless such storage shall be approved by the Pennsylvania Department of Labor and Industry or other state agency having jurisdiction; provided, however, that tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
- B. All outdoor storage facilities for fuel, raw materials and products and all fuel and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties.
- C. No materials or wastes shall be deposited upon a lot in such form or manner that may be transmitted off the lot by natural causes or forces.
- D. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

§ 340-52. Electric, diesel, gas or other power.

Every use requiring power shall be operated that the service lines, substation, etc. shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, shall be so constructed, installed, etc., to be an integral part of the architectural features of the plant, or if visible from abutting residential properties, shall be concealed by coniferous planting.

§ 340-53. Industrial waste or sewage.

No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste treatment and disposal except as shall be approved by Sanitary Engineers or other qualified persons employed by the Borough at the expense of the owner of the premises.⁵

5. Editor's Note: Original § 1011, Public utilities, amended 3-6-2007 by Ord. No. 394, which immediately followed this subsection, was repealed 6-5-2007 by Ord. No. 397.

§ 340-54. Area, width and yard regulations.

- A. Lot area and width. No LI Limited Industrial District shall be less than 10 acres and no individual lot will be less than two acres with a minimum width of 200 feet at the building line.
- B. Front yard. The required minimum front yard shall be 50 feet in depth measured from the ultimate right-of-way line.
- C. Side yards. There shall be two side yards each of which shall not be less than 30 feet in width, subject to exception hereinafter set forth in § 340-55.
- D. Rear yards. The required minimum depth of a rear yard shall be 40 feet, subject to exception hereinafter set forth in § 340-55.

§ 340-55. Exceptions for side and rear yards.

In no case shall any building or structure be erected closer than 100 feet to any residence district nor any parking area closer than 50 feet to any residence district. The first 50 feet from the property line shall be devoted to buffer areas to be maintained as green areas covered by well-maintained lawns, evergreens and suitable tree and shrub plantings.

§ 340-56. Height restrictions.

The maximum height of any building or structure erected or enlarged in this district shall be 35 feet, except that the height of any such other building or structure may be increased to a maximum of 65 feet or such increased height as may be warranted when approved by the Zoning Hearing Board for such structures as water towers, chimneys, stacks, radio antennas and transmission towers, provided that for every foot of height in excess of 35 feet, there shall be added to each yard requirement one corresponding foot.

§ 340-57. Floor area ratio.

The total floor area of principal and accessory buildings shall not exceed 40% of the lot area.

§ 340-58. Application and review by Planning Commission; approval or disapproval by Borough Council. [Amended 10-2-1979 by Ord. No. 183-F; 9-5-1989 by Ord. No. 261]

- A. Plans for any LI Limited Industrial use shall be submitted to the Planning Commission of the Borough, if there be one in active operation at the time of the application, if not, to the Borough Council, prior to the issuance of any building permit or certificate of occupancy as provided in Article XVI, and such plans shall include the following:
 - (1) A plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots, waste disposal fields and other constructional features on the lot; and all buildings, streets, alleys, highways, streams and other topographical features of the lot and within 200 feet of any lot line.

- (2) Architectural plans for any proposed buildings.
 - (3) A description of the industrial operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire hazards or safety hazards.
 - (4) Engineering and architectural plans for the treatment and disposal of sewage and industrial waste.
 - (5) Designation of the fuel proposed to be used and any necessary architectural and engineering plans for controlling smoke.
 - (6) Any other pertinent data or evidence that the Planning Commission or Borough Council may require.
- B. The Planning Commission, if there be one in active operation at the time of the application, shall review all plans for LI Limited Industrial uses submitted to them, and shall submit these plans, with their recommendation thereon, to the Borough Council for final approval or disapproval.
- C. Upon receipt of plans for any LI Limited Industrial use and recommendations thereon by the Planning Commission, or upon receipt of plans if application be made directly to the Borough Council, the Borough Council shall have the power of approval or disapproval of these plans. The secretary of the Borough Council shall notify, in writing, the Zoning Officer of their final decision and any special conditions agreed upon regarding any LI Limited Industrial use.
- D. Additionally, the applicant shall comply with all the requirements for a conditional use as set forth under Article XVI of this chapter.

ARTICLE X

Off-Street Parking and Loading

§ 340-59. Required off-street parking facilities.

Any building or other structure erected, altered or used, and any lot used or occupied, for any of the following purposes shall be provided with minimum off-street parking spaces as set forth below, together with adequate passageways or driveways or other means of circulation and access to and from a street or way:

- A. Dwelling: two all-weather parking spaces per family on the same lot therewith.
- B. Rooming house: one all-weather parking space for each room rented, on the same lot therewith or on land adjacent thereto.
- C. For any of the following uses, the required parking spaces shall be all-weather and shall be located on the same lot therewith or on land adjacent thereto.
 - (1) Church, school, public auditorium, assembly or meeting room or any similar place of public or private assembly: One space for every five seats provided for public assembly.

- (2) Stadium or other similar place of assembly: one parking space for every five seats.
- (3) Hospital, convalescent home or sanitarium: one parking space for every four beds.
- (4) Community center, library, museum or other similar place: one parking space for every five seats.
- (5) Institutional home: one parking space for every 10 occupants.
- (6) Residential club: one parking space for every two occupants.
- (7) Retail store or shop: one parking space for every 100 square feet of store sales floor space.
- (8) Department store or supermarket: one parking space for every 50 square feet of store sales floor space.
- (9) Indoor theater: one parking space for every five seats.
- (10) Office building: one parking space for every 200 square feet of ground floor plus one parking space for every 400 square feet of floor above ground floor.
- (11) Hotel, motel, tourist home, automobile court: one parking space for each rental unit.
- (12) Restaurant, cafe or tea room: one parking space for every 50 square feet of floor space devoted to patron use.
- (13) Laboratory or any industrial establishment: one parking space for every two employees.
- (14) Other commercial buildings: one parking space for every 1,000 square feet of floor area, or fraction thereof.
- (15) Open areas used for commercial purposes: one parking space for every 1,500 square feet of area, or fraction thereof.

§ 340-60. Reduction of requirements by special exception.

The parking spaces required in § 340-59 may be located elsewhere than on the same lot when authorized as a special exception, subject to the following conditions:

- A. That some portion of the common off-street parking area lies within 200 feet of an entrance, regularly used by patrons, into the building served thereby.

§ 340-61. Design requirements for industrial and commercial parking lots. [Amended 12-7-1993 by Ord. No. 296]

All parking lots in industrial and commercial districts shall be operated and maintained in accordance with all of the following conditions:

- A. They shall not be used for the sale, repair or dismantling of any vehicles, equipment, materials or supplies.
- B. They shall be properly graded for drainage, constructed in accordance with the provisions of Chapter 295, Subdivision and Land Development, and they shall be maintained in good condition, free of weeds, dust, trash or debris.
- C. They shall be provided with entrances and exits so located as to minimize traffic congestion and the effect of headlight glare.
- D. They shall be provided with wheel or bumper guards so located and arranged that no part of any parked vehicles will extend beyond the boundaries of the lot upon which the parking lot is located.
- E. Lighting facilities shall be so arranged that they neither unreasonably or unnecessarily disturb occupants of adjacent residential properties, nor interfere with traffic, by either location or glare.
- F. A ten-foot planting strip shall be provided along each property line which is opposite or adjacent to a residential district, on which shall be planted hedge, evergreens or other suitable shrubbery so arranged as to minimize noise, glare and dust from all parking facilities.

§ 340-62. Reduction of facilities.

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

§ 340-63. Required off-street loading and unloading facilities.

In addition to required off-street parking spaces, the foregoing uses shall be provided with adequate off-street loading and unloading spaces.⁶

§ 340-64. Street, driveway and parking space construction specifications. [Added 12-7-1993 by Ord. No. 296]

Streets, driveways and parking spaces shall be constructed in accordance with the provisions of Chapter 295, Subdivision and Land Development.

§ 340-65. Reserved parking for nonresidential use. [Added 2-4-1997 by Ord. No. 321]

- A. For any nonresidential use, up to 25% of the required parking may be held in reserve if the applicant proves to the satisfaction of Borough Council, that the additional parking

6. Editor's Note: Former § 1105, Size of parking spaces, added 12-1-1992 by Ord. No. 282, which immediately followed this section, was repealed 9-2-2008 by Ord. No. 405.

will not be needed. Regardless of the number of spaces actually developed, a parking area to accommodate the aggregate number of parking spaces normally required shall be fully designed, and the area which proposed to be eliminated shall be shown on the land development plan as "parking reserve area." The parking reserve area shall be planted with vegetative cover and integrated into the site's landscaping plan.

- B. The Borough shall enter into an agreement with the developer to provide for a thirty-month evaluation. Upon the completion of the project, during this time, the Borough may determine that to install the parking reserve area.

ARTICLE XI

Signs

§ 340-66. Purpose. [Amended 12-1-1992 by Ord. No. 281]

It is recognized that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of interest to the public. It is hereby found and declared, however, that control of signs is necessary to promote the health, safety and general welfare by:

- A. Lessening hazards to pedestrian and vehicular traffic.
- B. Preserving property values.
- C. Preventing unsightly and detrimental development which has a blighting influence upon residential, business and industrial areas.
- D. Preventing signs from reaching such excessive size that they obscure one another to the detriment of all concerned.
- E. Securing certain fundamentals of design for the Borough.

§ 340-67. Definitions. [Amended 12-1-1992 by Ord. No. 281]

- A. Sign. A structure, building, wall or other outdoor surface, or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, or to display, identify and publicize the name and product or services of any person, exclusive of supporting members that bear no message.
- B. Sign area.
 - (1) The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols, together with the background on which they are displayed (whether such background is open or enclosed), but excluding any supporting framework and bracing which are solely incidental to the display itself provided the same do not contain any lettering, wording, or symbols.
 - (2) Where the sign consists of individual letters, designs or symbols attached to a building, awning, wall or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs and symbols.

- (3) Where a sign consists of an identical double-face, only one side shall be considered in the calculation of area, but if the interior angle formed by the two faces is greater than 45°, both sides of the sign shall be considered in the calculation of area.
- C. Sign height. The distance from the highest portion of the sign to the mean grade at the base of the sign.
- D. Sign types.

ADVERTISING SIGN — An off-premises sign which advertises or otherwise directs attention to a commodity, business, industry, home occupation or other similar activity which is sold, offered, or conducted elsewhere than on the lot upon which the sign is located.

ANIMATED SIGN — A sign with action or motion, flashing or color changes requiring electrical energy, but not including window displayed monitors or wind-actuated elements such as flags, banners or novelty items.

AWNING SIGN — A sign painted on, printed on, or attached flat against the surface of an awning.

BUSINESS SIGN — An on-premises sign which advertises or otherwise directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted, other than incidentally, on the premises upon which the sign is located, or to which it is affixed.

DIRECTOR SIGN — A sign on which the names and location of the occupants or the use of a building is given, including office building and church directories.

FREESTANDING SIGN — A self-supporting sign resting on, or supported by means of poles or standards, either on the ground or on the roof of a building.

IDENTIFICATION SIGN — A sign whose copy is limited to the name of a building, institution or person and/or to the activity or occupation being identified.

INCIDENTAL SIGN — A directional sign of a public service nature which contains no advertising.

MARQUEE SIGN — Any sign attached to or supported by a marquee structure.

OFF-PREMISES SIGN — A sign structure advertising an establishment, merchandise, service or entertainment, which is sold, produced, manufactured, or furnished at a place other than on the property on which said sign is located; a sign which advertises or otherwise directs attention to an activity not on the same lot where the sign is located; e.g., billboards, outdoor advertising, subdivision directional sign.

ON-PREMISES SIGN — A sign which advertises or otherwise directs attention to an activity on the same lot where the sign is located.

