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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 2022." 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, to provide for the reasonable development of minerals, to adopt a Zoning Map dividing the Borough into zoning districts with varying regulations, and to encourage the most appropriate use of land throughout the Borough.

§ 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.

§ 340-6. Exemptions.

The requirements of this chapter shall not apply to uses or structures owned by the Borough of Trappe that are intended for a legitimate governmental or public health or safety purpose.

§ 340-7. Reserved.

§ 340-8. Reserved.

§ 340-9. Reserved.

ARTICLE II
Terminology

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.

ACADEMIC CLINICAL RESEARCH CENTER – An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.

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 OR USE – A subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building. The term "Accessory Building" may include a private garage, garden shed or barn, private playhouse, private greenhouse, guesthouse, caretaker's cottage, or servants' quarters, as hereinafter provided. An outdoor private swimming pool is an accessory use but not an accessory building. Where any part of the wall of an accessory building is part of the wall of a main building, or where the accessory building is attached to the main building by a roof, including carports however covered, such accessory building shall be deemed part of the main building. Unless specifically allowed otherwise by this Ordinance, a detached building that is accessory to a dwelling shall not include cooking facilities, a shower or a bath tub, and shall not be used for overnight sleeping purposes.

AGE RESTRICTED HOUSING (AGE QUALIFIED HOUSING) – Dwelling units arranged and constructed to serve the needs or older persons who prefer an independent residential environment. Age restricted housing shall comply with applicable regulations of the Federal Fair Housing Act, as amended.

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.

AGRICULTURAL OPERATION – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

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.

ANIMAL – All non-human vertebrate and invertebrate species, whether wild or domestic, commonly considered to be part of the animal kingdom.

ANIMAL HUSBANDRY – The raising and keeping of livestock and poultry not classified as intensive agriculture.

ANIMAL, WILD OR EXOTIC – Any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise as controlled by the Commonwealth of Pennsylvania. It shall include any animal which is wild, fierce, dangerous, noxious, or naturally inclined to do harm. Wild animals, however domesticated, shall also include but not limited to:

A. Amphibians: All venomous frogs, toads, turtles, etc.;

B. Bear (Ursidae): All bears, including grizzly bears, brown bears, black bears, etc.;

C. Cat Family (Felidae): All except commonly accepted domestic cats; including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, bobcats, wild cats, etc.;

D. Crocodilians: All alligators, caimans, crocodiles, gavials, etc.;

E. Dog Family (Canidae): All except domesticated dogs; including wolf, fox, coyote, dingo or offspring of domesticated dogs bred with a wolf, fox, coyote, dingo, etc.;

F. Mongooses (Feliformia): Mongooses, civets, etc.;

G. Pig: All wild or domestic swine, etc., excluding certified Vietnamese potbellied pigs;

H. Porcupine (Erethizontidae): All porcupines, etc.;

I. Primates (Hominidae): All sub-human primate, etc.;

J. Raccoons (Procyonidae): All raccoons, etc.;

K. Reptiles: All venomous or constricting snakes; venomous lizards, etc.;

L. Venomous Invertebrates: All venomous spiders, scorpions, etc.;

M. Weasels (Mustelidae): All including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, etc., excluding domesticated ferrets.

ANTENNA – Any exterior transmitting or receiving device mounted on a tower, building, or structure, and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals. Such devices shall not be deemed to be a "public utility" or "public use."

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

APARTMENTS – See “Dwelling, Multiple.”

ARCADE – A place of business where three or more coin-operated video game machines are located.

ARTISTIC DIPLAY – A work of art sited within view from the public right of way. This can include murals, outdoor sculptures, or infrastructure such as fixtures or furniture and other functional elements designed and/or built for artistic purposes.

BANQUET HALL – A building which is rented by individuals or groups to accommodate private functions including but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such use may or may not include kitchen facilities for the preparation or catering of food, and the sale of alcoholic beverages for on-premises consumption only during scheduled events and not open to the general public.

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.

BETTING PARLOR – A building where lawful gambling activities are conducted, including but not limited to off-track pari-mutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State Law, which shall instead be regulated under the regulations applicable to the principal use of the property.

BILLBOARD – A type of "Sign, Off-Premises" that has a sign area of greater than 10 square feet.

BOARDING HOUSE – A building or part thereof designed for and occupied as a residence containing one or more rooming units, whether or not meals are furnished to lodgers and in which no transients are accommodated, and no public restaurant is maintained. A school or college dormitory, fraternity or sorority house, and other similar uses are not deemed a boarding or rooming house.

BODY ART ESTABLISHMENT – Any establishment that uses any method of placing ink or pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

BODY PIERCING – The means of puncturing or penetrating a person's skin with presterilized single-use needles and the insertion of presterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system shall not be included in this definition.

BRING YOUR OWN BOTTLE ESTABLISHMENT (BYOB) – A place of assembly or any other use defined in this ordinance, other than a dwelling unit, including but not limited to restaurants, taverns, clubs and social buildings, that is not licensed by the Pennsylvania Liquor Control Board, in which no intoxicating beverages are sold, but where patrons are permitted to bring intoxicating beverages upon the premises for their own use and consumption only.

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.

CAREGIVER – The individual designated by a patient to deliver medical care, including marijuana.

CATERING ESTABLISHMENT – A person or business that prepares and provides food, beverages, or both, along with the necessary accessories for serving these products, for consumption. The food and beverages are provided for events that are located off the business establishment's premises.

CEMETARY – Land used for burial of dead bodies or cremated remains.

CHECK CASHING ESTABLISHMENT – A use engaged primarily in the cashing of checks by individuals or the deferred deposit of personal checks whereby the check casher refrains from depositing a personal check written by a customer until a specific date; or the offering of a loan until a paycheck would be received by the person receiving the loan. This term shall not include a state of federally chartered bank, savings association, credit union, or industrial loan association, or a retail store engaged primarily in selling or leasing items to retail customers and that cashes a check for a fee not routinely exceeding one percent of the check amount as a service to its customers incidental to the retail store principal use.

CHILD CARE – Care given to 4 or more children under 16 years of age, away from the child's own home, given for part of a 24-hour day, on a regular basis. Child care does not include care furnished in churches during religious services, care in public or private elementary junior high or high schools before, during or after hours of instruction, nursery schools, or care given by relatives.

CHILD CARE CENTER – A facility, other than a dwelling unit, in which child care is provided for 7 or more children at any one time. A child care center may be a customarily incidental accessory use to a place of employment, such as an office or manufacturing use, if care is primarily given to children of employees of the principal use.

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

CLUSTER DEVELOPMENT – An area of land to be developed as a single entity for a number of single-family detached dwellings in compliance with the cluster regulations of this ordinance.

CO-LIVING – See "Boarding House."

COLLEGE (UNIVERSITY) – A post-secondary educational institution authorized by the State of Pennsylvania to award associate, baccalaureate or higher degrees.

COMMUNICATIONS ANTENNA – Any structure that is constructed for the primary purpose of supporting one or more communications antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles. Distributed antenna system hub facilities are considered to be telecommunications towers.

COMMUNICATIONS FACILITY, WIRELESS – The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

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.

CONCENTRATED ANIMAL FEEDING OPERATIONS – An agricultural operation where the animal density exceeds two Animal Equivalent Units (1,000 pounds live weight, such as 1,000 head of beef cattle, 700 dairy cows, 2500 swine weighing more than 55 pounds, 125 thousand broiler chickens, or 82 thousand laying hens or pullets) per acre on an annualized basis.

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.

CREMATORIUM – A location containing properly installed, certified apparatus intended for the use in and the act of cremation.

DATA CENTER – A facility occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite Locations, including cryptocurrency mining, blockchain transaction processing, and server farms.

DAY CARE CENTER – See “Child Care Center.”

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.

DORMITORY – A building or portion thereof which contains living quarters for five or more students, staff or members of a college, university, primary or secondary boarding school, theological school, hospital, religious order or comparable organization, provided that such building is either owned or managed by such organization.

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

DRIVE-THRU USE – A use which provides for some or all customers to receive services, obtain food or other goods, or be entertained while remaining in their motor vehicles.

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.

DWELLING, COMBINATION USE – A dwelling in combination with an existing or proposed nonresidential use within the same building (Live/Work)

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, TOWNHOUSE – A set of three or more attached dwelling units, which are completely separated from each other by one or two vertical party walls, where each dwelling unit has its own entrance/exit to the outside.

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

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

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, sanitaria, charitable or public residential institutions.

FAMILY CHILD CARE HOME – A dwelling unit in which child care is provided simultaneously for 4 to 6 children who are not relatives of the caregiver, where the primary use of the child care areas is as a residence.

ELECTRIC VEHICLE CHARGING STATION – A public or private parking space that is served by battery charging station equipment for the purpose of transferring electric energy to a battery or other storage device in an electric vehicle.

EMERGENCY SERVICES – Fire, ambulance, rescue, and other emergency services of a municipal or volunteer nature.

EVENT VENUE – See “Banquet Hall”.

EXERCISE CLUB – A facility that offers indoor or outdoor recreational facilities, such as the following: weight rooms, personal exercise and gymnastic equipment, aerobic, dance, or yoga rooms, non-household swimming pool, racquetball, squash, basketball and tennis courts and training for these activities.

FIRING RANGE – A parcel of land used for the purpose of discharging firearms at fixed and/or moving targets or flying targets.

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

FLOODPLAIN (OR FLOODPLAIN) – That area defined in Article XX Floodplain as the Floodplain Conservation District; the floodplain definition 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]

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

FRATERNITY or SORORITY HOUSE – A building designed or arranged for occupancy by an incorporated nonprofit organization of full-time students of an accredited college or university.

FUNERAL HOME – A building or part thereof for funeral services. Such building may contain space and facilities for a) embalming and the performance of other services used in the preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; d) the storage of funeral vehicles; and e) facilities for cremation.

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, PRIVATE – A garage accessory to a principal building, either attached to said principal building or as a separate accessory use, used for the storage of motor vehicles owned and used by the tenant of the premises.

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.

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

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.

GEOTHERMAL SYSTEM – An energy system that uses a heat pump to extract heat from the earth in heating mode and/or reject heat into the earth in cooling mode. It is also called a geothermal heat pump system, a ground-coupled heat pump system, an earth-source heat pump system, and a GeoExchange system.

GROUP CHILD CARE HOME – A dwelling unit in which child care is provided simultaneously for 7 to 12 children who are not relatives of the caregiver, where the primary use of the child care areas is as a residence.

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.

HELIPORT – An area that is used for the landing and take-off of helicopters and includes some or all of the auxiliary facilities useful to helicopter operations such as helicopter parking, fueling and maintenance equipment.

HISTORIC STRUCTURE (RESOURCE) – A structure that is:

A. Listed individually in the National or Pennsylvania Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or

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; or

C. Individually listed on an inventory of historic places, program, or Historic Preservation Plan on file with the Borough.

HOME BASED BUSINESS, NO IMPACT – A business or commercial activity administered or conducted incidental and secondary to the use of a residential dwelling, and whereas there shall be a maximum of two accessory uses within any one dwelling, and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal function to or from the premises, in excess of those normally associated with residential use. The business or commercial activity shall:

A. Be compatible with the residential use of the property and surrounding residential uses.

B. Employ no employees other than family members residing in the dwelling.

C. Present no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. Present no outside appearance of a business use, including but not limited to parking, signs or lights.

E. Not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. Not generate any solid waste or sewage discharge, in volume or type, not normally associated with residential use in the neighborhood.

G. Be conducted only within the dwelling and shall not occupy more than 25% of the habitable floor area.

H. Not involve any illegal activity.

HOME OCCUPATION – An activity, intended to be financially gainful, conducted within a dwelling unit incidental and secondary to the use of a residential dwelling, and whereas, there shall be a maximum of two accessory uses within any one dwelling unit. Unlike a No-Impact Home Based Business, Home Occupations provide opportunity for on-site customers and therefore, also permit restricted signage opportunity.