PAINTED WALL SIGN — Any sign which is applied with paint or similar substances on the face of a wall.

PARALLEL WALL SIGN — A sign mounted parallel to a wall or other vertical building surface, but does not extend beyond the edge of any wall, roof line, or other surface to which it is mounted, and does not project more than 10 inches from the surface to which it is mounted.

PROJECTING WALL SIGN — Any sign mounted to a wall or other vertical surface other than a parallel sign, but does not project more than seven feet from the surface to which it is mounted, nor project above the wall, roof line, or surface to which it is mounted, nor in any way interfere with normal pedestrian or vehicular traffic.

REVOLVING SIGN — Any sign which revolves 360°.

ROOF SIGN — A sign erected upon or above a roof or parapet wall of a building, and which is wholly or partially supported by that building.

SNIPE SIGN — A permanent or temporary sign or poster affixed to a tree, fence, utility pole, or upon rocks or natural features.

TEMPORARY SIGN — A sign which advertises community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis. The following types of signs shall be considered temporary signs:

- (1) **Banner sign.** A temporary sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this chapter.
- (2) **Construction sign.** Any sign giving the name or names of principal contractors, subcontractors, architects, and lending institutions responsible for construction on the site where the sign is placed.
- (3) **Development sign.** An on-premises sign on a building or lot which announces the nature, purpose, or name of the prospective building/enterprise.
- (4) **Political sign.** A temporary sign used in connection with a local, county, state or national election or referendum.
- (5) **Portable sign.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- (6) **Real estate sign.** A temporary sign which advertises the sale, lease or rent of the property on which the sign is placed. Open house signs for property shall be considered real estate signs.

- (7) Special event signs. On-premises window signs, banners, or commemorative flags which advertise a grand opening or other special event.
- (8) Street banner sign. Any banner sign which is stretched across and hung over a public right-of-way.
- (9) Subdivision sign. An on-premises or off-premises directional sign advertising to the public the name of the subdivision project and the nature of the project offered.
- (10) Window sign. Any sign affixed to or visible through a window and intended to be viewed from the outside.

§ 340-68. Applicability. [Amended 12-1-1992 by Ord. No. 281]

Any sign erected or maintained after the effective date of this chapter shall conform to the following regulations.

§ 340-69. Administration. [Amended 12-1-1992 by Ord. No. 281]

- A. Sign permits. It shall be unlawful to erect, construct or significantly alter any sign which requires a sign permit without first filing with Trappe Borough an application in writing, in order to obtain a formal permit.
- B. Signs not requiring sign permits.
 - (1) Government signs (i.e., traffic signs, parking signs, etc.).
 - (2) Legal notices.
 - (3) Public monument, plaque, historic identification sign erected by a government agency.
 - (4) Government flag or insignia.
 - (5) Public service and information signs advertising availability of public rest rooms, telephones or similar conveniences, not exceeding three square feet in area.
 - (6) Address signs, not exceeding two square feet.
 - (7) Name plates and identification signs provided that characters do not exceed three inches in height and an area not exceeding two square feet.
 - (8) Vending machine signs, where a product name is an integral component of the vending machine, provided that the machine is not placed in the front yard of a property.
 - (9) Incidental signs, provided that at the aggregate area of incidental signs on a property does not exceed four square feet; incidental sign area in excess of four square feet shall be included in the calculation of a property's permitted sign area.
 - (10) Home security signs, not exceeding one square foot.

- (11) Temporary political signs.
- (12) Real estate signs.
- C. Sign permit review. The Building Inspector shall either approve or deny the application, or refer the application back to the applicant in any instance where insufficient information has been submitted.
- D. Fees. All applications for permits for the erection, construction, or alteration of signs shall, at the time of making application, be paid to the Borough, in accordance with the respective fee schedule adopted by the Borough Council from time to time.⁷

§ 340-70. General regulations. [Amended 12-1-1992 by Ord. No. 281]

In all districts the following sign regulations shall apply:

- A. Prohibited signs. The following types of signs or illumination of signs shall be prohibited in the Borough:
 - (1) Animated signs.
 - (2) Beacon lighting.
 - (3) Flashing, moving or reflective signs.
 - (4) Illuminated temporary signs.
 - (5) Nonstationary signs.
 - (6) Revolving signs.
 - (7) Roof signs.
 - (8) Trailer signs.
 - (9) Vehicular signs.
- B. No sign shall be placed in such a position as to endanger traffic on a street by obscuring a clear view or by confusion with official street signs or signals.
- C. No sign, other than official street signs, street banner signs, or political signs shall be erected or maintained within the ultimate street right-of-way.
- D. No sign shall be erected or maintained so as to prevent free ingress or egress to or from any door, window or fire escape.
- E. Property owners shall assume the cost of relocating any sign within the ultimate right-of-way of a street which is widened.
- F. All signs shall be constructed of durable material and shall be maintained in good condition and repair at all times.

7. Editor's Note: Current Fee Schedule is on file in the Borough offices.

G. Illumination standards.

- (1) Signs may be illuminated, unless otherwise specified herein. Floodlighting of any sign shall be so shielded that the source of the light shall not be visible from any point off the lot on which the sign is erected and so that only the sign is directly illuminated. No more than 1/2 footcandle of light shall be detectable along the boundary of any adjacent property. Illumination of signs shall be subject to the National Electrical Code.
- (2) The source of light must be concealed by translucent covers.

H. Sign location requirements.

- (1) Yard requirements. No portion of any freestanding sign, business sign or advertising sign may be located within the side or rear yard setback or within the required buffer zone when located adjacent to a residential district.
- (2) Public use areas. No freestanding sign can occupy a designated parking area, walkway, cartway, driveway, or area designated for any other use.

I. Removal of signs.

- (1) The Zoning Officer/Building Inspector shall have the authority to require the removal and/or demolition of signs under the following circumstances:
 - (a) When it is determined that the sign has deteriorated to the point of becoming a danger to the public;
 - (b) When a sign is erected without an approved sign permit;
 - (c) When a sign is erected which does not comply with the requirements of this chapter;
 - (d) A nonconforming sign which has not been removed or brought into conformity under the provisions of § 340-72.
 - (e) A political sign that has been posted on a property without the consent of the property owner. **[Added 7-7-2009 by Ord. No. 411]**
- (2) With the exception noted in below Subsection I(2)(a), in all of the above circumstances, the removal procedure shall be initiated by a letter to the owner or the lessee by the Zoning Officer requiring the removal of such sign within 30 days. **[Amended 7-7-2009 by Ord. No. 411]**
 - (a) The Zoning Officer may remove political signs that have been posted on a property without the consent of the property owner(s), provided the property owner(s) authorizes said action.
- (3) Owner or lessee's removal responsibility for each circumstance:
 - (a) Deteriorated/hazardous sign: rehabilitation/repair sign within 30 days.
 - (b) No sign permit: obtain permit within 30 days.

- (c) Prohibited sign or nonconforming sign required to be brought into conformity: made to conform to ordinance within 30 days.

§ 340-71. Signs permitted in residential districts. [Amended 9-5-1989 by Ord. No. 261; 12-1-1992 by Ord. No. 281]

- A. Official street and traffic signs, and any signs required by law.
- B. Professional accessory use, home occupation or name signs on the same lot with, and indicating the name, profession or activity of the occupant of the dwelling, provided that the area of any one side shall not exceed two square feet, and provided that not more than one such sign shall be erected for each permitted use or dwelling.
- C. Signs for a school, church, hospital, sanitarium, club or other institution of a similar nature, on the same lot therewith, for the purpose of displaying the name of such institution and its activities or services, provided that the area on any one side of such sign shall not exceed 20 square feet and 10 feet in height, and provided that not more than two such signs shall be erected on any one street frontage of any property in single and separate ownership.
- (1) Each institutional building is permitted one wall sign for purposes of identification, not to exceed 10 square feet in area.
- D. For residential development containing more than 10 units, one freestanding identification sign per external street frontage not exceeding 15 square feet in area and 12 feet in height. The sign shall be aesthetically compatible with the structure, as established within the subdivision or land development agreement.
- E. Trespassing signs and signs indicating private ownership of roadways or other property, on the same premises therewith, provided that the total area of any one side of such signs shall not exceed four square feet.
- F. Real estate signs as follows:
- (1) For advertising the sale or rental of the premises upon which the sign is erected, provided that the total area on any one side of such sign on any one street frontage of any property in simple or separate ownership shall not exceed nine square feet.
- (2) For advertising, on the premises, the sale or development of homes within a subdivision, provided that the area of any one side of any such sign shall not exceed 35 square feet, and provided that such signs shall be spaced at intervals of not less than 500 feet of street frontage. A maximum of three off-premises directional signs shall be permitted for one development. Permission must be obtained in advance from the property owner where the sign is to be placed. Signs may not be erected more than 60 days prior to the beginning of the actual construction of the project, and shall be removed within 10 days after the date of the sale or rental of the final unit in such development.
- G. Temporary signs of contractors, mechanics, painters and artisans erected and maintained on the premises where the work is being performed during the period in which such

work is being performed, provided that the area of any one side of any such sign shall not exceed 12 square feet, and provided that such sign shall be removed upon completion of the work.

- H. For sale of agricultural products, signs indicating the name of the owner or occupant, and the product sold, provided that the total sign area shall not exceed 16 square feet.
- I. Open house signs (on- and off-premises). There shall be a maximum of one on-premises open house sign for each property line of street frontage.
 - (1) A maximum of three off-premises directional open house signs shall be permitted for each home or development.
 - (2) Signs shall not exceed four square feet per side, and may not be illuminated.
 - (3) Off-premises directional signs must have permission in advance from the property owner where the sign is to be placed.
 - (4) Freestanding open house and directional signs shall not exceed a height of six feet.
- J. Signs which advertise public auctions for the sale of real estate, property or merchandise.
 - (1) Signs shall not exceed nine square feet in area, at a maximum height of six feet, and shall be placed only on the property where the stated auction is being conducted.
 - (2) Signs may be erected not earlier than 30 days prior to the advertised auction, and shall be removed within 10 days after the auction.
- K. Political signs. All political signs posted on a property must be posted by the property owner(s), or by another who has obtained the prior consent of the property owner(s). **[Amended 7-7-2009 by Ord. No. 411]**

§ 340-72. Signs permitted in commercial and limited industrial districts. [Amended 12-1-1982 by Ord. No. 281]

For any one lot located in the C-1 Limited Commercial District and LI Limited Industrial District, the following number and type of signs are permitted:

- A. One freestanding business or identification sign per street frontage.
 - (1) At gas stations one additional freestanding sign per street frontage for advertising gas prices only.
- B. One of the following types of signs for each side of the building which faces a street or a parking lot located on the same property:
 - (1) Awning sign.
 - (2) Identification sign.
 - (3) Marquee sign.

- (4) Painted wall sign.
 - (5) Parallel wall sign.
 - (6) Permanent window sign.
 - (7) Projecting wall sign.
- C. Incidental signs for the convenience and safety of the public (for example, signs identifying parking areas, telephone, rest rooms, etc.) not to exceed four square feet in size and containing no advertising.
- D. One of the following types of temporary signs for a given thirty-day period only:
- (1) Portable signs.
 - (2) Special event signs.
- E. Real estate signs, which shall be removed within seven days after the sale or lease of the property.
- F. Other signs permitted in residential districts according to the regulations of § 340-71.
- G. In the CC Community Commercial District, signs are regulated by the development agreement, with the exception of temporary signs, which shall be regulated by the provisions of this chapter.