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.

INSTITUTION OR RESIDENCE FOR CHILDREN, THE AGED, OR THE HANDICAPPED – A group residential facility that provides supportive services and treatment as well as residence of more than 12 unrelated persons including but not limited to children, juvenile delinquents, the mentally or physically handicapped and elderly, but not including drug and alcohol treatment or rehabilitation facilities, or adult pre-release correctional facilities such as work release, halfway houses or similar uses.

JUNK AND/OR SCRAP YARD – Any area and/or structure used or intended to be used for the conduction and operating of the business of selling, buying, storing or trading in used or discarded metal, glass, paper, cordage or any used or disable furniture, vehicles or equipment of any kind. Such operation may include the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

KENNEL OR STABLE – A building, including a dwelling unit, in which more than six (6) dogs or domesticated animals more than four months old are housed, bred, boarded, or trained, including but not limited to dog and cat kennels, horse stables, or riding academies. This term shall not include the routine keeping of animals within a veterinary office while undergoing recuperation.

LIBRARY (AND CULTURAL EXHIBITS) – A building containing a museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or collection of books, manuscripts, and similar materials for study and reading.

LIVE/WORK UNIT – See “Dwelling, Combination Use.”

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.

LUMBER YARD – A use where lumber products are sold, manufactured, or stored.

MANUFACTURED HOME – See "Mobile Home."

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

MASSAGE ESTABLISHMENT – Any business or establishment where a massage is available, including, without limitation, a massage school, but excluding a hospital, nursing home, medical clinic, the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath, or a barbershop or beauty salon in which a massage is administered only to the scalp, face, neck or shoulders.

MEDICAL MARIJUANA – Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania.

MEDICAL MARIJUANA CLINICAL REGISTRANT – An entity that:

A. Holds a permit both as a grower/processor and a dispensary; and

B. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE – Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

MEDICAL MARIJUANA DISPENSARY – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

MEDICAL MARIJUANA GROWER/PROCESSOR – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

MEDICAL MARIJUANA IDENTIFICATION CARD – A document issued by the DOH that permits access to medical marijuana.

MEDICAL MARIJUANA USE, CERTIFIED – The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation, or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's medical condition, as authorized by certification by the Commonwealth.

MEDICAL MARIJUANA ORGANIZATION OR FACILITY – A dispensary or a grower/processor of marijuana for medical purposes.

MEDICAL OFFICE/CLINIC – A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

MINING/QUARRYING – The extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; and mining.

MOBILE HOME – A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral until capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation. It is also called a manufactured home.

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 has been so designated and improved that it contains two or more mobile home lots for the placement thereon 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.

MOVING AND STORAGE FACILITIES – Uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary storage of those same items. Typical uses include moving companies and self-service and mini-storage warehouses.

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.

NIGHTCLUB – A use that meets all of the following standards:

A. Offers amplified music after 12 midnight;

B. Sells alcoholic beverage primarily for on-site consumptions;

C. Includes hours open to patrons after 12 midnight;

D. Has a building capacity of over 150 persons; and

E. Has less than 20 percent of its total sales in food and non-alcoholic beverages.

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.

NURSERY/GREENHOUSE – The raising of trees for transplanting, ornamentals, shrubs, flowers or houseplants for any commercial purpose.

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.

OUTDOOR STORAGE – The storage of goods, products, materials, vehicles not is service, equipment and similar items in an unenclosed area for preservation, later use, or disposal. For purposes of this ordinance, this definition does not include the storage of trucks and/or trailers unless as accessory to another permitted principal use.

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.

PAWN SHOP – An establishment engaged in retail sales of secondhand merchandise and that offers personal loans secured by consumer good, jewelry and other personal property held by the Pawn Shop.

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

PET, NON-STANDARD – A domesticated animal kept for companionship. This shall not include animals raised or kept for agricultural or farming purposes, venomous or poisonous animals, wild or exotic animals, feral animals, and wild/domestic animal hybrids.

PET, STANDARD – A domesticated animal kept for companionship, specifically dogs, cats, ferrets, Vietnamese pot-bellied pigs, and rabbits.

PHARMACY – An establishment where prescription medicines and drugs are compounded and/or dispensed and where a variety of over-the-counter medications, cosmetics, and other miscellaneous merchandise may be sold.

PRINTING/PUBLISHING – An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying, and other establishments serving the printing trade including bookbinding, typesetting, engraving, photo engraving, and electrotyping. This use also includes establishments that publish newspapers, book and periodicals. This use does not include “quick printing” services.

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. 375 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.

RECYCLING PROCESSING CENTER – A use involving the bulk separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve: highly hazardous or toxic substances, incineration, putrescent waste or a junkyard. Waste materials shall be stored only for the short term and shall be transported from the site on a regular basis.

REGISTRY – The registry established by the DOH for all medical marijuana organizations and practitioners.

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

RESEARCH FACILITY – A building or group of buildings containing facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products.

RESIDENTIAL CONVERSION – To increase the number of dwelling units within an existing residential or mixed-use building consisting of three or less dwelling units.

ROOMING HOUSE – See “Boarding House.”

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.

SCHOOL, VOCATIONAL OR TRADE – Any secondary or higher education facility primarily teaching useable skills that prepare students for jobs in a trade meeting the state requirements as a vocational facility.

SHELTER, COMMUNITY – A residence providing food, shelter, medical care, legal assistance, job Training, and/or other services to persons who temporarily require shelter and assistance in order to protect their physical or psychological welfare. Such shelter shall not include housing for treatment of drug or alcohol addiction or correctional facilities.

SHOOTING/TARGET RANGE – See "Firing Range."

SHORT-TERM RENTAL – Any dwelling unit utilized as a single-family residence rented for the purpose of overnight lodging for a period of 30 days or less.

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.

SOLAR ENERGY SYSTEM, ACCESSORY – A solar collection system consisting of one or more roof and/or ground mounted solar collector devices and solar related equipment, which is intended to primarily reduce on-site consumption of utility power or fuels. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SOLAR ENERGY SYSTEM, PRINCIPAL – An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy production facilities consist of one or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

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.

STUDENT RESIDENCE – A living arrangement consisting of three or four full-time or part-time students living in a dwelling unit, one or more of whom are unrelated by blood, marriage or adoption, and who: a) attend undergraduate colleges or universities, b) attend graduate programs at colleges or universities, c) are on a semester or summer break from studies at colleges or universities, or d) any combination of such persons. The residents of a Student Residence shall live in a dwelling unit as a single housekeeping unit, doing their cooking on a premise. A Student Residence shall not include dormitories, or fraternity or sorority houses.

STUDIO – Spaces used by artists for the creation of art or the practice of their artistic endeavors, as well as uses that produce consumer goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading.

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.

SWIMMING POOL, ACCESSORY/HOUSEHOLD – Any receptable or artificially constructed container for water, whether erected above or below ground level, having a wall depth of 2 feet or more at any point within its perimeter, which is primarily used or intended to be used for swimming or bathing, available only to the family of the dwelling unit folder and private guests, not open to the public.

SWIMMING POOL, PUBLIC OR SEMI-PUBLIC – Any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, motels, hotels, and other similar uses.

TATOO PARLOR – See “Body Art Establishment.”

TOWER – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, personal communications services ("PCS") towers, alternative tower structures, and the like. The term includes the structure and any support thereto. Such structures shall not be deemed to be a "public utility" or "public use."

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 not exceeding 375 square feet.

TREATMENT CENTER – A facility which provides residentially based care, counseling, and/or rehabilitation. The residentially based facility may include room and board, personal care, and intensive supervision and case work. Both the residential and out-patient facilities may be included within a hospital but are not a hospital or clinic or Veterans Treatment Center as defined in this Ordinance.

TRUCKING AND TRANPORTATION TERMINALS – An area and/or building where trucks load and unload materials on a regular basis, or where tractor trailers are transferred from one tractor cab to another for the purpose of continuation to another destination, or where trucks or tractors or tractor trailers are stored, parked or waiting for dispatch.

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.

UTILITIES – Buildings and structures of a public or municipal utility, in addition and connected to the lines, piping, conduits, transformer, or other equipment which is essential to providing that utility's services. Normally a significant or combination of structures, often enclosed within a building, such as a substation, pumping station, switching building or central station, or similar installation. "Utilities" shall not be deemed to include antennas, backhaul networks, or towers.

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 XIV Zoning Hearing Board hereof.

VETERANS TREATMENT CENTER – A facility which provides residentially based treatment and rehabilitation and/or out-patient services for veterans and veterans' family members. The residentially based facility may include room and board, personal care, and intensive supervision, including but not limited to treatment for drug and alcohol abuse, Co-Occurring Disorders ("PTSD"), family education and intervention, education, and mentoring programs and case work for no more than 60 patients. Both the residential and out-patient facilities may be included within a hospital but are not a hospital or clinic as defined by this Ordinance. For purposes of this definition, a "veteran" means an individual who has served in the armed forces for the United States and any reserve component thereof.

VETERINARY HOSPITAL – An establishment used by a licensed veterinarian for the practice of veterinary medicine that may include an accessory animal kennel.

VISITOR CENTER – A use which shall include exhibit space, presentation space, informational displays and/or retail space. The Visitor Center may also include ancillary and operational spaces necessary to support the visitor center such as restaurants, administrative offices, storage, etc.

WAREHOUSE – Uses that do not meet the definition of a moving and storage facility but that are engaged in long-term and short-term storage of goods, typically in containers such as boxes, barrels, or drums, within a completely-enclosed building.

WHOLESALE SALES – A place of business primarily engaged in selling merchandise to retailers and industrial, commercial, institutional or professional business users, or to other wholesalers or acting as agents or brokers and buying merchandise for, or selling merchandise to, sch individuals or companies.

WIND ENERGY SYSTEM, ACCESSORY – A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, which has a rated capacity of less than or equal to hundred (100) kilowatts and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

WIND ENERGY SYSTEM, PRINCIPAL – An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Principal wind energy production facilities consist of one or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of more than one hundred (100) kilowatts.

WIRELESS COMMUNICATIONS FACILITY – See "Communications Facility, Wireless."

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

§ 340-11. Districts established and designated. [Amended 12-6-1988 by Ord. No. 257]

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

R-1 Low-Density Residential District
R-2 Medium-Density Residential District
R-3 High-Density Residential District
VC Village Commercial District
CC Community Commercial District
LI Limited Industrial District
AG Agricultural District
IGO Institutional-Government District

§ 340-12. 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. 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.

§ 340-13. 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.

§ 340-14. Reserved.

§ 340-15. Reserved.

§ 340-16. Reserved.

§ 340-17. Reserved.

§ 340-18. Reserved.

§ 340-19. Reserved.

Article IV
R-1 Low-Density Residential District

§ 340-20. Intent.

The R-1 Residential District is intended to allow low-density residential use and to stabilize and protect the characteristics of the areas zoned as such.

§ 340-21. Use regulations.

A building may be erected, altered or used, and a lot may be used or occupied for any of the purposes listed in the Use Table and no other.

§ 340-22. Dimensional regulations.

As indicated in the Dimensional Table.

§ 340-23. 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.

§ 340-24. Reserved.

§ 340-25. Reserved.

§ 340-26. Reserved.

§ 340-27. Reserved.

§ 340-28. Reserved.

§ 340-29. Reserved.

Article V
R-2 Medium-Density Residential District

§ 340-30. Intent.

The R-2 Residential District is intended to allow medium-density residential use and to stabilize and protect the characteristics of the areas zoned as such.

§ 340-31. Use regulations.

A building may be erected, altered, or used and a lot or premises may be used for any of the purposes listed in the Use Table and no other.

§ 340-32. Dimensional regulations.

As indicated in the Dimensional Table.

§ 340-33. 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.

§ 340-34. Reserved.

§ 340-35. Reserved.

§ 340-36. Reserved.

§ 340-37. Reserved.

§ 340-38. Reserved.

§ 340-39. Reserved.

Article VI
R-3 High-Density Residential District

§ 340-40. Intent. [Amended 7-5-1983 by Ord. No. 183-G; 12-6-1988 by Ord. No. 254]

The R-3 Residential District is intended to allow a diversity of housing types and densities in suitable locations, and establish standards of design.

§ 340-41. Use regulations.

A building may be erected, altered, or used, and a lot or premises may be used for any of the purposes listed in the Use Table and no other.

§ 340-42. 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 the “Open Space Requirements and Standards” section herein.

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 the “Open Space Requirements and Standards” section herein.

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.

§ 340-43. Dimensional regulations.

A. As indicated in the Dimensional Table

§ 340-44. 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. 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.

B. Parking regulations. The following standards shall apply to all parking needed to serve any development proposed within this district:

(1) Number of spaces. Reference the parking table.

C. 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.

D. 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.

(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.

E. 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 plant 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.

F. 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.

§ 340-45. Reserved.

§ 340-46. Reserved.

§ 340-47. Reserved.

§ 340-48. Reserved.

§ 340-49. Reserved.

Article VII
VC Village Commercial District

§ 340-50. Purpose; applicability.

The VC Village Commercial District is intended to permit 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 uses that maintain the architectural scale and character of existing buildings.

C. Prohibit uses that attract large volumes of traffic.

D. Prohibit strip-type and highway-oriented commercial appearance, incongruous architectural styles, building or impervious coverage substantially greater than the predominant existing conditions of the neighborhood, and nonessential curb cuts.

E. 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.

F. Direct parking to side or rear yard areas, and encourage adjoining properties to share parking.

G. Require safe and attractive pedestrian access from the street and parking areas to permitted uses.

H. Minimize visual and functional conflicts between residential and nonresidential uses within the district, and protect abutting residential districts from adverse impacts.

§ 340-51. Use regulations.

A building may be erected, altered, or used and a lot or premises may be used for any of the purposes listed in the Use Table and no other.

§ 340-52. 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 the Dimensional Table.

(2) Development shall comply with the driveway access and parking standards of this Article.

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.

§ 340-53. Dimensional standards.

As indicated in the Dimensional Table

§ 340-54. 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 § 340-183, 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 this Article.

(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.

§ 340-55. 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 XI, 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, when an Applicant offers evidence that the peak demand for required parking of different types of uses (such as office, entertainment and places of worship) are sufficiently offset so as to allow for a reduction in the sum of parking spaces otherwise required. Reduced parking requirements for joint parking shall only continue in effect as long as such uses or their closely similar successor uses remain in operation and shall be guaranteed by a legally binding agreement on file with the Borough. If such agreement becomes legally ineffective, then all parking shall be provided as would otherwise be required by this Article. The requirements of the Dimensional Table must be strictly met.

(3) Parking shall be located in the side or rear yard.

(a) Where parking requirements cannot be met in the side or rear yard, an Applicant may request a variance from the Zoning Hearing Board to place parking in the front yard.

(b) Where permitted, 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. Refer to §295-9.

§ 340-56. 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.

§ 340-57. 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. Service areas. Loading and unloading areas shall be provided which do not conflict with pedestrian or vehicular movement.

§ 340-58. Reserved.

§ 340-59. Reserved.

Article VIII
CC Community Commercial District

§ 340-60. Intent. [Amended 4-4-1989 by Ord. No. 258]

The CC Community Commercial District is intended to allow commercial use; discourage any use which would interfere with the use of the district as a shopping and service center; assure design to protect the character of adjacent and nearby neighborhoods; and to minimize traffic congestion, overcrowding of land, noise, glare, and pollution for the functional enjoyment of commercial uses and the protection of public safety, and the general welfare of the municipality.

§ 340-61. 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 purposes listed in the Use Table and no other.

A. 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, contingent upon the developer removing or discontinuing the nonconforming use.

B. 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.

§ 340-62. 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.

§ 340-63. 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 XI and XII relating to off-street parking and loading and permitted signs and to the other applicable general regulations of this chapter.

§ 340-64. 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. The distance at the closest point between any two buildings or groups or units of attached buildings shall be not less than 12 feet.

F. 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.

G. 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.

H. 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.

I. Parking, loading or service areas shall be provided in accordance with the requirements of Article XI Parking and the Parking Table.

J. Lighting facilities shall be provided in accordance with Article XVII General Provisions, the Environmental and Performance Standards section.

K. 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.

L. 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.

M. 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.

N. 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.

O. 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.

P. 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]**

Q. No single use structure shall exceed a total of 50,000 square feet. **[Added 3-6-2007 by Ord. No. 394]**

R. 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]**

§ 340-65. Dimensional regulations.

As indicated in the Dimensional Table.

§ 340-66. 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 XIII Administration. 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.

§ 340-67. Reserved.

§ 340-68. Reserved.

§ 340-69. Reserved.

Article IX
LI Limited Industrial District

§ 340-70. Intent.

The LI Limited Industrial Commercial District is intended to allow industrial use; discourage any use which would interfere with the use of the district as an industrial center; assure design to protect the character of adjacent and nearby neighborhoods; and to minimize traffic congestion, overcrowding of land, noise, glare, and pollution for the functional enjoyment of industrial uses and the protection of public safety, and the general welfare of the municipality.

§ 340-71. Use regulations.

A building may be erected, altered, or used, and a lot may be used or occupied for any of the purposes listed in the Use Table and no other.

§ 340-72. Dimensional regulations.

As indicated in the Dimensional Table.

§ 340-73. Exceptions for side and rear yards.

The first 50 feet from the property line where adjacent to a residential district shall be devoted to buffer areas to be maintained as green areas covered by well-maintained lawns, evergreens and suitable tree and shrub plantings.

§ 340-74. 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, 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.

§ 340-75. Reserved.

§ 340-76. Reserved.

§ 340-77. Reserved.

§ 340-78. Reserved.

§ 340-79. Reserved.

Article X
AG Agricultural District

§ 340-80. Intent.

The AG District is intended to permit, protect and encourage the continued use of land for agricultural uses by conserving areas of land large enough to allow for efficient farm operations and associated enterprises, protecting groundwater resources and providing for the conservation of environmentally sensitive areas. Those areas designated Agriculture Zoning are to be used primarily for agriculture purposes and limited residential, non-residential and accessory uses in general conformance with the Comprehensive Plan.

§ 340-81. Use regulations.

A building may be erected, altered or used, and a lot may be used or occupied for any of the purposes listed in the Use Table and no other.

§ 340-82. Dimensional regulations.

As indicated in the Dimensional Table.

§ 340-83. Agricultural Nuisance Disclaimer.

All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law," may bar them from obtaining a legal judgment against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted with this Zone shall require a note which duplicates this section and which must be transferred to the purchaser by the seller.

§ 340-84. Required Erosion & Sediment Pollution Control Plan.

Any agriculture, horticulture or forestry-related uses which involves earthmoving activities, or plowing and tilling or the commercial harvesting or timbering of vegetation, shall require the acquisition of an approved Erosion and Sediment Pollution Control Plan from the County Conservation District pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection. All onsite activities shall comply with the approved Erosion and Sedimentation Pollution Control Plan.

§ 340-85. Reserved.

§ 340-86. Reserved.

§ 340-87. Reserved.

§ 340-88. Reserved.

§ 340-89. Reserved.

Article XI
IGO Institutional-Governmental District

§ 340-90. Intent.

The IGO District is intended to provide areas for governmental and institutional uses.

§ 340-91. Use regulations.

A building may be erected, altered or used, and a lot may be used or occupied for any of the purposes listed in the Use Table and no other.

§ 340-92. Dimensional regulations.

As indicated in the Dimensional Table.

§ 340-93. Reserved.

§ 340-94. Reserved.

§ 340-95. Reserved.

§ 340-96. Reserved.

§ 340-97. Reserved.

§ 340-98. Reserved.

§ 340-99. Reserved.

Article XII
Off-Street Parking and Loading

§ 340-100. 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 in the Parking Table, together with adequate passageways or driveways or other means of circulation and access to and from a street or way:

A. Unless otherwise indicated, parking spaces shall be constructed of all-weather material in accordance with the requirements of the Subdivision and Land Development Ordinance and located on the same lot as the subject use.

B. 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.

§ 340-101. Reduction of requirements.

A. The parking spaces required by the Parking Table may be located elsewhere than on the same lot when authorized as a special exception, subject to the following conditions:

(1) 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.

B. Joint parking facilities for two or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.

(1) As a Special Exception, applicants may offer evidence that the peak demand for required parking of different types of uses (such as office, entertainment, and places of worship) are sufficiently offset so as to allow for a reduction in the sum of parking spaces otherwise required. Reduced parking requirements for joint parking shall only continue in effect as long as such uses or their closely similar successor uses remain in operation and shall be guaranteed by a legally binding agreement on file with the Borough. If such agreement becomes legally ineffective, then all parking shall be provided as would otherwise be required by this Article.

§ 340-102. 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. 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.

§ 340-103. Design requirements for public parking lots with evening or nighttime use.

A. All publicly accessible parking used shall be lit when in use during evening or nighttime hours.

B. All standards shall be located on raised parking islands or on concrete foundations a minimum of three (3) feet in height.

C. 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. See Article XVII General Provisions, the Environmental and Performance Standards section.

§ 340-104. Design requirements for parking lots with 20 or more spaces.

A. Landscaping.[3] 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.

B. 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.

§ 340-105. 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.

§ 340-106. 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.

§ 340-107. Street, driveway and parking space construction specifications. [Added 12-7-1993 by Ord. No. 296]

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

3. Editor's Note: Relocated from Article VI to apply beyond the R-3 High-Density Residential District

B. The term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way. Residential off-street parking space shall consist of a parking lot, driveway, garage or combination thereof meeting the provisions of the Subdivision and Land Development Ordinance.

§ 340-108. 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 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.

§ 340-109. Reserved.

ARTICLE XIII
Signs

§ 340-110. Legislative Intent.

The intent of this article is to regulate all signs to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by:

A. Setting standards and providing uniform, scientifically based controls that permit reasonable use of signs and preserve the community character.

B. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.

C. Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.

D. Establishing a process for the review and approval of sign permit applications.

§ 340-111. Sign-Related Definitions.

Abandoned Sign: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of off-premises signs, or at least 360 days in the case of on-premises signs.

Address Sign: A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service. (Also known as: nameplate sign)

Animated Sign: A sign depicting action, motion, or light or color changes through electrical or mechanical means.

Awning: A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Awning Sign: Any sign painted on, or applied to, an awning.

Balloon Sign: A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

Banner: Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

Beacon Lighting: Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

Building Frontage (Street Frontage): The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot. In the case of a building which fronts on more than one (1) public street, the building frontage is each face of the building fronting on a public street. In cases where a building does not front on a public street, the building frontage shall be considered the face of the building where the principal entrance to the building is located.

Canopy: A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

Canopy Sign: Any sign that is part of or attached to a canopy.

Changeable Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are manual changeable copy signs and electronic changeable copy signs, which include: message center signs, digital displays, and Tri-Vision Boards.

Channel Letter Sign: A sign consisting of fabricated or formed three-dimensional letters individually applied to a wall which may accommodate a light source.

Clearance: The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

Digital Display: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

Directional Sign: Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

External Illumination: Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

Festoon Lighting: A type of illumination comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

Flag: Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

Flashing Sign: A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.

Foot-candle: A unit of incident light (on a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter. One (1) footcandle is equal to one (1) lumen per square foot

Freestanding Sign: A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of freestanding signs:

Ground Sign: A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as monument sign)

Interactive Sign: An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

Gas Station Canopy: A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

Gas Station Canopy Sign: Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.