§ 340-73. Dimensional standards. [Amended 12-1-1992 by Ord. No. 281]

- A. Freestanding signs shall not exceed 35 square feet in area (16 square feet for signs advertising gas prices), and must be set back a minimum of 20 feet from the curbline of the frontage street or outer edge of the shoulder and outside the legal right-of-way. The maximum height, including supports, is 12 feet.
- (1) Multiuse or multitenant buildings, where the freestanding sign is to be shared by two or more uses or tenants, the maximum sign area calculated in Subsection A above may be increased by 25% for each additional use/tenant in excess of one use/tenant.
- B. The maximum area of a marquee sign, painted wall sign, parallel wall sign or awning sign shall be 100 square feet. However, the total area of painted wall signs, parallel wall signs, signs affixed to awnings and any signs affixed to the inside or outside of windows, may not exceed 25% of the area of the wall, including windows and floor area and cornices, to which they are attached.
- C. The maximum area of a projecting wall sign shall be 30 square feet.
- (1) The sign shall not project more than seven feet from the surface to which it is mounted, nor project over the wall, roof line or surface to which it is mounted.
 - (2) The outermost portion of a projecting sign shall project no closer than five feet from a curbline or shoulder of a public street.

- (3) There shall be a minimum clearance of 10 feet between the bottom of the projecting sign and a public sidewalk or walkway.
- D. Special event signs, banners, portable signs or commemorative flags for businesses announcing a grand opening, going out-of-business sale or other special promotional event shall comply with the following standards:
- (1) The area of the special event sign, banner, portable sign or commemorative flag shall not exceed 25 square feet.
 - (2) The property or business shall display only one special event sign, banner, portable sign or commemorative flag at any one time.
 - (3) A special event sign, banner, or a commemorative flag for a business shall be displayed no more than four times during the calendar year for periods of time not exceeding 30 calendar days. Portable signs may be displayed only once during the calendar year for a period of time not exceeding 30 calendar days.
 - (4) Special event signs or signs for public or quasi-public events shall comply with the following standards:
 - (a) Such banners shall be affixed to a building or some other appropriate sturdy structure.
 - (b) The permitted size of any street banner shall be determined on a case-by-case basis by the building inspector.
 - (c) If the banner is to be strung across a state-owned road, the sponsoring organization must receive necessary approvals from PennDOT.
 - (d) Signs or banners shall not be posted earlier than one month prior to the advertised event and must be removed within five days after the date of the event.
 - (5) A maximum of two off-premises directional signs, not exceeding six square feet in area and six feet in height, shall be permitted for any special event provided that permission has been obtained from the property owner where the sign is to be placed.

§ 340-74. Off-premises advertising signs. [Amended 12-1-1992 by Ord. No. 281]

- A. Off-premises advertising signs are permitted only in the LI Limited Industrial District as a conditional use pursuant to § 340-115 of this chapter, provided that:
- (1) If the provisions with respect to location, size or height of signs are more restricting in the building code adopted by the Borough of Trappe or any Acts of Assembly of the Commonwealth of Pennsylvania or regulations of the Pennsylvania Department of Transportation (PennDOT), those restrictions shall take precedence over the regulations and conditions as set forth in this chapter.

- (2) An off-premises sign may be double-faced with two advertising surfaces. However, both surfaces shall be the same size and shape, and the total length of the sign structure shall not exceed 20 feet and the total height of the copy areas shall not exceed 18 feet, with a total copy area not exceeding 100 square feet.
- (3) Off-premises signs may not be attached to a building.
- (4) Off-premises signs shall be located 75 feet from the ultimate right-of-way, or 100 feet from any property line.
- (5) An open space of not less than four feet shall be maintained between the lower edge of the off-premises sign display surface and the ground.
- (6) No portion of the supporting structure shall be visible above any advertising display area.
- (7) No off-premises sign shall be located closer than 500 feet to the nearest off-premises sign on the same side of the highway, regardless of the size of the sign.
- (8) No off-premises sign shall be allowed within 500 feet of the nearest public or private elementary, middle or high school or religious institution.
- (9) All off-premises signs shall be erected on permanent footings or support structures designed by a registered structural engineer.
- (10) The applicant for any sign permit shall present a written statement from the owner of the property, duly authorized, that the applicant has the right to use the property to erect a sign as well as maintain the sign during the time that the sign is erected. The owner must further verify in writing that it will, at its sole cost and expense, cause the sign to be removed at such time as there is no further use of the sign.
- (11) The applicant, at his sole expense, shall remove any off-premises sign, if the sign remains without bona fide advertisement, which shall not include rental of the sign space, for 90 days, or if the right to use the property has expired for any reason whatsoever.
- (12) Notwithstanding any provisions in this chapter to the contrary, temporary off-premises advertising signs shall be allowed pursuant to resolution of the Borough Council for municipal and/or fire company purposes in accordance with conditions as Council shall reasonably impose. [Added 12-2-2003 by Ord. No. 372]

§ 340-75. Nonconforming signs. ⁸ [Amended 12-1-1992 by Ord. No. 281]

- A. Signs legally in existence at the time of the adoption of this chapter which do not conform with the requirements of this chapter shall be considered nonconforming signs.

8. Editor's Note: See also § 340-130 of this chapter which contains earlier-enacted provisions on nonconforming signs. Since § 340-130 was enacted earlier than § 340-75, the provisions of § 340-130 would be effective only as long as they are not inconsistent with § 340-75.

- B. All such nonconforming signs shall be removed or altered so as to be in conformity with the standards contained herein at such time when:
- (1) Trappe Borough receives an application for a sign permit in cases where the nonconforming sign is to be significantly altered. Changes to the sign copy or the replacement of a sign panel of an existing establishments' nonconforming sign shall be considered a significant alteration. If more than 50% of a sign is damaged, it shall be repaired to conform with this chapter.
 - (2) The property in which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
 - (3) The property in which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit by Trappe Borough.
- C. To determine the legal status of existing signs, in each of the three cases listed in Subsection B, the applicant shall submit the following information to the Borough Building Inspector:
- (1) Type(s) of existing sign(s) located on the property.
 - (2) The area and height of all signs.
 - (3) For freestanding signs, the distance the outermost portion of the sign is set back from the curblin or shoulder.
 - (4) Type of sign illumination.
 - (5) The material of which the sign is constructed.
 - (6) The building length along public street frontage.
- D. Prior to the events listed in Subsection B, nonconforming signs may be repainted, repaired up to 50%, the sign copy may be changed, or sign panels may be replaced, provided that such actions do not increase the dimensions of the existing sign, nor in any way increase the extent of the sign's nonconformity.
- E. Under the following conditions, nonconforming signs shall be exempt from the provisions of Subsection B:
- (1) The nonconforming sign possesses documented historic value.
 - (2) The nonconforming sign is of an unique nature or type of virtue of its architectural value or design.
 - (3) For a change of use when a business name is retained.

§ 340-76. Severability. [Added 12-1-1992 by Ord. No. 281]

Should any portion of this article be declared invalid, those conditions and standards required, at a minimum, by law, shall be the prevailing condition and requirement with respect to the

signage allowed as though the same had been the standard and condition originally adopted by this chapter.

ARTICLE XII
Administration

§ 340-77. Enforcement.

The provisions of this chapter shall be enforced by the Zoning Officer with the aid of the Police Department and the Borough agencies.

§ 340-78. Zoning Officer.

The provisions of this chapter shall be enforced by an agent, to be appointed by the Borough Council, who shall be known as the Zoning Officer. He shall serve at the pleasure of the Borough Council and shall receive such fees or compensation as the Borough Council may, by resolution, provide.

§ 340-79. Duties and powers of Zoning Officer. [Amended 10-2-1979 by Ord. No. 183-F]

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

- A. Keep a record of all plans and applications for permits, and all permits issued with notations as to special conditions attached thereto. All records shall be open for public inspection.
- B. Review applications for building permits for erections or alterations of structures or changes of use, determine whether such construction or use is in accordance with the general requirements of this chapter, all other applicable ordinances and with the laws and regulations of the commonwealth. The Zoning Officer shall issue no permit unless it conforms with all applicable ordinances, statutes and regulations.
- C. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this chapter. In carrying out such surveys, the Zoning Officer or his representative may enter upon any land or buildings.
- D. Make written orders requiring compliance with the provisions of this chapter to be served personally or by registered mail.
- E. Institute proceedings in courts of proper jurisdiction for the enforcement of provisions of this chapter.
- F. Maintain a map showing the current zoning classification of all land.
- G. Maintain a map and register showing the registration, identity, location and type of all nonconforming uses.
- H. Participate in all proceedings before the Zoning Hearing Board, present facts and information to assist the board in reaching decisions which shall be compatible with this

chapter and have decisions of the board reviewed in a court of proper jurisdiction when, in the judgment of the Zoning Officer, such review is desirable or indicated.

§ 340-80. Permits. [Amended 9-3-1974 by Ord. No. 183-B; 10-2-1991 by Ord. No. 183-F]

No building shall be constructed or enlarged in the Borough, or the use of any building changed until a building permit has been secured from the Zoning Officer. Upon completion of the work authorized by any permit, the applicant for the permit 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 has been inspected and approved as being in conformity with the provisions of this chapter.

§ 340-81. Application for permit. [Amended 10-2-1979 by Ord. No. 183-F]

All applications for building permit shall be made in writing by the owner or owners or authorized agent and shall be filed with the Zoning Officer.

A. The application:

- (1) Shall include a statement as to the proposed use of the building;
- (2) When required by the Zoning Officer, shall be accompanied by a plot plan based upon a plan prepared by a registered engineer or land surveyor, showing the location of the building in relation to property and road lines; and
- (3) Shall contain all information necessary to enable the Zoning Officer to ascertain whether the proposed building complied with the provisions of this chapter.

- B. Any contractor who seeks to perform any home improvement contract that requires a Borough-issued building and/or zoning permit shall be required to include on the permit application(s) a valid contractor registration number as issued by the Bureau of Consumer Protection, Office of the Attorney General, Commonwealth of Pennsylvania, in accordance to the Act of October 17, 2008, P.L. 1645, No. 132, as amended, hereby the "Pennsylvania Home Improvement Consumer Protection Act."⁹ As used in this subsection, the terms "contractor" and "home improvement contract" shall have the same definitions as those terms have in the Pennsylvania Home Improvement Consumer Protection Act. Failure to provide a valid contractor registration number shall result in the Borough's denial of the application for building and/or zoning permit. **[Amended 7-7-2009 by Ord. No. 410]**

§ 340-82. Appeal or application for special exception or variance.

An appeal or application for a special exception or variance from the terms of this chapter may be filed with the Zoning Officer and shall state:

9. Editor's Note: See 73 P.S. § 517.1 et seq.

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by the proposed exception or variance.
- C. A brief description and location of the real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use thereof.
- E. A statement of the section of this chapter under which the variance or exception requested may be allowed, and the reasons why it should be granted.
- F. A reasonably accurate description of the present improvements and the additions intended to be made under the application, indicating the size of such proposed improvements. In addition there shall be attached a plot plan of the real estate to be affected, indicating the location and size of the lot, and the size of improvements now erected and those proposed to be erected thereon.
- G. An appeal from the decision of the Zoning Officer shall be taken within 30 days.

§ 340-83. Fees.

The applicant for a permit shall, at the time of making the application, pay to the Zoning Officer for the use of the Borough, a fee in accordance with a Fee Schedule adopted by resolution of the Borough Council upon the enactment of this chapter, or as such schedule may be amended by resolution of the Borough Council.¹⁰ No fee shall be refunded.

ARTICLE XIII **Zoning Hearing Board**

§ 340-84. Appointment.

The Borough Council shall appoint a Zoning Hearing Board consisting of three members. The Borough Council shall designate one such member to serve until the first day of January following the effective date of this chapter, one until the first day of the second January thereafter; and one until the first day of the third January thereafter; shall appoint three successors on the expiration of their respective terms to serve for three years, and shall fill any vacancy for the unexpired term of any member whose term becomes vacant. The members of the Zoning Hearing Board shall be removable for cause by the Borough Council upon written charges and after a public hearing. The word "Board," when used in this article, shall mean the Zoning Hearing Board.

¹⁰ Editor's Note: Current Fee Schedule is on file in the Borough offices.

§ 340-85. Powers and duties.

The Board shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.
- B. To hear and decide special exceptions to the terms of this chapter, in such cases as are herein expressly provided for, in harmony with the general purposes and intent of this chapter with power to impose appropriate conditions and safeguards. In granting special exceptions as authorized in this chapter, the Board shall consider, among other things:
 - (1) The suitability of the property for the use desired.
 - (2) The effect of the proposed use upon the safety and health of the immediate neighborhood and the general public therein.
 - (3) The effect of the proposed use upon the character of the immediate neighborhood so as to conserve the value of existing buildings and encourage the most appropriate use of the land.
- C. To authorize, upon appeal, in special cases, such variance from the terms of this chapter as the Board shall feel will not be contrary to the public interest and the spirit of this chapter where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship or injustice.

§ 340-86. Standard for Zoning Hearing Board actions.

In any instance where the Board is required to consider an exception or variance in the Zoning Ordinance or Map in accordance with the provisions of this chapter, the Board shall, among other things:

- A. Assure itself that the proposed change is consistent with the spirit, purpose and intent of the Zoning Ordinance, and consider the effect upon the public interest of granting or denying the application.
- B. Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the general character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- C. Determine that the proposed change will serve the best interests of the Borough, the convenience of the community where applicable, and the public welfare.
- D. Consider the unnecessary hardship which will or may be inflicted upon the applicant by denial of this application.
- E. Consider the presence or absence in the neighborhood of conditions or uses which are the same or similar in character to the conditions or use for which the applicant seeks approval.

- F. Consider the effect of the proposed change upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection and public schools, and assure adequate arrangements for sanitation in specific instances.
- G. Safeguard the development of highway frontage insofar as possible, so as to limit the total number of access points and encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the highway.
- H. Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect major highways from undue congestion and hazard.
- I. Ascertain the adequacy of sanitation and public safety provisions where applicable, and require a certificate of adequacy of sewerage and water facilities from the Bureau of Health and Sanitation of the Borough in any case required herein or deemed advisable.
- J. Impose such conditions, in addition to those required, as are necessary to assure that the general purpose and intent of the Zoning Ordinance is complied with, which conditions may include, but are not limited to, harmonious designed buildings, planting and its maintenance as a sight or sound screen, and the minimizing of noxious, offensive or hazardous elements.

§ 340-87. Orders.

In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or in part or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made.

§ 340-88. Rules of procedure.

The Board shall adopt Rules of Procedure in accordance with the several provisions of this chapter as to the manner of filing appeals, applications for special exceptions or for variance from the terms of this chapter, and as to the conduct of the business of the Board.

§ 340-89. Meetings.

Meetings of the Board shall be held at the call of the chairman, and at such times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

§ 340-90. Advisory opinion.

In the exercise of the powers vested in it by this chapter, the Board may, in its discretion, refer to any other agency of the Borough and to any agency of the county or state, for an advisory opinion, any matter properly before it with respect to which it believes that such advisory opinion would be helpful to it in reaching its own determination.

§ 340-91. Notice of hearing.

Upon the filing with the Board of an application for a special exception or for variance from the terms of this chapter, the Board shall fix a reasonable time and place for a public hearing thereon and shall give 10 days' notice thereof as follows:

- A. By publishing a notice thereof once in a newspaper of general circulation published or circulated in the Borough.
- B. By mailing or serving due notice thereof to the parties in interest.
- C. By mailing or serving notice thereof to the Borough.
- D. By mailing or serving notice thereof to the owner or owners, if their residence is known, or to the occupier or occupiers of every lot on the same street within 500 feet of the lot or building in question and of every lot not on the same street within 150 feet of the said lot or building; provided that failure to give notice as required by this paragraph shall not invalidate any action taken by the Board.
- E. The notices herein required shall state the location of the building or lot and the general nature of the question involved.

§ 340-92. Expiration of special exceptions and variances.

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a permit in connection therewith within six months of the date of authorization thereof.

§ 340-93. Appeal to court.

Any person aggrieved by any decision of the Board, or any taxpayer, or any officer of the Borough, may within 30 days after any decision of the board, appeal to the Court of Common Pleas of Montgomery County by petition in such form as may be prescribed or authorized by law.

§ 340-94. Fees.

Application before the Board shall be accompanied by a cash payment to the Borough in accordance with a fee schedule adopted by resolution of the Board and approved by the

Borough Council following the enactment of this chapter, or as such schedule may be amended by resolution of the Board and approved by the Borough Council.¹¹

ARTICLE XIV
Violations, Fines, Remedies and Charges

§ 340-95. Violations and penalties. [Amended 10-2-1979 by Ord. No. 183-F]

Failure to secure a building permit or Zoning Hearing Board Certificate, when required, previous to the erection, construction, extension or addition to a building or failure to secure a use registration permit shall be a violation of this chapter.

§ 340-96. Notice of violation. [Amended 9-5-1989 by Ord. No. 261]

In case of a violation of any of the provisions of this chapter, notice shall be sent to the owner of record of the parcel in which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record, or to the agent or occupant, contractor or builder, who has caused the violation. The enforcement notice shall state at least the following:

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

§ 340-97. Fines. [Amended 9-1-1987 by Ord. No. 244; 9-5-1989 by Ord. No. 261]

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 a judgment of not more than \$500 plus all court costs, including reasonable attorney's fees incurred by the Borough as a result thereof. Each day that a violation continues shall constitute a separate violation unless the Magisterial

¹¹ Editor's Note: Current Fee Schedule is on file in the Borough offices.

District Judge determines that there was a good-faith basis for the person, partnership or corporation violating the ordinance or permitting the violation to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day the violation continues shall constitute a separate violation.

§ 340-98. Remedies.

In case any building or structure is, or is about to be, erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used or any hedge, tree, shrub or other growth is maintained, in violation of this chapter or of any regulation made pursuant hereto, in addition to other remedies provided by law; any appropriate action or proceedings, whether by legal process or otherwise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

§ 340-99. Charges.

The charges for permits, Zoning Hearing Board certificates, etc. shall be fixed in accordance with a Fee Schedule adopted by resolution of the Borough Council upon the enactment of this chapter, or as such schedule may be amended by resolution of the Borough Council.¹²

ARTICLE XV
Amendments

§ 340-100. Amendment by governing body.

The Borough Council of said Borough may, from time to time, amend, supplement, change, modify or repeal this chapter, including the Zoning Map, by proceeding in the following manner:

§ 340-101. Amendment procedure. [Amended 9-5-1989 by Ord. No. 261]

Borough Council, by motion adopted at a regular or special meeting, shall fix the time and place of a public hearing on a proposed amendment to this chapter or the Zoning Map and cause not less than seven days nor more than 60 days notice for a hearing thereon to be given as follows:

- A. By publishing the full text thereof once in a newspaper of general circulation in the Borough.

¹². Editor's Note: Current Fee Schedule is on file in the Borough offices.

- B. In the alternative, publication of the proposed amendment by a brief summary thereof, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not published, a copy of the proposed amendment shall be supplied to the newspaper of general circulation in the municipality at the time the public notice is published and an attested copy of the proposed ordinance shall be filed in the Montgomery County Law Library.
- C. Before the enactment of an amendment to the Zoning Map, the tract or tracts of land affected must be conspicuously posted along the perimeter at least one week prior to the enactment of the ordinance.
- D. The proposed amendment shall be submitted to the Borough Planning Commission and the County Planning Commission in accordance with Section 608 of the Pennsylvania Municipalities Planning Code.¹³

§ 340-102. When public hearing required.

Whenever the owners of 50% or more of the frontage in any district shall present to the Borough Council a petition duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed, or of the Zoning Map, including such district, it shall be the duty of the Borough Council to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in Article XV.

§ 340-103. Fees.

For the purpose of defraying the expenses of advertising, etc., applications for amendments shall be accompanied by cash payments to the Borough in accordance with a fee schedule adopted by resolution of the Borough Council upon the enactment of this chapter or as such schedule may be amended by resolution of the Borough Council.¹⁴

**ARTICLE XVI
General Provisions**

§ 340-104. Regulations applicable in every district.

For the purpose of this chapter, the following regulations shall govern each and every district.

§ 340-105. Lots of record.

A lot which is of public record in single and separate ownership at the time of enactment of this chapter may be used for a permitted use in the district in which it is located, provided, however, that the minimum and maximum regulations of the district are met as closely as possible.

13. Editor's Note: See 53 P.S. § 10608.

14. Editor's Note: Current Fee Schedule is on file in the Borough offices.

§ 340-106. Reduction of lot area.

No lot shall be so reduced that the area of the lot, or the dimension of the required open spaces shall be less than herein provided.

§ 340-107. Modification of front yard requirements.

Where an unimproved lot of record is situate on the same street frontage with an improved lot, upon which there has been a building constructed within 125 feet of the property line of the unimproved lot, the front yard requirement for the unimproved lot may be modified that the front yard shall be the same as that of the improved lot.

§ 340-108. Obstructions to vision at intersections prohibited.

On any corner lot, no wall, fence or other structure shall be erected, altered or maintained and no hedge, tree, shrub or other growth shall be planted or maintained between the height of three feet and 10 feet, or which may cause danger to traffic by obstructing the view.

§ 340-109. Accessory buildings, structures and uses. [Amended 1-3-1984 by Ord. No. 183-I; 1-6-1987 by Ord. No. 235; 3-6-1990 by Ord. No. 266]

Accessory uses authorized in this chapter shall include, but not by way of limitation, the following:

- A. Uses accessory to agriculture: greenhouses, roadside stands for sale of products produced on the premises, barns; preparation of products produced on the premises for use and the disposal thereof by marketing or otherwise.
- B. Uses accessory to dwelling:
 - (1) Private garage; private parking space; shelter for pets, which shall not include horses or ponies; storage sheds.
 - (2) Private greenhouses.
 - (3) Living quarters for household employees, caretakers or watchmen.
 - (4) Professional office or studio of a doctor, dentist, healer, teacher, artist, architect, landscape architect, musician, lawyer, engineer, magistrate or practitioner of a similar character, provided that office, studio or rooms are located in a dwelling in which the practitioner resides, or in a building accessory thereto, and provided further that no goods are publicly displayed on the premises; funeral parlor. Parking requirements shall conform to those requirements stated in Article X, § 340-59C(10) of this chapter.
 - (5) The following home occupations shall be allowed: custom dressmaking, millinery, tailoring, sewing of fabric for custom apparel and custom home furnishings, foster family care, any office in which chattels or goods, wares or merchandise are not commercially created, exchanged or sold, tutoring, fine art studios in which are

created only individual works of art, day nurseries, barber shops and beauty parlors when situate in the dwelling of the operator and provided that the area used for barber shop or beauty parlor shall not exceed 250 square feet.

C. Attached accessory apartment. Attached accessory apartments are dwelling units attached to existing single-family detached dwelling units. (Refer to Article II, Terminology, for further details.)

(1) Attached accessory apartment requirements.

(a) Unit size. The attached accessory apartment shall meet the following size requirements:

[1] Minimum size of unit.

Number of Bedrooms in Units	Gross Floor Area in Unit (square feet)
0 (efficiency)	400
1 (maximum allowed)	500

[2] Maximum size of unit. The attached accessory apartment shall not exceed 35% of the gross floor area contained in the existing dwelling prior to conversion, or 650 square feet, whichever is less.

[3] The attached accessory apartment shall contain no more than one bedroom and shall not contain a den or other extra room capable of being used as a bedroom (i.e., having a closet and a door separating the room from the remainder of the unit).