Government/Regulatory Sign: Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

Halo Illumination: A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as back-lit illumination)

Historic District: A district or zone designated by a local, state, or federal government, within which buildings, structures, and/or appurtenances are deemed important because of their association with history, or because of their unique architectural style and scale.

Holiday Decorations. Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons. (Also known as seasonal decorations)

Illumination: A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

Illuminated Sign: A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

Incidental Sign: A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

Incidental Window Sign: Signs displayed in the window displaying information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain a commercial message.

Inflatable Sign: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

Internal Illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

Legibility: The physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.

Light Trespass: Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

Limited Duration Sign: A non-permanent sign that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period.

Luminance: An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft2).

Manual Changeable Copy Sign: A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

Marquee: A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

Marquee Sign: Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

Mechanical Movement Sign: A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

Memorial Sign: A memorial plaque or tablet, including grave markers or other remembrances of persons or events, which is not used for a commercial message.

Menu Sign: A permanent sign for displaying the bill of fare available at a restaurant, or other use serving food, or beverages.

Message Center Sign: A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

Message Sequencing: The spreading of one message across more than one sign structure.

Multi-Tenant Sign: A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

Mural (or mural sign): A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

Neon Sign: A sign illuminated by a neon tube, or other visible light-emanating gas tube, that is bent to form letters, symbols, or other graphics.

Nonconforming Sign: A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

Off-Premises Sign: An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a third-party sign, billboard, or outdoor advertising)

Official Traffic Sign: Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

On-Premises Sign: A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

Pennant: a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Permanent Sign: A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Personal Expression Sign: An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

Pole Sign: A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

Portable Sign: A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

Sandwich Board Sign: A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (Also known as A-frame sign)

Vehicular Sign: A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

Private Drive Sign: A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

Projecting Sign: A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as blade sign)

Public Sign: A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

Reflective Sign: A sign containing any material or device which has the effect of intensifying reflected light.

Revolving Sign: A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

Roof Sign: A building-mounted sign erected upon, against, or over the roof of a building.

Scoreboard: A sign contained within an athletic venue and intended solely to provide information to the attendees of an athletic event.

Security Sign: An on-premises sign regulating the use of the premises, such as a “no trespassing,” “no hunting,” or “no soliciting” sign. (Also known as warning sign)

Shielded: The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

Sign: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

Sign Area: The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See further in this section for standards for measuring sign area.

Sign Face: The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

Sign Height: The vertical dimension of a sign as measured using the standards in §6.E.

Sign Supporting Structure: Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Snipe Sign: A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as bandit sign)

Storefront: The exterior facade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment.

Streamers: A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

Street Frontage: The side or sides of a lot abutting on a public street or right-of-way.

Street Pole Banner: A banner suspended above a public sidewalk and attached to a single street pole. These signs shall not contain any commercial advertising.

Temporary Sign: A type of non-permanent, sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.

Tri-Vision Boards: An outdoor unit with a slatted face that allows three different copy messages to revolve at intermittent intervals.

Vending Machine Sign: A sign displayed on a vending machine indicating the name of the product being sold and/or the price of such product.

Wall Sign: A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: fascia sign, parallel wall sign, or band sign)

Window Sign: Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

§ 340-112. Applicability.

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

§ 340-113. Administration.

A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign without first obtaining a sign permit, unless the sign is specifically listed below as a sign not requiring a permit.

B. To apply for a sign permit, the applicant must provide the following written information:

(1) Name of organization and location.

(2) Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.

(3) Contact person and contact information.

(4) Description of the activities occurring on the site where the sign will be installed.

(5) Description of any existing signage that will remain on the site.

(6) Identification of the type of sign(s) to be erected by the applicant.

(7) Site plan depicting the locations of proposed signage and existing remaining signage.

(8) Two copies of a plan drawn to scale depicting:

(a) Lot dimensions, building frontage, and existing cartways, rights-of-way and driveways.

(b) The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.

(c) Building elevations, existing and proposed facades, parapet walls, eave line and the location and size of all proposed and existing permanent signage.

(d) Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.

(9) 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.

C. The Borough shall review a complete sign application within ten (10) business days of receipt.

(1) A permit shall be issued on or before the end of the ten (10) business day review period if the application for a new sign or renewal complies with the regulations contained herein.

(2) If the Borough does not issue a determination within the ten (10) business day period, the sign permit is deemed approved.

(3) An application for a sign permit may be denied within the ten (10) business day review period if the application fails to comply with the standards contained herein. The Borough shall inform the applicant of the reasons for denying the application for sign permit by certified mail.

D. Except for lighting permits for digital signs, these permits shall not expire provided that such signs are not abandoned or destroyed. In the instance that substantial repair or replacement becomes necessary (i.e., repairs that costs more than 50% of the replacement cost of the damaged sign); the owner must apply for a new sign permit, and pay an additional fee, if required.

E. Signs not requiring a permit. The following signs shall not require permits but shall be subject to the general regulations of this article:

(1) Official traffic signs.

(2) Government/regulatory signs.

(3) Signs inside an enclosed facility not meant to be viewed from the outside and located greater than three (3) feet from the window.

(4) Holiday and seasonal decorations.

(5) Personal expression signs of any sign type, including flags, provided that they do not exceed three (3) sq. ft. in area per side, are non-commercial in nature, and are not illuminated.

(6) Political signs posted by the property owner(s), or by another who has obtained the prior consent of the property owner(s), for a thirty-day period preceding a general, primary, or special election.

(7) Address signs - Up to two (2) signs stating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification.

(a) Residential districts. Signs not to exceed three (3) sq. ft. in area.

(b) Non-residential districts. Signs not to exceed five (5) sq. ft. in area.

(8) Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.

(9) Signs or emblems of a religious, civic, philanthropic, historical or educational organization that do not to exceed four (4) sq. ft. in area.

(10) Private drive signs - One (1) sign per driveway entrance, not to exceed two (2) sq. ft. in area.

(11) Security and warning signs - These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law.

(a) Residential districts. Signs not to exceed two (2) sq. ft. in area.

(b) Non-residential districts. Maximum of one (1) large sign per property, not to exceed five (5) sq. ft. in area. All other posted security and warning signs may not exceed two (2) sq. ft. in area.

(12) Flags:

(a) Location. Flags and flagpoles shall not be located within any right-of-way. Height. Flags shall have a maximum height of 30 ft.

(b) Number. No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.

(c) Size. Maximum flag size is 24 sq. ft. in residential districts, 35 sq. ft. in all other districts.

(d) Flags containing commercial messages may be used as permitted freestanding or projecting signs, and, if so used, the area of the flag shall be included in, and limited by the computation of allowable area for signs on the property.

(e) Flags up to three (3) sq. ft.in area containing noncommercial messages are considered personal expression signs and are regulated as such.

(13) Legal notices.

(14) Vending machine signs.

(15) Borough erected memorial signs, public monument or historical identification sign, including plaque signs up to three (3) sq. ft. in area.

(16) Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.

(17) Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.

(18) Incidental signs, including incidental window signs.

(19) Directional signs, provided they do not contain any commercial messaging.

(a) Area. No single directional sign shall exceed four (4) sq. ft. in area.

(b) Height. Directional signs shall have a maximum height of five (5) ft.

(c) Illumination. Directional signs shall be non-illuminated.

(20) Artistic displays which do not contain any commercial messaging. See the Use Table.

(21) Temporary signs in accordance with the Regulations by Sign Type of this section (Temporary Signs).

§ 340-114. General regulations.

A. The installation, erection and maintenance of any sign shall conform to the provisions of this Article and any other ordinance or regulation of the Borough. All signs not specifically authorized are prohibited.

B. Placement.

(1) No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.

(2) No sign shall occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway, sight triangle, or other areas required to remain unobstructed.

(3) Street Right of Way. Only official signs may be located in a street right-of-way.

(4) Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.

C. Erection of Permanent Signs: No Permanent sign shall be displayed until a Use and Occupancy permit has been issued by the Borough for at least one (1) principal use.

D. Sign Condition. Sign Materials & Construction: Every sign shall be constructed of durable materials, using non-corrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the PA Uniform Construction Code; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.

E. Sign Area.

(1) The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols, excluding any supporting framework, bracing or trim incidental to the display and free of 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 encompassing all letters, designs, and symbols.

(3) Signs may be double-sided.

(a) Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.

(b) Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than 18 inches apart, the larger sign face shall be used as the basis for calculating sign area.

(c) When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.

(4) Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.

(5) If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.

(6) The permitted maximum area for all signs is determined by the sign type and the zoning district in which the sign is located.

F. Sign Height.

(1) Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.

(2) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.

(3) The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located.

G. Sign Spacing: The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.

H. Sign location requirements: As indicated in the Sign Table and additionally as follows:

(1) Yard requirements. No portion of any 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 sign may occupy a designated parking area, walkway, cartway, driveway, or area designated for any other use.

(3) Right of way. No sign shall be located closer than fifteen (15) feet from the edge of the roadway or within the legal right of way, whichever is farthest from the edge of the roadway, excepting:

(a) Signs in the Village Commercial District may be located ten (10) feet from the edge of the roadway or within the legal right of way, whichever is farthest from the edge of the roadway.

I. Removal of unsafe, unlawful or abandoned signs.

(1) Upon written notice from the Borough, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by the Borough to be a nuisance, or it is deemed unsafe by the Borough, or it is unlawfully erected in violation of any of the provisions of this Article.

(2) The Borough may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within ten (10) days of the date of the notice. In the event of immediate danger, the Borough may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

(3) It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 90 days of the sign becoming abandoned as defined in this section.

(4) Where the owner of the property on which an abandoned sign is located fails to remove such sign in 90 days, the Borough may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the Borough may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

(5) Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.

(6) The Zoning Officer may remove temporary signs that have been posted on a property without the consent of the property owner(s).

(7) The Zoning Officer may remove illegal temporary signs that have been posted without the required permit on any property. The Zoning Officer may do so without the consent of the property owner(s) if after receiving notice of the violation the owner fails to remove the illegally posted temporary sign within ten (10) days.

J. Address Identification.

(1) Every property with a freestanding sign must include the range of street numbers that the property encompasses on the sign. The height of the street number may be no less than five (5) inches.

(2) Residential properties shall have the address posted at a location clearly visible from the street as per the Uniform Construction Code.

K. Double Faced Sign.

A double-faced sign shall be considered one (1) sign, and only one (1) face will be used to calculate the total size of the sign. If the sign does not comply with the definition of a double-faced sign, it will be considered as two signs.

§ 340-115. Sign Types.

A. Wall signs shall be permitted where indicated in the Sign Table on the premises of the use for which they are intended and may be erected provided that a wall sign shall not project more than fifteen (15) inches from the wall or vertical surface to which it is attached.

B. Freestanding signs shall be permitted where indicated in the Sign Table on the premises of the use for which they are intended and may be erected provided:

(1) In the case where multiple businesses share a sign, the structural backing shall be uniform.

(2) Except as originally permitted, no sign may extend, in any direction, beyond the outside edge of the sign support structure.

(3) The lowest edge of any freestanding pole sign shall be either less than four (4) feet or a least eight (8) feet above the ground.

(4) Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.

(5) Sign Placement.

C. Canopy (Awning) Signs shall be permitted where indicated in the Sign Table on the premises of the use for which they are intended and may be erected provided:

(1) A canopy or awning without lettering or other advertising shall not be regulated as a sign.

(2) No awning or canopy sign shall be wider than the building wall or tenant space it identifies.

(3) Sign Placement.

(a) Letters or numerals shall be located only on the front and side vertical faces of the canopy.

(b) Logos or emblems are permitted on the top or angled portion of the canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.

(4) The lowest edge of the canopy shall be at least eight (8) feet above the finished grade.

(5) Any ground-floor awning projecting into a street right-of-way must be retractable.

(6) Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.

(7) If a canopy sign is mounted on a multi-tenant building, all canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

D. Window Signs shall be permitted where indicated in the Sign Table on the premises of the use for which they are intended and may be erected provided:

(1) Incidental window signs displaying pertinent business information such as the business' hours of operation and credit cards accepted, shall be excluded from window sign area calculations.