(b) Location of attached accessory apartment.

[1] The third floor or any floor above shall not be used for a separate dwelling unit, but may be used for storage or sleeping rooms for a second-floor unit.

[2] There shall be no attached accessory apartment located in a belowground basement where the exterior grade is more than halfway up the height of the exterior wall, unless there is at least one exterior facade where the unit is at grade with the ground.

[3] Attached accessory apartments may be located on second floors of attached garages, provided applicable codes (fire, building, electrical, etc.) are met.

(c) Additions. Additions to an existing dwelling designed to allow the creation of an attached accessory apartment in that dwelling shall not be permitted, with these exceptions: small additions containing up to a maximum of 10% of the gross floor area of the existing dwelling may be permitted, if the addition will facilitate the creation of an otherwise allowed attached accessory

apartment in more logical manner, considering design, layout or safety factors; as an addition, the attached accessory apartment shall be placed on a permanent foundation; the apartment shall be constructed with an ingress and egress to the single-family dwelling so that when it is no longer used for a family member, it can become an integral part of the single-family dwelling.

(d) Exterior alterations.

[1] Alterations to the exterior of the existing dwelling, other than those to improve the maintenance and attractiveness of the dwelling, shall be minimized; after creation of the attached accessory apartment, the building shall maintain the usual appearance of a single-family detached dwelling and shall remain compatible with the character of the surrounding neighborhood.

[2] The converted dwelling shall have no more than the existing number of entrances along the front of the building. All other entrances to either the principal or accessory dwelling units shall be located on the side or rear of the building.

[3] No new unenclosed exterior stairways shall be allowed on the front of the converted building.

[4] Necessary changes in the number or placement of windows to provide adequate light and air will be allowed, but shall be minimized; any changes which occur must be done in a manner consistent with the architectural character of the dwelling.

(e) Parking. A minimum of one all-weather off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the attached accessory apartment, in addition to that required for the original dwelling unit.

(f) Health and safety code requirements.

[1] Both units in the converted dwelling shall conform to all requirements of the applicable building; health, fire and sanitary codes which regulate structural soundness, overcrowding, fire protection, sewage disposal and water supply.

[2] If an on-site sewer or water system is to be used, the applicant shall submit evidence to the Borough Planning Commission and Council showing that the total number of occupants in the two units will not exceed the maximum capacities for which the original one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the Sewage Enforcement Officer.

(g) Submission of plans. The applicant shall submit to the Borough Planning Commission and Council, prior to review by the Zoning Officer and the Building Inspector:

- [1] Sketch floor plan(s) showing the location, size and relationship of both the attached accessory apartment and the primary dwelling within the building;
- [2] Rough elevations showing the modification of any exterior building facade to which changes are proposed; and
- [3] A site dwelling sketch plan properly showing and locating the dwelling and other existing buildings; all property lines; any proposed addition (along with minimum building setback lines; the location, size and extent of all underground utilities; and the length, width and function of all rights-of-way and easements potentially affecting that addition); the required parking spaces for both dwelling units; and any one-hundred-year floodplain, 15% or greater slopes, or other natural man-made conditions which might affect these items. All plans and elevations shall be clear and concise and drawn to a scale of not less than one inch equals four feet for the floor plan(s) and elevation(s) and one inch equals 20 feet for the site development plan.

(h) Certificate of occupancy. Prior to the issuance of a use and occupancy permit, a certificate in the form of an affidavit shall be presented to the Zoning Officer, Building Inspector, or other appropriate municipal official verifying that:

- [1] The occupant of the principal dwelling intends to and will reside in either the principal dwelling or the attached accessory apartment for as long as the dwelling unit exists on the property; and
- [2] The Borough will be notified when the apartment ceases to be used in this manner;
- [3] The apartment will not be used for a non-relative; and
- [4] The apartment will be integrated into the single family residence when it is not used as a single-family residence.

§ 340-110. Conversions.

The Zoning Hearing Board may allow as a special exception the conversion of any dwelling into a dwelling for a greater number of families, subject to the following requirements:

- A. Each dwelling unit shall have not less than 800 square feet of floor area.
- B. The yard and building area requirements for the district in which the building is located shall not be reduced.

- C. The off-street parking requirements of this chapter or any other arrangements or requirements as deemed appropriate by the Zoning Hearing Board are met.
- D. The Zoning Hearing Board may prescribe such further conditions and restrictions as may be appropriate under the circumstances, and as may be necessary and appropriate to carry out the purpose of this chapter.
- E. Conversion shall be authorized only for dwellings with comparatively little economic usefulness as a conforming use; or for any other purposes and arrangements within the intent and purpose of this chapter which may be deemed appropriate by the Zoning Hearing Board.¹⁵

§ 340-111. Projections into required yards.

No building and no part of a building shall be erected within or shall project into any required yard in any district, except that: an enclosed porch may be erected to extend into a required front or rear yard a distance of not more than 12 feet, provided that in no case shall it extend into such front or rear yard more than 1/2 the required depth of the yard.¹⁶

§ 340-112. Building permit expiration. [Amended 10-2-1979 by Ord. No. 183-F]

All buildings and uses, including changes and alterations thereof allowed by building permit, shall be started within one year of the issuance thereof. If work is not started as authorized in the building permit within one year of the date of issuance and carried forward with reasonable diligence to completion, the building permit shall become void and of no effect. Provided, that application may then be made for a new building permit as if the unused building permit had never been issued.

§ 340-113. Exclusionary zoning of uses that are obscene. [Added 9-3-1974 by Ord. No. 183-A]

- A. The following uses are hereby excluded in all districts and in all sections of the Borough of Trappe:
 - (1) Any store that sells obscene literature, paraphernalia, motion pictures, drawings, photographs, figures, or images of an obscene nature or whatever;
 - (2) Motion-picture theaters that exhibit or show obscene motion pictures or obscene figures or images.
- B. "Obscene" defined. "Obscene," as used in this section, means that which to the average person, applying contemporary community standards, has as its dominant theme, taken as

15. Editor's Note: Original § 1707, which prohibited junk or scrap yards, which immediately followed this section, was deleted 4-13-1977 by Ord. No. 183-D.

16. Editor's Note: Original No. Section 1709, regarding travel trailers and mobile homes, which immediately followed this section, was deleted 7-5-1978 by Ord. No. 183-E.

a whole, an appeal to the prurient interest, it is determined as obscene applying the following guidelines:

- (1) Whether the average person, applying contemporary community standards, would find that the subject matter taken as a whole, appeals to the prurient interest.
 - (2) Whether the subject matter depicts or describes in a patently offensive way, sexual conduct of a type hereinafter described; and
 - (3) Whether the subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value. The types of sexual conduct referred to here include patently offensive representations or descriptions of ultimate sexual acts normal or perverted, actual or simulated, and patently offensive representations or descriptions of masturbation, excretory functions and lewd exhibitions of the genitals. "Community," for the purpose of applying the "contemporary community standards" herein, shall be considered to be local community standards.
- C. Any building, structure, or property erected, altered, or used as a store selling books, pictures, photographs, paraphernalia, or similar items or motion-picture theater, indoor or outdoor, shall be authorized as a special exception only upon the finding by the Zoning Hearing Board that the excluded uses and conduct herein shall not be engaged in and the property and building shall not be used for the excluded purposes. In the proceeding before the Zoning Hearing Board, the burden shall be upon the applicant to establish that the excluded uses and conduct shall not be engaged in.
- D. The provisions of this amendment are hereby declared to be severable from the provisions of the Trappe Borough Zoning Ordinance, and if any of the provisions of this amendment to the ordinance are found to be illegal or otherwise unconstitutional, the provisions shall be severable from all other provisions of the Trappe Borough Zoning Ordinance and shall be declared of no effect and invalid as a matter of law to such degree and with such force as a court of competent jurisdiction shall so adjudicate.

§ 340-114. Satellite dish antennas and antennas or similar structures. [Added 1-6-1987 by Ord. No. 235; amended 5-2-1995 by Ord. No. 305; 5-6-1998 by Ord. No. 337]

- A. No permit or application fee shall be required for the construction and erection of a customary and usual TV antenna so long as it is attached in a customary manner to a primary structure. Nor shall a permit or application fee be required for a satellite dish antenna or similar structure for communication purposes or telecommunication or similar reception so long as such receiving structure comports with the provisions of Subsection B hereof.
- B. No permit or application fee shall be required for a satellite dish so long as it is attached in a customary manner to a structure so long as:
 - (1) The satellite dish is attached to a structure; and
 - (2) The satellite dish is attached in the least conspicuous manner that is reasonably practicable under the circumstances; and

- (3) The diameter of the satellite dish does not exceed 48 inches; and
 - (4) There are no more than three satellite dishes attached to the structure.
- C. Except as provided in Subsections A and B hereof, no satellite dish, antenna or similar structure shall be constructed in any area of the Borough until a zoning permit is obtained from the Zoning Officer. The Zoning Officer, upon payment of an application fee as shall be set by resolution of the Borough Council from time to time,¹⁷ shall grant such permit so long as the following conditions are met:¹⁸
- (1) The use regulations with regard to setback lines, side yards, and rear yards are complied with as required by the applicable provisions concerning the zoning district in which the structure is to be erected, except as specified herein. In addition, the satellite dish antenna and/or antenna shall be set back from property lines a minimum of one foot for every one foot of height.
 - (2) Placement of the structure shall not in any way interfere with lighting, aesthetics, environmental impact, transmission of television and/or radio signals to other properties, or otherwise interfere with the view of neighboring property owners or adversely affect the general character of the neighborhood aesthetically or in such a manner as to adversely affect property values.
 - (3) No satellite dish antenna or antenna shall be placed on any building or structure except for TVRO antennas.
 - (4) Satellite dish antennas shall not exceed 12 feet in diameter and shall not exceed 12 feet in height above the mean ground level as measured at the base of the structure. Microwave relay antennas shall not exceed four feet in diameter.
 - (5) Antennas shall not exceed the height limitations of the applicable zoning district.
 - (6) Satellite dish antennas, antennas and their accompanying support structures shall be neutral in color, and, to the extent possible, compatible with the appearance and character of the neighborhood.
 - (7) No advertising shall be affixed to either type antennas or the supporting structure.
 - (8) Only one satellite dish antenna shall be permitted per lot.
 - (9) All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on the adjoining properties.
 - (10) All installations should include screening treatments located along the antenna's nonreception window axis and low-level ornamental landscape treatments along the reception window axis of the antenna's base so as to completely enclose the antenna when it is visible from adjoining or neighboring properties.

17. Editor's Note: Current Fee Schedule is on file in the Borough offices.

18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (11) The applicant shall submit a drawing to the Zoning Officer designating where the satellite dish antenna, antenna or similar structure will be placed, the dimensions thereof, surrounding structures, including any and all structures of adjacent properties and other relevant data to show compliance with the aforementioned. The Zoning Officer shall, within 20 days, approve or deny the permit. If the Zoning Officer fails to act upon the application within 20 days, it shall be deemed a denial. In the event that the Zoning Officer denies the permit, the applicant shall have the right to seek a special exception before the Zoning Hearing Board, under the provisions of the Borough of Trappe Zoning Ordinance, and the applicant shall have the burden of proof to establish that he has met the aforesaid conditions and specifications.
- D. Notwithstanding the aforesaid, no permit or application fee will be required for a satellite dish attached to a structure if the satellite dish is attached to a structure in such a manner that it is completely hidden by the structure itself, or the appurtenances thereto.