E. Projecting Signs shall be permitted where indicated in the Sign Table on the premises of the use for which they are intended and may be erected provided:

(1) Such signs shall project no more than four (4) feet from the building façade.

(2) The outermost portion of a projecting sign shall project no closer than five (5) feet from a curb line or shoulder of a public street or drive aisle.

(3) The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

F. Marque Signs shall be permitted where indicated in the Sign Table on the premises of the use for which they are intended and may be erected provided:

(1) Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.

(2) No marquee shall be wider than the entrance it serves, plus two (2) feet on each side.

(3) The outermost portion of a marque sign shall project no closer than five (5) feet from a curb line or shoulder of a public street or drive aisle.

(4) The lowest edge of a marque sign shall be at least eight (8) feet above the finished grade.

G. Manual Changeable Copy Signs are permitted only when integrated into a freestanding, marquee, wall, or portable sign.

H. Illuminated Signs shall be permitted where indicated in the Sign Table on the premises of the use for which they are intended and may be erected provided:

(1) Internally and externally illuminated signs shall be permitted only as provided herein:

(a) Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.

(b) No more than 0.0 foot-candle of light shall be detectable at the boundary of any abutting property.

(c) Hours of Operation:

[1] Signs on non-residential properties may be illuminated from 5 am until 11 pm, or ½ hour past the close of business of the facility being identified or advertised, whichever is later.

[2] Signs shall provide an automatic timer to comply with the intent of this Section.

(d) Brightness. Message center signs and digital displays shall be no brighter than 0.3 footcandles above the ambient light as measured 150 feet from the sign in any direction.

(e) Message Duration shall be no less than 8 seconds.

(2) Illumination Types

(a) Externally illuminated signs must conceal their light source via translucent covers.

(b) External illumination shall be by a steady, stationary light source, static in color, and shielded and directed solely at the sign.

(c) Internal illumination, including neon lighting, must be static in intensity and color.

(3) Message Center signs

(a) Height: A message center sign shall have the same height limits as other permitted signs of the same type and location.

(b) Message Display

[1] No message center sign may contain text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.

[2] The content of a message center sign must transition by changing instantly (e.g., no fade-out or fade-in).

[3] The sign shall contain a default design freezing the sign message in one position if a malfunction should occur.

(c) Conversion of a permitted non-message center sign to a message center sign requires a permit.

(d) The addition of any message center sign to a nonconforming sign is prohibited.

(4) Digital display signs are subject to the following additional requirements:

(a) Sign Type: Where Illuminated Signs are indicated in the Sign Table as permitted, Digital displays are permitted in the form of freestanding, monument, and wall signs, in accordance with the regulations of this Section.

(b) Height: A digital display shall have the same height limits as for other permitted signs of the same type and location.

(c) Message Display:

[1] Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.

[2] One message/display may be brighter than another, but each individual message/display must be static in intensity.

[3] The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).

[4] Default Design: The sign shall contain a default design freezing the sign message in one position if a malfunction should occur.

(d) Conversion of a permitted non-digital sign to a digital sign requires a permit.

(e) The addition of any digital display to a nonconforming sign is prohibited.

(5) Electrical.

(a) Permits for illuminated signs will not be issued without an approved electrical permit, if required. Applications for electrical permits shall be filed at the same time as the sign permit application.

(b) All work shall be completed in full compliance with applicable codes.

(c) The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.

(d) The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to the Borough as a condition precedent to the issuance of a sign permit.

(6) Glare Control shall be achieved primarily by using cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

I. Off-Premises Signs shall be permitted where indicated in the Sign Table on the premises of the use for which they are intended and may be erected provided:

(1) All off-premises signs shall comply with any and all applicable Borough, state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the more strict regulation shall apply.

(2) The lowest edge of an off-premises sign shall be at least eight (8) ft. above the finished grade.

(3) Location. Off-premises shall not be:

(a) Attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way.

(b) Located 75 feet from the ultimate right-of-way, or 100 feet from any property line.

(c) Located closer than 1,500 ft. from another off-premises sign on either side of the road measured linearly.

(d) Located closer than 500 ft. from any intersection, or interchange (on/off-ramp).

(e) Located closer than 1,000 ft. from any property line abutting a public park, playground, religious institution, cemetery, school, or residential district.

(f) Located on sewer rights-of-way, or water, electric, or petroleum pipelines.

(g) Located on a bridge.

(4) Such signs may be single-sided or double-sided.

(5) No portion of the supporting structure shall be visible above any advertising display area.

(6) Construction and Maintenance.

(a) All plans for off-premises signs shall be certified by a licensed engineer registered in Pennsylvania.

(b) All off-premises signs shall be erected on permanent footings or support structures designed by a registered structural engineer.

(c) All off-premises advertising signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All off-premises advertising signs shall be structurally sound and maintained in good condition and in compliance with the Pennsylvania Uniform Construction Code.

(d) The rear face of a single-face, off-premises advertising sign shall be painted and maintained with a single neutral color as approved by the Borough.

(e) Every three years, the owner of the billboard shall have a structural inspection made of the billboard by a licensed engineer registered in Pennsylvania and shall provide to the Borough a certificate certifying that the billboard is structurally sound.

(7) All off-premises signs shall be identified on the structure with the name, address, and phone number of the owner of such sign.

(8) Landscaping.

(a) Landscaping shall be provided at the base of all off-premises signs. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the purpose of this Section.

(b) Trees greater than four (4) inches in diameter removed for construction of the sign shall be replaced on-site at a ratio of one (1) replacement tree for each removed tree using native species no less than three (3) inches in diameter.

(9) Off-premise sign applications shall be accompanied by plans indicating:

(a) The location of the proposed sign on the lot with the required sign setbacks from the property line and ultimate right-of-way .

(b) The location and species of existing trees.

(c) The distance to the nearest existing off-premises advertising sign.

(d) The distance to the nearest right-of-way, property line, building, structure, on-premises sign, off-premises sign, intersection, interchange, safety rest area, bridge, residential district, or institutional use, sewer rights-of-way, and water, electric or petroleum pipelines.

(e) Certification under the seal by a licensed engineer that the off-premises sign, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.

(f) All applicable plan requirements otherwise required by this Ordinance, as amended.

(10) In applying for special exception relief, the applicant bears the burden of proof to establish that the proposed off-premises sign will not create a public health or safety hazard in the matter and location that it is proposed and in the manner by which it is to be operated.

(11) Illumination of and Changeable Copy within Off-Premises Signs.

(a) Off-premises signs may incorporate manual changeable copy signs.

(b) Off-premises signs may be illuminated, provided that:

[1] All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the off-premises sign and away from adjoining properties.

[2] Light sources are not visible from any street or adjoining properties.

(c) The following illumination types shall be permitted subject to the Illuminated Signs regulations of this Article:

[1] Message center sign

[2] Digital display

[3] External illumination

[4] Internal illumination

(d) Off-premises signs may incorporate Tri-Vision Boards subject to the message display length regulations of this Article.

(12) 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.

(13) 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.

J. Limited Duration Signs, as defined in this Section, shall be permitted where indicated in the Sign Table on the premises of the use for which they are intended and may be erected provided subject to the regulations set forth below. Limited Duration signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property. Unless otherwise stated below, the requirements listed below shall apply to both commercial and non-commercial signs.

(1) Such signs may be wall, freestanding, or window signs.

(2) A permit for a limited duration sign is issued for one (1) year and may be renewed annually.

(3) One (1) sign is allowed per permit. An applicant may request up to two (2) permits per address subject to the size and number requirements of the Sign Table.

(4) An application for a limited duration sign permit must include:

(a) A description of the sign indicating the number, size, shape, dimensions, and colors of the sign, and the expected length of time the sign will be displayed;

(b) A schematic drawing of the site showing the proposed location of the sign in relation to nearby building and streets;

(c) The number of signs on site.

(5) Installation and maintenance.

(a) All limited duration signs must be installed such that in the opinion of the Borough Zoning Officer, they do not create a safety hazard.

(b) All limited duration signs must be made of durable materials and shall be well-maintained.

(c) Limited duration signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

(6) Illumination of any limited duration sign is prohibited.

K. Temporary signs, as defined in this Section, shall be permitted where indicated in the Sign Table on the premises of the use for which they are intended and may be erected provided subject to the regulations set forth below. Temporary signs that comply with the requirements in this sub-section are exempt from standard permit requirements and shall not be included in the determination of the type, number, or area of signs allowed on a property.

(1) Such signs may be wall, freestanding, or window signs.

(2) Duration and removal.

(a) Temporary signs may be displayed up to a maximum of 30 consecutive days, two (2) times per year.

(b) The Borough or the property owner may confiscate signs installed in violation of this chapter. Neither the Borough nor the property owner is responsible for notifying sign owners of confiscation of an illegal sign.

(3) Permission. The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.

(4) Borough Notification. Temporary signs are exempt from the standard permit requirements but the date of erection of a temporary sign must be written in indelible ink on the lower righthand corner of the sign.

(5) Installation and maintenance

(a) All limited duration signs must be installed such that in the opinion of the Borough Zoning Officer, they do not create a safety hazard.

(b) All limited duration signs must be made of durable materials and shall be well-maintained.

(c) Limited duration signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

(6) Illumination of any limited duration sign is prohibited.

L. Portable signs shall be permitted subject to the regulations set forth below. Portable signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.

(1) Number: One (1) sandwich board sign is permitted per establishment. For the purposes of this subsection, a parking garage or parking lot shall be considered an establishment.

(2) Area: Each sign shall have a maximum area of six (6) sq. ft. per sign face.

(3) Height: Signs shall have a maximum height of three (3) feet.

(4) Sign Placement.

(a) If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.

(b) The sign must be located on the premises, and within 12 feet of the primary public entrance, of the establishment it advertises. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot.

(c) Portable signs shall be weighted, temporarily secured, or strategically placed to avoid being carried away by high winds.

(5) Display hours. Signs shall not be displayed on any premises before 6:00 AM, after 10:00 PM, and outside of the host establishment's operating hours.

(6) All portable signs must be taken in during inclement weather.

(7) Illumination of any portable sign is prohibited.

(8) Manual Changeable Copy signs are permitted when integrated into a sandwich board sign.

(9) Vehicular signs are subject to the Borough's Vehicle Code regulations.

M. Street Pole Banner Signs.

(1) General Provisions. Street pole banner signs that comply with the requirements in this subsection shall not be included in the determination of the type, number, or area of signs allowed on a property.

(a) Illumination: Illumination of any street pole banner is prohibited.

(b) Area: Each street pole banner shall have a maximum area of 12.5 square feet and a maximum width of three (3) feet. Up to two (2) street pole banners are permitted per street pole.

(c) Height.

[1] When the street pole banner's edge is less than 18 inches from the curb, the lowest edge of the Street Pole Banner shall be at least 14 feet above the finished grade.

[2] When the street pole banner's edge is greater than 18 inches from the curb, the lowest edge of the street pole banner shall be at least eight (8) feet above the finished grade.

(d) Location.

[1] No street pole banner shall extend beyond the curb line.

[2] Street pole banners shall maintain a minimum of three (3) foot vertical clearance below any luminaries located on the pole measured from where the ballasts connect to the poles.

[3] Street pole banners shall not interfere with the visibility of traffic signals or signs.

[4] No street pole banner shall be located on a pole that has traffic or pedestrian control signals.

(e) Installation and maintenance.

[1] All street pole banners must be made of lightweight and durable fabrics with wind slits.

[2] Street pole banners that are frayed, torn, or faded so that they are no longer legible will be deemed unmaintained and will be required to be removed.

(2) Permit requirements.

(a) A permit for a street pole banner is issued for one (1) year and may be renewed annually.

(b) An application for a street pole banner permit must include the following:

[1] A diagram or map of the specific poles to be used for street pole banner installation and the streets on which the poles are located.

[2] A proof of the street pole banner design, including the banner's dimensions.

[3] If brackets are to be installed, submit specifications for the bracket installation system.

§ 340-116. Nonconforming signs.

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.

B. All nonconforming signs shall conform with the standards contained herein at such time when:

(1) A sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.

(2) If more than 50% of the sign area is damaged, it shall be repaired to conform to this Ordinance.

(3) An alteration in the structure of a sign support.

(4) A change in the mechanical facilities or type of illumination.

(5) A change in the material of the sign face.

(6) A sign has been abandoned for a period of six (6) months.

(7) The property on which the nonconforming sign is located submits a subdivision or land development application.

(8) The property on 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

C. To determine the legal status of existing signs, in each of the cases listed in Subsection B, the applicant shall submit the following information to the Borough:

(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 curb line 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. 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 a unique nature or type by virtue of its architectural value or design.

§ 340-117. Prohibited Signs.

A. It is unlawful to erect or maintain the following signs:

(1) Abandoned signs.

(2) Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter.

(3) Vehicular signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

(4) Mechanical movement signs, including revolving signs.

(5) Pennant strings and streamers.

(6) Animated signs, flashing signs, or signs that scroll or flash text or graphics.

(7) Inflatable devices or balloon signs, except balloons used for one 24-period, one time per year, in non-commercial situations, not within a clear sight triangle.

(8) Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.

(9) Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.

(10) Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.

(11) Reflective signs or signs containing mirrors.

(12) Interactive signs.

(13) Signs incorporating beacon or festoon lighting.

(14) Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.

(15) Roof signs.

(16) Signs erected without the permission of the property owner, except those authorized or required by local, state, or federal government.

(17) Any sign containing information which states or implies that a property may be used for any purpose not permitted by this ordinance.

(18) Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the Borough.

(19) Any sign that promotes illegal activity.

§ 340-118. Enforcement remedies and fines.

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Article shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than an amount authorized by Borough resolution or ordinance, plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof.

B. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice.

C. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.

D. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance 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 District Justice, and thereafter each day that a violation continues shall constitute a separate violation.

E. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Borough.

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

G. Nothing contained in this section shall be construed or interpreted to prevent the Borough from pursuing any and all remedies available to it, in equity or at law.

§ 340-119. 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.

§ 340-120. Reserved.

§ 340-121. Reserved.

§ 340-122. Reserved.

§ 340-123. Reserved.

§ 340-124. Reserved.

§ 340-125. Reserved.

§ 340-126. Reserved.

§ 340-127. Reserved.

§ 340-128. Reserved.

§ 340-129. Reserved.

ARTICLE XIV
Administration

§ 340-130. Enforcement.

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

§ 340-131. 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.

§ 340-132. 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. 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.

§ 340-133. 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 or his designee has noted on the permit that the work has been inspected and approved as being in conformity with the provisions of this chapter.

§ 340-134. 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 be complete and contain all information necessary to enable the Zoning Officer to ascertain whether the proposed building complied with the provisions of this chapter.

(4) Shall be accompanied by payment of all related fees.

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."[4] 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]**

§ 340-135. 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:

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.

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

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.

§ 340-136. 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.[5] No fee shall be refunded.

§ 340-137. Reserved.

§ 340-138. Reserved.

§ 340-139. Reserved.

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

ARTICLE XV
Zoning Hearing Board

§ 340-140. 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.

§ 340-141. 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.

§ 340-142. 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.

§ 340-143. 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.

§ 340-144. 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.

§ 340-145. 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.

§ 340-146. 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.

§ 340-147. 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.

§ 340-148. 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.

§ 340-149. 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.

§ 340-150. 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.[6]

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

§ 340-151. Reserved.

§ 340-152. Reserved.

§ 340-153. Reserved.

§ 340-154. Reserved.

§ 340-155. Reserved.

§ 340-156. Reserved.

§ 340-157. Reserved.

§ 340-158. Reserved.

§ 340-159. Reserved.

ARTICLE XVI
Violations, Fines, Remedies and Charges

§ 340-160. 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.

§ 340-161. 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.

§ 340-162. 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 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.

§ 340-163. 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.

§ 340-164. 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.[7]

§ 340-165. Reserved.

§ 340-166. Reserved.

§ 340-167. Reserved.

§ 340-168. Reserved.

§ 340-169. Reserved.

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

ARTICLE XVII
Amendments

§ 340-170. 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:

§ 340-171. 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.

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.[8]

§ 340-172. 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 XVI Amendments.

§ 340-173. 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.[9]

8. Editor’s Note: See 53 P.S. § 10608
9. Editor's Note: Current Fee Schedule is on file in the Borough offices.

§ 340-174. Reserved.

§ 340-175. Reserved.

§ 340-176. Reserved.

§ 340-177. Reserved.

§ 340-178. Reserved.

§ 340-179. Reserved.

Article XVIII
General Provisions

§ 340-180. Regulations applicable in every district.

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

§ 340-181. 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.

§ 340-182. 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.

§ 340-183. Sidewalks.

Reference §295-9.

§ 340-184. 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.

§ 340-185. Maximum fence height.[10]

Notwithstanding any other provision in the Code of the Borough of Trappe, a fence may be constructed to a height of no more than four feet in the front yard in residential districts and no more than six feet in the rear and side yards in residential districts and no more than six feet in all other zoning districts. The provisions of this section shall not apply to fences regulated by other provisions of the Borough Code relating to fences constructed around swimming pools, ponds or other similar bodies of water.

§ 340-186. Obstructions to vision at intersections prohibited. [Amended 11-14-2017 by Ord. No. 443]

On any corner lot, no structure shall be erected, altered or maintained and no hedge, tree, shrub or other growth shall be planted or maintained which may cause danger to traffic by obstructing the view.

§ 340-187. 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.

10. Editor's Note: Relocated from Article XIX Non-conforming Uses

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. Parking requirements shall conform to those requirements stated in the Parking Table.

(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 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.

§ 340-188. 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.

§ 340-189. 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 attached deck, an enclosed porch, or an unenclosed 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.

§ 340-190. 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.

§ 340-191. 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 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.

§ 340-192. 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, shall grant such permit so long as the following conditions are met:

(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.

(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.

§ 340-193. Conditional use requirements.

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 in terms of:

(a) Use types.

(b) Size, scale, bulk, general appearance and building materials.

(c) The applicant shall submit architectural drawings for evaluation of the proposed principal buildings, including building elevations and colored renderings in comparison to photographs of existing buildings adjacent to the site.

(2) Evidence that the proposed conditional use meets the minimum standards specified for the particular use in Article XVIII Additional Requirements for Specific Uses of this ordinance.

(3) 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.

(4) Evidence that the Perkiomen Valley School District has been advised of the proposed development’s estimate of new pupils.

(5) 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.

(6) The ability of the Borough to provide police and fire protection to the proposed conditional use.

(7) The impact on the Borough's recreation facilities including estimates of additional facilities which will be needed to serve the conditional use.

(8) A cost revenue analysis which shall identify the net cost of the proposed development to the Borough. The net cost shall be the difference between the governmental expenditures 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, which purposes by reference hereto is incorporated herein, as well as the purposes and objectives of this chapter.

§ 340-194. Regulations applicable to special exception applications.

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:

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.

§ 340-195. Environmental & Performance Standards.

A. Lighting facilities:

(1) Lighting fixtures shall meet the standard established in the latest edition of the Illuminating Engineering Society (IES) Handbook for full cutoff design. No fixtures with exposed lamps or candlepower distribution above the level established in the IES handbook for full cutoff-design shall be permitted. This requirement applies to pole-mounted and wall-mounted luminaries.

(2) Light fixtures shall not be located higher than 12 feet above grade.

(3) Light fixtures shall not be located within parking lots unless they are installed within a raised, barrier island, a minimum of five feet wide.

(4) Lighting plans shall be submitted to include a general layout of the site indicating parking and drive areas, locations of all lighting fixtures, either isofootcandle curve layouts or point-by-point level indication, catalog information for the fixture and pole used, mounting heights for fixtures, and a foundation detail for the pole. The calculation grid for shall extend to indicate that the illumination level does not exceed 0.5 horizontal footcandles on any adjoining lot that is residentially zoned or contains a residential use.

(5) Flashing, flickering or strobe lighting are prohibited, except for seasonal holiday lights between October 25th and January 10th.

(6) This Section shall not apply to street lighting owned, financed or maintained by the Borough, State or Public Utility.

B. 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.

(1) Trash, scrap, debris, and similar materials shall be accumulated and shall be promptly removed upon written notice from the Borough.

C. Outdoor storage and waste disposal.

(1) 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.

(2) 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.

(3) 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.

(4) 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.

D. 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 Department 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.

E. 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.

F. Smoke control.

(1) 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.

(2) 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.

(3) These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color, but with an equivalent apparent opacity.

G. Control of dust and dirt, fly ash and fumes, vapors and gases.

(1) 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.

(2) 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.

(3) 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.

H. Control of noise.

(a) 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:

Sound Levels		
Octave Band in Cycles per Second	**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

(b) Non-compliance shall be determined using a pre- and post-measurement field calibrated Type 1 or Type 2 ANSI-certified sound level meter.

(c) The maximum levels of this section shall not be exceeded in daytime or nighttime.

(d) The following weighted sounded levels (dBA) by receiving land use shall also apply at the property line:

(a) Residential/Agricultural: 40 dBA Leq (1 hour)

(b) Commercial: 50 dBA Leq (1 hour)

(c) Industrial: 55 dBA Leq (1 hour)

I. Control of odors.

(1) 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.

J. Control of glare or heat.

(1) 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.

K. Control of vibration.

(1) No use shall cause earth vibrations or concussions that are detectable without the use of measuring instruments beyond its property lines. Vibration resulting from construction of streets, structures or utilities is not regulated by this Ordinance.

L. Control of radioactivity or electrical disturbances.

(1) 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.

§ 340-196. Reserved.

§ 340-197. Reserved.

§ 340-198. Reserved.

§ 340-199. Reserved.

Article XIX
Additional Requirements for Specific Uses

Specific Uses regulated in this Article:

1. Age-Restricted
2. Agricultural, horticultural & nursey uses
3. Airport & Related Uses
4. Apartments
5. Automobile Sales, Service, Storage
6. Bed & Breakfast, Long- or Short-Term (Air B&B)
7. Boarding/Rooming
8. Bus or Train Station
9. BYOB Establishment
10. Campground
11. Car Wash
12. Casino
13. Cemetery
14. Check Cashing Establishment
15. Chickens
16. Child Care Center
17. Club or Lodge
18. Cluster Development
19. College or University
20. Correctional
21. Crematorium
22. Data Center
23. Drug/Alcohol Rehab., Halfway House
24. Exhibition Center
25. Firing Range
26. Funeral Homes
27. Gas Station
28. Geothermal system
29. Group Homes
30. Heliport
31. Home Occupation
32. Hospital
33. Hotel or Inn
34. Kennel
35. Landfill, Solid Waste Facility
36. Medical Marijuana
37. Mobile Home Park
38. Mobile Homes, Trailers, etc.[11]
39. Night Club
40. Nursing Home, Convalescent, Retirement
41. Outdoor Display, Sales or Storage
42. Parking, Off-Street, Principal
43. Pawn Shop
44. Places of Worship
45. Residential Club (Fraternity, Sorority)
46. Restaurant, Café, Tavern
47. Restaurant, Fast Food
48. Self-Storage Facility
49. Solar Energy System, Accessory
50. Solar Energy System, Principal
51. Stable
52. Townhomes (row homes)
53. Treatment Center, Veterans
54. Wind Energy System, Accessory
55. Wind Energy System, Principal

§ 340-200. Age-Restricted.