§ 340-115. Conditional use requirements. [Added 9-5-1989 by Ord. No. 1712]

Whenever an application for use is subject to conditional use requirements, the following shall be applicable:

- A. Procedures. Plans for conditional use shall be submitted to the Borough Council in accordance with Chapter 295, Subdivision and Land Development, as well as applicable sections concerning said use under this chapter.
- B. Standards and criteria for conditional use. In acting on a request for a conditional use, the Borough Council and Planning Commission shall consider the impact of the requested conditional use on the Borough and all facilities and systems as listed below. The applicant shall provide all of the information, data and studies needed to allow the Borough Council and Planning Commission to reach conclusive evaluations of the items listed below:
 - (1) The compatibility of the proposed development with existing and proposed land uses adjacent to the site.
 - (2) The impact on the Borough transportation network and the ability of adjacent streets and intersections to efficiently and safely move the volume of traffic generated by the development.
 - (3) The impact on the Perkiomen Valley School District, including an estimate of new pupils generated by the proposed development and their impact on classroom capacities, class sizes, existing or planned facilities.
 - (4) The impact on the Borough's community facilities including estimates of additional community facilities which will be needed to serve the proposed conditional use and estimates of the abilities of existing commercial facilities to meet the demands generated by the proposed conditional use.
 - (5) The impact on the economy of the Borough and region including an analysis of the work locations of the residents of the proposed development.

- (6) The impact on the Borough's community facilities, including estimates of additional community facilities which will be needed to serve the proposed conditional use. Community facilities include but shall not be limited to sewage disposal facilities and systems, solid waste disposal facilities and systems, water supply facilities and systems, storm drainage systems and electrical utility facilities and systems.
- (7) The ability of the Borough to provide police and fire protection to the proposed conditional use.
- (8) The impact on the Borough's recreation facilities including estimates of additional facilities which will be needed to serve the conditional use.
- (9) A cost revenue analysis which shall identify the net cost of the proposed conditional use to the Borough and to the Perkiomen Valley School District. The net cost shall be the difference between the governmental expenditures which will be required to serve the proposed conditional use and the revenues that it will generate. The cost analysis shall clearly identify whether a net gain or a net loss is anticipated and shall itemize the measurements used in the evaluation.

C. Findings.

- (1) The Borough Council shall consider the recommendations of the Borough Planning Commission before granting or denying tentative approval of a development plan.
- (2) The Borough Council shall by official communication to the applicant either:
 - (a) Grant tentative approval of the plan as submitted;
 - (b) Grant tentative approval subject to specified conditions and included in the plan as submitted; or
 - (c) Deny tentative approval of the plan.
- (3) The Trappe Borough Council may further attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code,¹⁹ which purposes by reference hereto is incorporated herein, as well as the purposes and objectives of this chapter.

§ 340-116. Regulations applicable to special exception applications. [Added 10-3-2000 by Ord. No. 347]

Where, under this chapter, a permitted use is authorized pursuant to the jurisdiction of the Zoning Hearing Board of the Borough of Trappe, the Zoning Hearing Board is empowered to grant permission for "special exceptions," consistent with the public interest, in specifically considering the following standards, which standards must be met, where applicable, with the applicant having the burden of proof as follows:

19. Editor's Note: See 53 P.S. § 10101 et seq.

- A. That the proposal includes, adequate site design methods, such as plant screening, tree preservations, setbacks and berming, as needed to avoid significant negative impact on nearby uses.
- B. That full consideration to the size, scope, extent and character of the proposed use will be established by the applicant to assure that the request is consistent with the plan for future land use in the Borough of Trappe and consistent with the spirit, purpose and intent of this chapter.
- C. That the character and type of development as proposed would not affect the character and type of development in the area surrounding the location for which the request is made and that the proposed use would be an appropriate use in the area and would not substantially injure or detract from the use of the surrounding property or the character of the neighborhood.
- D. That the public interest or the need for, the proposed use of change, would not be adversely affected and the public health, safety, morals and general welfare of the Borough would be protected.
- E. That proposals to provide water service, sewage service and stormwater management are feasible and follow professionally sound methods. However, if such matters will be subject to professional review and approval under a separate Borough ordinance, then the zoning approval may defer to such other approval. The proposed change and use will be logical, efficient and economical of the extension of public services and facilities such as public water, sewers, police and fire protection and public schools.
- F. That the use will not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
- G. That the subdivision standards and requirements, where applicable, can be met.
- H. That the use will not create, exacerbate, or add to any traffic problem or pose a safety issue directly or indirectly or add to traffic congestion. The proposed location of the use will not have adverse affects upon traffic, and there will be adequate access arrangements in order to protect the roadways within the Borough for undue congestion and hazard.
- I. That the natural features and processes characterizing the proposed site and its surroundings shall not suffer degeneration, that the management of storm waste, provision of water or sewer service, and any other alterations to the sites predevelopment condition shall be consistent with the Borough's goals, practices and plans in those regards and that there will be no adverse environmental impact, and the demand for water and energy for the proposed use shall be minimized to the optimal extent.
- J. The Zoning Hearing Board may impose such conditions, in addition to those required, as are necessary to assure the intent of this chapter is complied with, and which are reasonably necessary to safeguard the health, safety, morals, and general welfare of the residents of the Borough at large and the residents and owners of the property adjacent to the area in which the proposed use is to be conducted. The conditions are not limited to but may include the harmonious design of buildings, aesthetics, hours of operation, lighting, number of persons involved, noise, sanitation, safety, smoke and fume control,

stormwater control, traffic control, ingress and egress provisions, open space and the minimizing of noxious, offensive or hazardous elements as well as such additional conditions to assure that the use meets the standards as set forth herein.

ARTICLE XVII

Mobile Homes, Trailers, and Similar Devices, Structures and Vehicles [Added 11-4-1992 by Ord. No. 280]

§ 340-117. Restrictions on parking, maintenance and location.

A mobile home, trailer, storage trailer or any other similar storage or residential device, structure, or vehicle, shall not be parked, maintained or located on a premises in the Borough of Trappe, except as otherwise set forth herein, or except when the appropriate use permits, including a zoning permit, has been obtained in accordance with the ordinances and regulations of the Borough of Trappe.

§ 340-118. Conditions for maintenance during construction under subdivision and/or development agreement.

A mobile home, trailer, storage trailer, or any other similar storage device, structure or vehicle, may be maintained on a premises in the Borough of Trappe pursuant to prior approval by the Borough Council of the Borough of Trappe under a subdivision and/or development agreement during the period of construction, only so long as appropriate securities have been escrowed with the Borough of Trappe for the removal of such mobile home, trailer, storage trailer, or any other similar storage device, structure, or vehicle.

§ 340-119. Conditions for temporary parking or situation on a property.

A mobile home, trailer, storage trailer, or any other similar residential device, structure, or vehicle, when used for purposes of transportation of people or as a temporary residence for guests, invitees, or as an emergency residence for the occupants of such property shall not be prohibited from being temporarily parked or situate on a property in the Borough of Trappe, so long as the following conditions are met:

- A. A mobile home, trailer, storage trailer, or any other similar residential device, structure or vehicle, remains movable and is not attached to the ground.
- B. A mobile home, trailer, storage trailer, or any other similar residential device, structure or vehicle is not connected permanently to a service utility, including electric, water or sewer on a permanent basis. Temporary arrangements for connection to a service utility may be made, so long as the same is approved by the Building Inspector of the Borough of Trappe, and a permit is secured from the Building Inspector. Said permit shall be limited for a period of no more than 30 days within a six-month period.

§ 340-120. Exceptions.

Notwithstanding any of the aforesaid, there shall be no proscription for parking or storing of a mobile home, trailer, storage trailer, or any other similar residential-recreational device, structure or vehicle, so long as the same is used solely as a recreational vehicle, and is owned by the owner or occupant of the property upon which the same is stored or parked, and so long as all other conditions and obligations of any other ordinances or regulations of the Borough of Trappe are duly complied with.

ARTICLE XVIII
Nonconforming Uses

§ 340-121. Land. [Amended 6-5-2007 by Ord. No. 398]

Any existing lawful use of land which does not conform to the regulations of the district in which it is located, either because of the original passage of this chapter or because of subsequent amendment of applicable regulations, shall be considered as a nonconforming use which may continue on such land but shall be subject to regulations governing nonconforming uses.

§ 340-122. Buildings. [Amended 6-5-2007 by Ord. No. 398]

Any lawful building or the lawful use of any building which does not conform to use, height, location, size, bulk or other regulations of the district in which it is located, either because of the original passage of this chapter or because of subsequent amendment of applicable regulations, shall be considered a nonconforming building or use and may continue as such in its present location, but shall be subject to the regulations governing nonconforming uses.

§ 340-123. Change of use.

A nonconforming building or use shall be considered as such unless and until it complies with the regulations of the district in which it is located. Such use shall not be changed to a use designated for a district having less restrictive regulations.

§ 340-124. Abandonment of nonconforming use. [Amended 4-3-1990 by Ord. No. 267; 6-5-2007 by Ord. No. 398]

If a nonconforming use of land ceases and the landowner intends to abandon the use, then subsequent use of such land shall be in conformity with the regulations of the district in which it is located. Should a nonconforming use cease for a continuous period of six months or more, then it shall be presumed that the landowner has intended to abandon such nonconforming use. A nonconforming use cannot be resumed as a nonconforming use of a lower class.

§ 340-125. Extension.

Any lawful nonconforming use of a portion of a building may be extended throughout the building or any building of which a lawful nonconforming use is made may be extended upon the lot occupied by such building and held in single and separate ownership on the effective date of this chapter, or such lawful nonconforming use may be continued in any new building erected upon the lot or tract held in single and separate ownership on the effective date of this chapter; and further, such lawful nonconforming use may be continued on adjoining lots as a special exception; provided, in all such cases, that any structure, alteration, extension or addition shall conform with all the height, area, width, yard and coverage requirements for the district in which it is located.

§ 340-126. Change or resumption of nonconforming use.

The Zoning Hearing Board shall have discretion to determine what resumption or change of nonconforming use is of the same class of use and permissible.

**§ 340-127. Reconstruction of damaged or destroyed nonconforming buildings.
[Amended 6-5-2007 by Ord. No. 398]**

A nonconforming building which has been damaged or destroyed by fire, explosion, accident or calamity or which has been legally condemned (as contrasted to deterioration due to time or neglect) may be reconstructed and used for the nonconforming use, provided that:

- A. The reconstructed building shall not exceed in height, area and volume the building damaged, destroyed or condemned.
- B. If building reconstruction is not started within one year from the date the building was damaged, destroyed or condemned and such reconstruction is not carried on without interruption, it shall be presumed that the landowner has intended to abandon such nonconforming building.

§ 340-128. Building destroyed by fire or condemned.

A building containing a nonconforming use and a building nonconforming as to area and height, destroyed by fire or legally condemned, may be reconstructed and used for the same nonconforming use; provided, building reconstruction is commenced within one year and carried to completion without interruption, and provided that the building when rebuilt does not exceed in height or area the building so destroyed or condemned, subject also to other regulations of nonconforming uses herein contained.

§ 340-129. Temporary nonconforming use.

A temporary nonconforming use, which will benefit the public health or welfare or promote proper development of a district in conformity with the intent of this chapter, may be permitted for a period of not longer than one year, on approval of the Zoning Hearing Board.

§ 340-130. Nonconforming signs. ²⁰

Any sign, signboard, billboard or advertising device existing at the time of the passing of this chapter that does not conform in use, location, height or size with the regulations of the district in which it is located, shall be considered a nonconforming use, and shall not be made larger, and if discontinued for one year or longer, shall not be replaced or put up again.

§ 340-131. Maximum fence height. [Added 12-2-2003 by Ord. No. 371]

Notwithstanding any provision in the Code of the Borough of Trappe, a fence may be constructed to a height of no more than six feet.

ARTICLE XIX

FP Floodplain Conservation District

[Added 5-5-1975 by Ord. No. 183-C; amended 12-1-1981 by Ord. No. 220; 12-11-1996 by Ord. No. 318]

§ 340-132. Intent.