A. Intent. The purpose of this use is to provide housing and recreational facilities for "older persons" as that term is defined in the Federal Fair Housing Act, as amended, and in regulations promulgated (or to be promulgated) thereunder, on tracts of land that are consistent with an environment for housing and permitted amenities for "older persons." This district recognizes that compared to housing that is not age-restricted, households with persons aged 55 and older without minor children: a) do not create burdens upon the public school system, b) create little demand for athletic fields, c) generate less traffic, d) involve lower water and sanitary sewage flows, and e) need fewer parking spaces.

B. Age-restricted requirements. Such developments shall be designed and operated for occupancy by persons 55 years of age or older in accordance with the following requirements:

11. Editor's Note: Previously a separate Article.

(1) Such developments shall meet the requirements for a development to be considered as "housing for older persons" and "intended and operated for occupancy by persons 55 years of age or older", as those terms are defined and limited in Section 805(d)(2)(c) of the Fair Housing Amendment Act of 1988, 42 U.S.C. § 3607(b)(2)(c), as amended, and regulations promulgated (or promulgated in the future) thereunder (the "Fair Housing Act").

(2) The residential portion of such developments shall be organized as a common interest community association as either a homeowners' association under the Uniform Planned Communities Act, 68 Pa.C.S.A. § 5101 et seq., or condominium association under the Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq., whose members shall consist of all unit owners, which association shall maintain commonly owned areas, private streets, recreation areas, open space facilities, and other common facilities. All unit owners in such developments shall be required to pay necessary fees to the homeowners' or condominium association, with a proper enforcement mechanism as provided by state law. The declaration of the planned community or condominium for the residential portion shall provide and require that the residential portion of the AAND qualifies and remains qualified as a development providing housing for older persons as that term is defined under the Fair Housing Act.

C. Tract size. The minimum tract size shall be 30 acres, which shall be owned or controlled (such as being under an agreement to purchase) by a single party at the time of the land development application. The tract size of an such development shall include the residential and nonresidential components.

D. Density. The maximum density shall be five dwelling units per gross acre of tract size for the development. Areas intended for recreational uses, nonresidential component, buildings, proposed streets, wooded areas, utility easements, buffer areas, stormwater detention/retention pond areas and other areas of the tract shall not be deleted from the gross tract area for the purposes of determining maximum density.

E. Lot lines. Each dwelling in an age-restricted development may be owned as a unit within a condominium without the requirement for individual lot lines. Condominiums with lot lines, and planned communities shall comply with the setback requirements.

F. A common community center shall be constructed by the developer with private recreation facilities for the development's residents and their invited guests.

(1) A community center shall as a minimum include a multipurpose room and at least one of the following other recreational facilities: activity room, common dining area, kitchen area, craft room, fitness room, lounge or another similar recreational facility or area for members of the community and their invited guests.

(2) The community center shall provide one parking space for each 125 square feet of the community center building.

(3) Access to the community center shall be restricted to the development's residents and their invited guests. The community center shall not be open to the general public.

G. Each dwelling unit shall have a minimum of two off-street parking spaces.

H. An age-restricted development is permitted to include a nonresidential component subject to the following requirements:

(1) The nonresidential component shall not occupy more than 10% of the gross tract area.

(2) The nonresidential uses can be located on separate lots and held under separate ownership from the residential portion. There is no requirement that the nonresidential component be a member of any homeowners' association or condominium association.

§ 340-201. Agricultural, horticultural, and nursery uses.

A. Sale and storage of farm products.

(1) The sale and/or storage of farm products is permitted on any farm in the Agricultural District.

(2) Raising and keeping of farm animals is permitted on any farm in the Agricultural District subject to the following:

(a) The number of hogs or swine kept on a property shall not exceed two per acre, unless the animal is a Vietnamese Potbellied Pig house pet.

(b) Structures used for the raising, keeping or housing of cows, hogs, swine, chickens or other fowl shall be subject to the following setback standards:

[1] Setback to a street right-of-way line: 300 feet.

[2] Setback to a side or rear lot line: 150 feet.

[3] Setback to a dwelling on an adjoining premise/premises: 500 feet.

(c) Raising, keeping and/or housing five or less head of livestock or other such farm animals or 100 or less fowl shall be a primary use.

(d) Raising, keeping or housing more than five head of livestock or other such animals or more than 100 fowl shall be a special exception use.

§ 340-202. Airport and Related Uses.

The applicant shall prove that applicable reviews and approvals by appropriate Federal and State agencies will be met.

§ 340-203. Apartments.

A. Location of Buildings. The distance between multifamily dwellings on the same lot shall be not less than 25 feet. All buildings shall be so located in relation one to another that the angle of horizontal from the sill of the lowest window in the habitable area in one building to the highest point of another building, excluding towers, chimneys and similar fixtures, does not exceed 45 degrees. Where possible, the layout of dwellings shall be such that the front of one structure does not face the rear of another.

B. The proposed development shall be served by a public sanitary sewer system.

C. The proposed use shall be designed as a cohesive architectural project.

D. No building shall exceed 180 feet in length, measured at ground level or any floor level, whether on one frontage, or on the combined frontages of the main frontage and that of any wings of the same building.

E. All parking spaces and access drives shall be at least 10 feet from any multi-family dwelling on the lot. This shall not apply to an interior garage and/or a driveway intended to be used as a parking space for one particular dwelling unit.

F. Separate parking areas on a parcel shall be physically separated from one another by a 6-foot-wide planting strip.

G. The maximum building size shall be restricted to not more than 16 dwelling units in one continuous structure and no portion of the building below the first story shall be used for dwelling purposes.

H. The distance at the closest point in all districts between any 2 buildings of a group of elevator-type multiple dwellings, shall not be less than 35 feet and for each 2 feet such height is increased beyond a height of 35 feet the distance between such buildings shall be increased by not less than one foot.

I. Local shopping facilities to serve the residents of the building may be included provided the total floor area of the uses does not exceed 10 percent of the total area of the principal building.

§ 340-204. Automobile Sales, Service, Storage.

A. All fuel tanks shall conform with State regulations.

B. Borough-approved curbing shall be constructed and maintained in a good and safe condition along all street property lines, except at crossovers.

C. The entire area of the gasoline station or repair garage traversed by motor vehicles shall be hard surfaced.

D. No building space used for repairs shall have an opening in roof or walls within 15 feet of any lot line of a residential district.

E. No repair garage or gasoline station vehicle entrance or fuel pump shall be located within 200 feet of a primary or secondary school, nor within 50 feet of a primarily residential use.

F. All gasoline stations shall be so arranged and all fuel pumps shall be so placed, as to permit all servicing on the premises and outside the public right-of-way. No fuel pump shall be placed closer to a property line or street line than 12 feet.

G. Sufficient off-street parking shall be provided for customer vehicles.

H. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.

I. No abandoned or junk vehicle shall be stored on the premises for more than 10 days within view of a public street.

J. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings.

K. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 200 feet of a lot line of a principal dwelling.

§ 340-205. Bed & Breakfast, Long- or Short-Term (Air B&B).

A. A bed-and-breakfast facility shall be permitted only in a single-family detached dwelling.

B. The principal use of the property shall remain that of a single-family residential dwelling.

C. The owners or a representative of the owner of a bed-and-breakfast facility must be in the residence when guests are present.

D. No more than eight guest rooms may be offered on any individual residential property.

E. The length of stay for any guest shall not exceed more than 14 uninterrupted days.

F. The bed and breakfast must be in operation a minimum of 6 months per year.

G. Accommodations at the bed-and-breakfast facility may include meals prepared on the premises for the guests and included in the charge for the room. Meals prepared on the premises can only be for the registered guests. The owner shall comply with all federal, state and local requirements for the preparation, handling and serving of food.

H. Any amenities such as tennis court, swimming pool, etc., shall be solely for the use of the resident owner and guests of the facility.

I. The owner shall maintain a current guest register.

J. Applicant shall provide for the required off-street parking requirement.

K. Each bed-and-breakfast facility shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry and all other applicable building, safety and fire codes of the federal, state and local government.

L. No exterior structural alteration of the building shall be made except as may be necessary for purposes of sanitation, handicapped accessibility, historic rehabilitation or safety. Alterations shall maintain the single-family exterior character and shall require application and Council approval.

§ 340-206. Boarding/Rooming.

A. Each rental unit shall include a minimum of 250 square feet. The lot shall include a maximum of 6 rental units.

B. Each rental unit shall be occupied by a maximum of 2 adults.

C. The building shall be occupied by a resident manager.

D. This use shall not be permitted unless the property owner provides access for Borough representatives to inspect the entire building for code compliance, prior to issuance of a zoning permit.

E. Minimum side yard building setback - 15 feet each side

F. Maximum density- 3,000 square feet of lot area per rental unit.

G. Rooms shall be rented for a minimum period of 5 consecutive days.

§ 340-207. Bus or Train Station.

A. Adequate street area for the loading, unloading and stacking of the buses or taxis shall be available. The traffic movements necessary for the operation of the facility shall be arranged so as not to promote traffic congestion and to maintain traffic safety.

B. The facility shall not be used for the storage of vehicles.

§ 340-208. BYOB Establishments.

A. In approving a Conditional Use, the Borough may establish limits on hours of operation and minimum setbacks from residential districts and certain uses.

B. A BYOB Club that is open after 2 AM is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).

§ 340-209. Campground.

A. All campsites shall be located at least fifty feet (50') from any side or rear property line and at least one hundred feet (100') from any public street line.

B. Each campsite shall be at least three thousand (3,000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic or equivalent parking shall be provided in a common parking area.

C. An internal road system with an all-weather dust free surface shall be provided.

D. All outdoor play areas shall be set back one hundred feet (100') from any property line and screened from adjoining residentially zoned or utilized properties.

E. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred feet (100') from any property line. Such facilities shall be screened from adjoining residentially zoned or occupied properties.

F. Any accessory retail or service commercial uses shall be set back a minimum of one hundred feet (100') from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned or occupied parcels.

G. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street.

H. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred feet (100') of any property line. Responsibility for maintenance of the recreation area shall be with the landowner.

I. During operation every campground shall have an office staffed by the person responsible for operation of the campground.

J. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP and the Borough.

K. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

§ 340-210. Car Wash.

A. Where the facility is located adjacent to or across the street from a residential zone, the facility shall not be open to the public between the hours of 10:00 PM and 6:00 AM.

B. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.

C. Adequate provisions shall be made for the proper and convenient disposal of refuse.

D. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways.

E. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.

F. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.

§ 340-211. Casino.

A. The applicant shall seek input from the local public bus service provider regarding bus stops. Any transit shelter shall be placed such that it does not impede the normal pedestrian functions of the sidewalk.

B. Sidewalks shall be provided adjacent to public streets and from any adjacent public street to a pedestrian entrance of the use. At least one ADA-accessible pedestrian path shall be provided from a main pedestrian entrance through the main on-site parking area. This pedestrian path shall be demarcated by pavement markings or differing colors or materials and be separated from adjacent parking spaces by curbing, curb stops or similar barriers.

C. Pedestrian sidewalks shall be provided in front of and along all public pedestrian entrances to business buildings and all bus unloading locations.

D. Pedestrian routes and customer and employee parking areas shall be sufficiently illuminated for safety and security. Pedestrian routes and sidewalks shall be a minimum of 5 feet in width. Crosswalks shall be well-marked and be ADA accessible.

E. A minimum of 10 percent of the total lot area shall be maintained in trees, shrubs, vegetative ground cover and/or a landscaped pedestrian plaza with decorative paving patterns, benches and/or preserved historic features. This 10 percent area may be calculated based upon an entire tract, as opposed to each lot within a development tract. Buffer yards may count towards this requirement.

F. A minimum 10 feet wide landscaped planting area shall be located abutting any public street. This planting area shall include shrubbery and other landscaping that is designed and located to avoid conflicts with safe sight distances at intersections.

G. All waste storage areas and tractor-trailer loading docks that are not within a building shall not be located along a facade facing an adjacent arterial street.