In addition to the goals and objectives stated in the § 340-2, Intent, and § 340-4, Community development objectives, of this chapter, the specific intent of this article with respect to FP Floodplain Conservation Districts shall be to protect areas of floodplain subject to and necessary for the containment of flood waters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of Trappe Borough. Furthermore, in light of the Borough certification as eligible for Federal Flood Insurance, it is the intent of this district to provide adequate protection for flood-prone properties within the Borough of Trappe. In advancing these principles and the general purposes of the Zoning Ordinance and Comprehensive Plan, the following shall be the specific objectives of the FP Floodplain Conservation District:

- A. To combine with present zoning requirements, certain restrictions made necessary for flood-prone areas to promote the general health, welfare and safety of the Borough.
- B. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazards.
- C. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood hazard areas and promoting safe and sanitary drainage.
- D. To permit only those uses which can be appropriate located in the floodplain as herein defined and which will not impede the flow or storage of flood waters, or otherwise cause danger to life and property at, above, or below their locations along the floodplains.

20. Editor's Note: See also § 340-75, which also relates to nonconforming signs. That section is part of Article XI, Signs, which was added to the Zoning Ordinance 12-1-1992 by Ord. No. 281. This section is effective only as long as it is not inconsistent with § 340-75.

- E. To protect those individuals who despite the flood dangers, develop or occupy land on a floodplain and those who currently occupy such land.
- F. To provide sufficient drainage courses to carry abnormal flows of stormwater in periods of heavy precipitation.
- G. To protect adjacent landowners and those both upstream and downstream from damage resulting from development within a floodplain and the consequent obstruction of increasing flow of flood waters.
- H. To protect the entire Borough from individual uses of land which may have an effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic well being of the Borough.
- I. To maintain undisturbed the ecological balance between those natural systems elements, including wildlife, vegetation and marine life, dependent upon watercourses and water areas.
- J. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding.
- K. To provide retention areas for the temporary storage of floodwaters.
- L. To require that uses vulnerable to floods, including public facilities, be constructed so as to be protected from flood damage in accordance with the purpose and requirements of the Federal Flood Insurance Program, P.L. 93-234, and the Pennsylvania Floodplain Management Act, P.L. 851, No. 166 of 1978,²¹ and as either is amended.

§ 340-133. Boundaries.

- A. The Floodplain Conservation District is defined and established as those areas of the Borough subject to flooding as defined in the following:
 - (1) Those areas subject to inundation by the waters of the one-hundred-year flood as delineated in the Flood Insurance Study for the Borough of Trappe, Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, Federal Insurance Administration, December 19, 1996 and any subsequent amendment.
- B. Said floodplains shall be comprised of three subdistricts as follows:
 - (1) FW (Floodway Area): the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

²¹. Editor's Note: See 32 P.S. § 679.101 et seq.

- (2) FF (Flood-Fringe Area): the remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
 - (3) FA (General Floodplain Area): the areas identified as Zone A in the FIS for which no one-hundred-year flood elevations have been provided. When available, information from other federal, state, and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. In lieu of the above, the Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computation, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.
- C. In addition and except where this article prescribes greater setbacks due to the boundaries of the floodplain as defined in Subsection A, the minimum setback from any watercourse for a structure shall be 50 feet landward from the top of bank.
 - D. All subsequent boundary changes shall be indicated on the Floodplain Conservation District Map (the Zoning Map) if, as, and when feasible.

§ 340-134. Overlay concept.

The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

- A. Should the Floodplain Conservation District be declared inapplicable by legislative or administrative actions or judicial decision, the zoning applicable to such lot shall be deemed to be the district in which it is located without consideration of this article.
- B. Should the zoning of any parcel or any part thereof in which the Floodplain Conservation District is located be changed through any legislative or administrative actions or judicial decision, such change shall have no effect on the Floodplain Conservation District unless such change was included as part of the original application.

§ 340-135. Boundary interpretation and appeals procedure.

Should a dispute concerning the Floodplain Conservation District boundaries arise an initial determination shall be made by the Zoning Officer:

- A. Any party aggrieved by this decision, claiming the criteria used for delineating the boundary as defined in § 340-133 herein, is or has become incorrect because of changes

due to natural or other causes, may appeal to the Zoning Hearing Board as provided in Article XIII, § 340-85 of this chapter and §§ 340-140, 340-141 and 340-142 herein.

- B. The burden of proof with respect to going forward with the evidence and with respect to the burden of persuasion shall be on the appellant.
- C. Insofar as various natural conditions, including the Floodplain Conservation District as herein defined, may change, such changes may be validated by detailed on-site survey techniques approved by the Federal Emergency Management Agency (FEMA). Whether a proposed use is within the Floodplain Conservation District, as shown on the Floodplain Conservation District Map, shall, upon appeal from the decision of the Zoning Officer, be determined by the Zoning Hearing Board, upon receipt of the findings of the detailed on-site survey by the petitioner. The Zoning Hearing Board, in addition to other evidence and standards may consider the recommendations of the Trappe Planning Commission and the validation of the Federal Emergency Management Agency (FEMA) and/or other municipal agencies.
- D. All changes to the boundaries of the Floodplain Conservation District are subject to the review and approval of the Federal Emergency Management Agency (FEMA).

§ 340-136. Permitted uses.

The following uses and no other shall be permitted in the Floodplain Conservation District. All permitted uses are subject to floodproofing regulations in applicable codes. Any of the uses or development activities in Subsections A through G shall not be permitted within the designated floodway, unless the effect of such development or activity on flood heights is fully offset by accompanying stream improvements:

- A. Cultivation and harvesting crops according to recognized soil conservation practices.
- B. Pasture and grazing of animals according to recognized soil conservation practices.
- C. Outdoor plant nursery or orchard according to recognized soil conservation practices.
- D. Wildlife sanctuary, woodland preserve, arboretum and passive recreation or parks, including hiking, bicycle and bridle trails, but including no facilities subject to damage by flooding.
- E. Game farms, fish hatchery, or hunting and fishing reserve for the protection and propagation of wildlife, but permitting no structures.
- F. Forestry, lumbering and reforestation according to recognized natural resources conservation practices.
- G. Front, side and rear yards and required lot area in any district, provided such yards are not to be used for on-site sewage disposal systems or for non-wire fences or any other structures.

§ 340-137. Prohibited uses without further consideration.

The following uses shall be specifically prohibited in a Floodplain Conservation District, and shall not be subject to further consideration, in accordance with the Pennsylvania Floodplain Management Act, P.L. 851, No. 166 of 1978,²² and as amended.

- A. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and materials and any new or substantially improved structure which will be used for the production, or storage of any of the following dangerous materials or substances; or, will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, or any of the following dangerous materials or substances on the premises; or, will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
- (1) Acetone.
 - (2) Ammonia.
 - (3) Benzene.
 - (4) Calcium carbide.
 - (5) Carbon disulfide.
 - (6) Celluloid.
 - (7) Chlorine.
 - (8) Hydrochloric acid.
 - (9) Hydrocyanic acid.
 - (10) Magnesium.
 - (11) Nitric acid and oxides of nitrogen.
 - (12) Petroleum products (gasoline, fuel oil, etc.).
 - (13) Phosphorus.
 - (14) Potassium.
 - (15) Sodium.
 - (16) Sulphur and sulphur products.
 - (17) Pesticides (including insecticides, fungicides, and rodenticides).
 - (18) Radioactive substances, insofar as such substances are not otherwise regulated.

22. Editor's Note: See 32 P.S. § 679.101 et seq.

- B. The construction, enlargement or expansion of all manufactured home parks, and manufactured home subdivisions; hospitals (public and private); nursing homes (public and private); and jails or prisons.
- C. Stripping of topsoil, ground cover, vegetation or removal of trees within 20 feet of a stream bank if said distance falls within the floodway.
- D. On-site sewage disposal systems.
- E. Private water supply wells.

§ 340-138. Prohibited uses.

The following uses shall not be permitted in the Floodplain Conservation District:

- A. All freestanding structures and buildings and retaining walls, with the exception of flood-retention dams, culverts, and bridges as approved by the Pennsylvania Department of Environmental Resources. This includes but is not limited to those structures identified under Chapter 3, Section 301(a) of the Pennsylvania Floodplain Management Act (Act 166-1978)²³ and Section 38.6 of the Pennsylvania Department of Community Affairs Floodplain Management regulations.
- B. The relocation of any watercourse without approval by the Borough Council of Trappe Borough, shall first have received the recommendation of the Borough Planning Commission thereon; the relocation of any watercourse without the approval of the Pennsylvania Department of Environmental Protection. In addition, all adjacent communities, the State's Coordinator Office and the Federal Emergency Management Agency shall be notified prior to any alteration or relocation of a watercourse.

§ 340-139. Conditional uses.

The following uses may be permitted by a conditional use from the Borough Council upon the recommendation of the Planning Commission:

- A. Recreational use, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing areas, sport or boating clubs, not to include enclosed structures excepting toilet facilities but permitting piers, docks, floats or unenclosed shelter usually found in developed outdoor recreational area. Any toilet facilities provided shall be connected to public water and sewerage systems.
- B. Sewage treatment plant, outlet installation for sewage treatment plans and sewage pumping stations with the approval of the Borough Engineer, appropriate sewer authorities and the Pennsylvania Department of Environmental Protection when accompanied by documentation as to the necessity for locating within the boundaries of the Floodplain Conservation District.

23. Editor's Note: See 32 P.S. § 679.301(a) et seq.

- C. Sealed public water supply wells with the approval of the Borough Engineer and the Pennsylvania Department of Environmental Protection.
- D. Dams, culverts and bridges with approval of appropriate authorities with jurisdiction such as the Commonwealth of Pennsylvania, Department of Environmental Protection.
- E. Sanitary or storm sewers and impoundment basins, with the approval of the Borough Engineer and the Pennsylvania Department of Environmental Protection.
- F. Roads, driveways and parking facilities.
 - (1) In the case of roads and driveways, no such facilities shall be permitted as a conditional use, if viable alternative alignments are feasible. In any case, pervious rather than impervious materials shall be utilized in the construction of any road or driveway situated within a floodplain.
 - (2) In the case of parking facilities, no such facility shall be permitted as a conditional use unless satisfactory evidence is submitted that such parking will not be utilized during periods of flood flow, thus posing no threat to the safety of the vehicles, their users and/or to downstream properties. Temporary parking for periods not to exceed one hour, and/or parking for recreation uses would be examples of such exceptions. In any case, pervious rather than impervious materials shall be utilized in the construction of any parking facility situated within a floodplain.
- G. Grading or regrading of lands, including the deposit of topsoils and the grading thereof. The application for a conditional use for such a use shall be accompanied by the following:
 - (1) Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question, including the necessary data to determine whether the boundaries of the Floodplain Conservation District would be affected if the application were granted.
 - (2) An application for amending the boundaries of the Floodplain Conservation District if the boundaries are affected by the grading or regrading of land.
 - (3) A plan indicating the disposition of any fill or material proposed to be deposited by the grading or regrading of land; such fill or other materials shall be protected against erosion by riprap, vegetative cover or bulkheading.
- H. Overhead electric transmission lines.
- I. Fences of wood, wire or other materials which will impede the flow of floodwaters and debris.

§ 340-140. Application procedure.

For any use of land or other development in the Floodplain Conservation District, excepting ones existing as of the date of the enactment of this chapter, an application for a floodplain use permit shall be filed with the Building Inspector (Zoning Officer), who shall make an initial determination on the application.

- A. For a use other than those permitted in § 340-136, an application seeking approval by conditional use or variance shall be forwarded to the Zoning Hearing Board or Borough Council, as appropriate, along with required studies or information and the findings of the Building Inspector (the Zoning Officer).
- B. Any application involving the use of fill, the construction of structures, or storage of materials, shall be accompanied by the following:
- (1) A plan certified by a registered professional engineer which accurately locates the floodplain proposal with respect to the floodplain district limits, channel on stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property fill limits and elevations; and floodproofing measures including those required by the Borough Building Code, as amended to date of application, and the provisions of this article.
 - (2) The following additional information as deemed necessary by either the Zoning Officer (Building Inspector) or the Borough Council for the evaluation of effects of the proposal upon flood flows and flood water storage and to render a decision on the proposal floodplain use:
 - (a) A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development and high water information;
 - (b) Plan surface view showing elevation or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities and soil types and other pertinent information;
 - (c) Profile showing the slope of the bottom of the channel of the flowline of the stream;
 - (d) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.
 - (e) A plan or document certified by a registered professional engineer that the floodproofing measures consistent with requirements for the flood protection elevation for the particular area, and with the requirements of the Borough Building Code, as amended, to include, without limitation because of specific enumeration:
 - [1] Anchorage to resist flotation and lateral movements.
 - [2] Installation of watertight doors, bulkheads and shutters.
 - [3] Reinforcement of walls to resist water pressure.

- [4] Use of paints, membranes or mortar to reduce seepage of water through walls.
- [5] Additions of mass or weights to structures to resist flotation.
- [6] Installation of pumps to lower water levels in structures.
- [7] Construction of water supply and waste treatment systems so as to prevent the entrance of flood water.
- [8] Pumping facilities for subsurface external foundation wall and basement water pressures.
- [9] Construction to resist rupture caused by water pressure or floating debris.
- [10] Cutoff valves on sewer lines or the elimination of gravity flow basement drains.
- [11] Elevation of structures to reduce the likelihood of flood damage.

§ 340-141. Procedures for consideration of a conditional use.

All applications for approval by conditional use shall be considered using the standards as listed in § 340-142.

- A. The Borough Council shall hold a public hearing within 60 days after an application is filed. Public notice of the hearing shall be given in accordance with Article XIII, § 340-91 of this chapter.
- B. The Borough shall request the review and recommendations of the Federal Emergency Management Agency.
- C. The Borough shall request, at least 30 days prior to the public hearing, the review and recommendations of the Trappe Borough Planning Commission.
- D. The Borough shall request, at least 30 days prior to a public hearing, the review and recommendations of technical agencies such as the Montgomery County Planning Commission, the Perkiomen Watershed Association, and other planning agencies as necessary to assist in determining the environmental impact of the proposed use(s).
- E. The Borough shall render a decision within 45 days after the public hearing, except that one continuance of 30 days shall be permitted.
- F. In rendering a decision, the Borough may impose special measures or conditions as deemed reasonably necessary and appropriate for the proposed use(s) to conform with the intent of this article.

§ 340-142. Standard for approval of uses by conditional use.

The Borough Council shall exercise discretion in allowing only those uses which are substantially in accord with the stated objectives in § 340-132 herein. In considering a use as a conditional use, the Borough Council shall consider the following:

- A. The effect of the use shall not substantially alter the cross-sectional profile of the streams and floodplains at the location of the proposed use.
- B. Lands abutting the waterway, both upstream and downstream, shall not be unreasonably affected by the proposed use.
- C. The general welfare or public interest of Trappe Borough or of other municipalities in the same watershed shall not be adversely affected.
- D. Any structure or addition to an existing structure permitted by conditional use shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water, and shall be designed to have a minimum effect upon the flow and height of flood water.
 - (1) Residential structures shall be elevated in accordance with the provisions contained in the Borough of Trappe Building Code, as amended.²⁴
 - (2) All other structures or additions to existing structures shall be elevated to the greatest extent possible according to the provisions contained in the Borough of Trappe Building Code, as amended. However, any portion of the structure not so elevated shall be floodproofed, also in accordance with the Borough Building Code, as amended.
- E. For any development or structure permitted by conditional use, the following shall apply:
 - (1) All such structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
 - (2) All such structures shall be constructed so as to prevent the entrance of flood waters into the water supply and waste treatment systems as well as other utility and facility systems. In addition, waste treatment systems shall be designed to minimize or eliminate discharges from the system into the flood waters.
 - (3) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

24. Editor's Note: See Ch. 135, Construction Codes.

- (4) Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.
 - (5) With any FW (Floodway Area), the following provisions apply:
 - (a) Any new construction, development, use, activity, or encroachment that would cause any increase in one-hundred-year flood heights shall be prohibited.
 - (b) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.
 - (6) Within any FA (General Floodplain Area), the following provisions apply:
 - (a) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.
- F. An affirmative decision shall not be issued by the Borough for an application within the designated floodway unless the effect of such proposed activity on one-hundred-year flood heights is fully offset by accompanying stream improvements.
- G. The Borough shall notify the applicant in writing that: the issuance of a decision to allow construction of a structure below the base flood elevation will result in increased premium rates for flood insurance; such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with a record of all decisions as required.
- H. The Borough shall maintain a record of all decisions, including justification for their issuance; and report such decisions issued in the annual report submitted to the Federal Emergency Management Agency.

§ 340-143. Standards for approval of uses by variance.

A property owner of a lot of record, as of the date of the enactment of this article, who is able to prove that the strict enforcement of this article would create undue hardship by denying a reasonable use of an existing lot which is situated either wholly or partially in the Floodplain Conservation District, may seek relief by applying for a variance from the Zoning Hearing Board. Variances shall not be granted for either those uses identified under § 340-137A or D, or such other uses as prohibited by the state.

- A. The Zoning Hearing Board, after deciding upon the merits of the application, may permit the applicant to make some reasonable use of the property in question, while ensuring that such use will not violate the basic objectives of this article, as specified in § 340-132 herein.

- B. In considering a use as a variance, the Zoning Hearing Board shall consider all standards and criteria outlined in § 340-142 herein regarding conditional uses.
- C. Any structure permitted by variance shall include floodproofing measures, such as the following, as required by the Borough Building Code, as amended, without limitation because of specific enumeration:
- (1) Anchorage to resist flotation and lateral movements.
 - (2) Installation of watertight doors, bulkheads and shutters.
 - (3) Reinforcement of walls to resist water pressures.
 - (4) Use of paints, membranes or mortar to reduce seepage of water through walls.
 - (5) Additions of mass or weight to structures to resist flotation.
 - (6) Installation of pumps to lower water level in structures.
 - (7) Construction of water supply and waste treatment systems so as to prevent the entrance of flood water.
 - (8) Pumping facilities for subsurface external foundation wall and basement floor pressures.
 - (9) Construction to resist rupture or collapse caused by water pressure or floating debris.
 - (10) Cutoff valves or sewer lines, or the elimination of gravity-flow basement drains.
 - (11) Elevation of structures to reduce the likelihood of flood damage.
- D. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:
- (1) Affirmative decisions shall only be issued by the Zoning Hearing Board upon: a showing of good and sufficient cause; a determination that failure to grant the appeal would result in exceptional hardship to the applicant; and a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - (2) Affirmative decisions shall only be issued upon determination that it is the minimum necessary, considering the flood hazard, to provide relief.
 - (3) An affirmative decision shall not be issued by the Borough for an application within the designated floodway unless the effect of such proposed activity on one-hundred-year flood heights is fully offset by accompanying stream improvements.
 - (4) The Borough shall notify the applicant in writing that: the issuance of a decision to allow construction of a structure below the base flood elevation will result in increased premium rates for flood insurance; and such construction below the base

flood elevation increases risks to life and property. Such notification shall be maintained with a record of all decisions as required.

- (5) The Borough shall: maintain a record of all decisions, including justification for their issuance; and report such decisions issued in the annual report submitted to the Federal Emergency Management Agency.

§ 340-144. Uses and/or structures rendered nonconforming.

Following the adoption of this article, any use or structure which is situated within the boundaries of the FP Floodplain Conservation District and which does not conform to the permitted uses specified in § 340-136 herein, shall become a nonconforming use or structure, regardless of its conformance to the district in which it is located without consideration of this article. As a nonconforming use or structure, it shall be governed by the provisions of § 340-141 of this article, Article XVIII of this chapter and the Trappe Borough Building Code.²⁵

§ 340-145. Certificate of compliance.

No vacant land shall be occupied or used and no building hereafter erected, altered or moved on the floodplains of any river or stream shall be occupied until a certificate of compliance shall have been issued by the Building Inspector (the Zoning Officer). The Building Inspector (Zoning Officer) shall request the applicant to submit a certification by a registered professional engineer or land surveyor that the finished fill, lowest building floor elevations, floodproofing measures, or other flood protection factors were accomplished in compliance with the provisions of this article. The Building Inspector (Zoning Officer) shall, within 10 days after receipt of such certification from the applicant, issue a certification of compliance only if the building or premises and the proposed use thereof conform with all the requirements of this article.

§ 340-146. Municipality liability.

The granting of a building permit or approval of a subdivision or land development plan in or near the Floodplain Conservation District shall not constitute a representation, guarantee or warranty of any kind by the municipality, or by an official or employee thereof of the practicability of safety of the proposed use and shall create no liability upon Trappe Borough, its officials, or employees. The degree of flood protection intended to be provided by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This article does not imply that areas outside Floodplain Conservation District boundaries or land uses permitted within such districts will always be totally free from flooding or flood hazards.

25. Editor's Note: See Ch. 135, Construction Codes.

ZONING

340 Attachment 1

Borough of Trappe

Table of Zoning Map Amendments

Ord. No.	Date	Purpose
183-C	5-5-1975	Establishes FP-Floodplain Conservation District as overlay to existing districts
220	12-1-1981	Deletes Article XIX as added by Ordinance 183-C and substitutes new Article XIX establishing FP-Floodplain Conservation District as overlay to existing districts
227	1-3-1984	Changes from GA Garden Apartment District to R-3 High-Density Residential District a 31.445-acre tract, a portion of Tintegal Square
243	7-7-1987	Changes from C-1 Limited Commercial District to R-3 High-Density Residential District a 1.65-acre tract, Lot No. 2 in the Plan of Rittenhouse Square
257	12-6-1988	Divides the Borough into six districts instead of seven reflecting the deletion of the GA Garden Apartment District by Ordinance 256, and directs that the Zoning Map be amended accordingly
260	8-1-1989	Rezones from C-1 Limited Commercial to R-3 High-Density Residential District a .9784-acre tract, part of the Rittenhouse Square subdivision, located to the rear of property known as 386 Main Street and adjacent to the property owned by John H. Comiskey and others, and is a portion of lands joined with Rittenhouse Properties, Inc.
268 (Section 5)	6-5-1990	Rezones from a CC Community Commercial and R-2 Medium-Density Residential Districts to R-3 High-Density Residential a 5.4943-acre tract owned by Trappe Associates along First Avenue
315	6-14-1996	Designates the VC Village Commercial District, and any references to C-1 or C-1 Limited Commercial District(s) on the Zoning Map are amended and shall refer to the VC Village Commercial District
322	2-4-1997	Changing the Zoning Map by changing the ultimate right-of-way widths for Main Street, West and East Seventh Avenue, Betcher Road, and Linfield Road
325	7-1-1997	Rezoning a portion of the property situate at 379 Main Street from C-1 to an R-III zoning district

TRAPPE CODE

Ord. No.	Date	Purpose
343	7-6-1999	Changing the Zoning Map to include all of the property situate at 30 East Third Avenue as Village Commercial (VC)
346	5-2-2000	Adopting the amended, revised, and updated Zoning Map, last revised 5-2-2000
349	1-2-2001	Changing the Zoning Map for the property situate as 250 West 7th Avenue from Light Industrial to an R-2 zoning use
409	1-6-2009	Adopting the amended, revised, and updated Zoning Map, last revised 11-3-2008