H. Consistent with the use of Crime Prevention Through Environmental Design concepts, any shrubbery within parking areas is encouraged to involve species with a mature height of less than 3 feet, or regular trimming, to avoid obstruction of views of motorists and pedestrians and to allow clear views for crime prevention. Fences, walls, or landscaping should be provided to prevent and /or discourage public access to or from dark and/or unmonitored areas.

§ 340-212. Cemetery.

A. Minimum lot area - five (5) acres. Any building or area used for storage of equipment shall be setback a minimum of 50 feet from any lot in a residential district.

B. A plan shall be submitted which conforms all the requirements of a subdivision plan, except that individual lots need not be shown. No plan shall be acceptable which does not provide for the continuation of existing streets or of streets already projected or shown on a part of a comprehensive plan or Official Map for all or a portion of the Borough. Land for required streets shall be dedicated by such plan.

C. No grave sites shall be placed within 20 feet of any lot line or within 20 feet of a street right-of-way or an interior driveway through the cemetery.

D. The applicant shall submit draft legal provisions for review by the Borough Solicitor to show that an acceptable system will be in place to assure the long-term maintenance of the cemetery.

§ 340-213. Check Cashing Establishment.

The building area occupied by a Check Cashing Business shall not be located within 5,000 feet from the lot line of a Licensed Gaming Facility.

§ 340-214. Chickens.

A. The keeping of up to three (3) chickens is permitted on a one-acre lot.

(1) One (1) additional chicken is permitted for each additional ¼ acre up to a maximum of twenty (20) chickens.

B. Roosters are only permitted in Agricultural District lots of five (5) acres or more.

C. The lot shall contain a single detached dwelling unit residence.

D. When outdoors, such animals shall be contained in an enclosed structure, a fenced area or run, or a combination thereof.

(1) The structure and/or containment area shall not be permitted in the front yard and shall meet the following minimum setbacks:

(a) 50’ from any lot line

(b) 75’ from any residence not occupied by the applicant.

(c) 20’ from the applicant’s residence.

E. No facility for storing manure or feed shall be located within one hundred (100) feet of any adjacent residence not occupied by the applicant and not less than fifty (50) feet from any lot line.

§ 340-215. Child Care Center.

A. Group Child Care Homes:

(1) Such use shall only be permitted as an accessory use to a lawful single family detached dwelling unit.

(2) A narrative setting forth the particulars of the operation, including number of staff persons, anticipated maximum number of children to be served, drop-off/loading areas, and staff parking shall be submitted with the application.

(3) The group child care home shall be licensed by the State Department of Public Welfare prior to occupancy.

(4) The group child care home shall be indistinguishable from the exterior of other residential dwellings in the immediate neighborhood. However, improvements required by permitting or licensing agencies shall not be deemed incompatible merely because surrounding buildings lack such facilities.

(5) There shall be a maximum of 2 employees who are not permanent residents of the dwelling unit, except that there may also be a non-resident substitute, on an occasional basis, for the operator-caregiver.

(6) The operator-caregiver shall be a permanent resident of the dwelling unit.

(7) One sign which must be non-illuminated identifying the group child care home use, not to exceed 1.5 square feet, may be placed on the property.

(8) In addition to any applicable fence and buffer requirements elsewhere in this Ordinance, a fence or buffer strip may be required to prevent the use from being detrimental to surrounding property.

B. Family Child Care Homes:

(1) The family child care home shall be registered by the State Department of Public Welfare prior to occupancy.

(2) Such use shall only be permitted as an accessory use to a lawful single family detached dwelling, twin dwelling or townhome/row home.

(3) The family child care home shall be indistinguishable from the exterior of other residential dwellings in the immediate neighborhood. However, improvements required by permitting or licensing agencies shall not be deemed incompatible merely because surrounding buildings lack such facilities.

(4) The operator-caregiver shall be a permanent resident of the dwelling unit.

(5) A family child care home shall not employ persons who are not permanent residents of the home, except as occasional substitutes.

(6) Only one sign which must be non-illuminated may identify the family child care home, which shall not exceed 1.5 square feet.

C. Child Care Center:

(1) A narrative setting forth the particulars of the operation including number of staff persons, licensed capacity, and hours of operation; and a site plan indicating at a minimum the location and dimensions of the child care center structure, outdoor-play area, drop-off/loading area, parking, and waste storage area shall be submitted with the application.

(2) The child care center shall be licensed by the State Department of Public Welfare prior to occupancy.

(3) In addition to any applicable fence and buffer requirements elsewhere in this Ordinance, a fence or buffer strip may be required to prevent the use from being detrimental to surrounding property.

(4) A child care center may not be physically attached to any structure containing one or more dwelling units.

(5) A child care center shall be permitted as an accessory use to a Place of Worship.

§ 340-216. Club or Lodge.

A. A statement setting forth full particulars on the operation of the use and a copy of the bylaws or articles of incorporation (if incorporated) shall be filed with the Zoning Officer.

B. The proposed use must be a non-profit organization operated primarily for the recreation and enjoyment of the members of such organization and their occasional guests.

C. The proposed use shall not adversely affect the safe and comfortable enjoyment of properties in the neighborhood and the design of any structures erected in connection with such use shall be in keeping with the general character of the area.

D. See State Act 219 of 1990, which generally prohibits after-hours clubs.

E. The use shall not meet the definition of an adult use.

F. The use shall not involve the sale of alcoholic beverages in a residential district, except if permitted as a nonconforming use.

§ 340-217. Cluster Development.

A. Purpose.

(1) To permit creative, functional and well-designed residential development as an alternative to conventional lot layouts, all within specific conditions, including but not limited to providing public water and sewer service.

(2) To outline conditions an applicant shall meet as a specific burden of proof to obtaining Conditional Use approval.

(3) To encourage affordable housing by reduction in the costs of development by permitting layouts using less street length and less length of curb, sidewalk and utility lines and less grading.

(4) To preserve environmentally sensitive areas and hard-to-develop areas in open space.

(5) To allow usable recreation land to be provided in a tract without reducing the amount of homes.

B. Lot and area requirements.

(1) Minimum development tract area: 2 acres.

(2) Minimum lot area: 15,000 SF.

(3) Minimum lot width: ½ the width of the zoning district in which the tract is located.

(4) Minimum tract area as common open space: 20%.

(5) Permitted uses: single-family detached houses and their customary and incidental accessory uses.

(6) Lots required to have a larger lot area because of the steep slope provisions of this Ordinance shall not be reduced in area under this section.

C. Qualifying conditions.

No cluster development shall be approved unless the applicant proves in the determination of the Council, considering the advice of the Planning Commission, that the cluster development would be superior to what would occur in a conventional development under the existing zoning, based upon one or more of the following standards:

(1) The cluster option would result in the permanent preservation in common open space of land along a creek, river or lake or land that is densely wooded or that is steeply sloped, or that would be highly suitable for additions to existing public parkland.

(2) The cluster option would allow the permanent preservation in common open space of land clearly suitable for active recreation.

(3) The cluster option would result in landscaped open space providing a substantial buffer to reduce conflicts between dwellings and existing or potential nuisance-generating uses.

(4) The cluster option would result in the permanent preservation of a tract of agricultural land that is economical in configuration and characteristics.

D. Cluster open space requirements.

(1) The minimum percentage of a tract in open space required by this Article shall be met by permanently dedicating land as open space, within one of the following procedures:

(a) Public ownership. The open space required under this section may be accepted by the Borough, the county, the state or the school district for recreation or other clearly valid public purposes. No government entity is under no obligation to accept ownership or maintenance of the open space.

(b) Home owners association ownership. This process for maintenance of the commonly owned land shall meet the requirements of § 705(d) of the Municipalities Planning Code. All such agreements shall be reviewed by the Borough Solicitor and require the approval of Council prior to recording of deeds to ensure that adequate provisions are included for the perpetual maintenance of such land.

(c) Dedication of noncontiguous land. In place of open space dedication within the tract, Council may allow an applicant to dedicate land to the Borough or the County that is noncontiguous to the tract. The amount of such a dedication shall be twice the land area that would be required to be dedicated if the dedication were within the same tract as is proposed for housing development.

(d) Agricultural land. Required open space may remain privately owned as part of an agricultural lot. Deed restrictions shall prevent the construction of any new buildings other than those necessary to serve preapproved types of agricultural uses.

(2) Decision. Council, after considering the advice of the Planning Commission, shall decide which of the procedures for ownership and management of the open space in this section shall be used in each individual case, if a cluster development is to be approved.

(3) Size. Required common open spaces shall have a minimum lot area that is contiguous of greater than 25,000 square feet and have a minimum width of 50 feet, which may include adjacent existing public parkland.

(4) Nearby schools. If the proposed tract would be within 1,000 feet of an existing public school property, the school district should be given an opportunity to comment on the proposed open space.

(5) Open space improvements. The application shall include a detailed and legally binding, if approved, description of the improvements the applicant proposes to complete to the common open spaces to make them suitable for passive and/or active recreation. No application shall be approved if the common open space would not be clearly suitable for active and/or passive recreation.

(a) All common open spaces shall be improved by the developer in such a manner so as to be usable for the intended function. All such areas shall be clear of rocks that did not exist on the open space areas prior to any development and free of all construction debris.

(6) Unacceptable lands. The following land areas shall not be used to meet the minimum required amount of open space under this section:

(a) Wetlands required to remain largely undisturbed under federal or state regulations.

(b) Any land area that would be required to be set aside as open space or recreational land under any other Borough ordinance.

(c) Lands that would serve no valid purpose for active or passive recreation or the preservation of environmentally sensitive areas.

(d) Any stormwater detention areas, except for portions that the applicant may prove to the satisfaction of the Borough would be suitable and reasonably safe for recreation during the majority of the year.

§ 340-218. College or University.

A. Minimum total lot area - 20,000 square feet.

B. Off-street parking requirements may be increased if, in the judgment of the Borough, such consideration as the unavailability of public transportation, the distance from population center, or a relatively high percentage of students driving their own cars make such increased requirements necessary.

C. Illumination shall be properly directed and shielded from view from adjoining street and residential areas.

§ 340-219. Correctional (Jail, Work Release).

No correctional facility shall be constructed within 250 feet of a residence or residentially zoned lot, nor within 1,000 feet of a school, place of worship, playground, park, camp, community center, child day-care center or other area where minor children assemble or congregate. This setback shall be measured from lot line to lot line.

§ 340-220. Crematorium.

A crematorium as a principal use shall be setback a minimum of 200 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.

§ 340-221. Drug/Alcohol Rehab. or Halfway House.

A. A narrative shall be submitted by the applicant describing the purpose and general operation of the proposed facility, including the number of residents, staff and level of supervision. The narrative shall also describe any out-patient facilities which shall be provided on the site, and their anticipated level of service for the next 3 to 5 years.

B. The facility shall receive the license or permit of any applicable State, County or Borough agencies prior to the commencement of operations.

C. All such facilities shall conform to the Borough's Building, Property Maintenance and Fire Codes.

§ 340-222. Exhibition Center.

A. There shall be no living quarters within any building situated at an exhibition center.

B. The owner or operator of an exhibition center shall not permit any preparation of food or drinking in the parking areas unless same is part of an event.

§ 340-223. Firing Range.

A. All such uses shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. This barrier may be made of earth for an outdoor firearms range.

B. An outdoor firing range shall comply with any applicable published standards of the National Rifle Association and other applicable Federal, State and local regulations.

C. An outdoor firing range and any firing stations shall be located a minimum of 250 feet from any residential lot line, unless all firing would occur within a completely enclosed sound-resistant building.

D. Clay pigeon shooting shall be directed away from homes and streets.

E. An outdoor firing range shall be properly posted.

F. The applicant shall provide evidence that the noise limits listed in this Ordinance will be met.

G. An indoor firing range shall be adequately ventilated and/or air-conditioned to allow the building to remain completely enclosed.

§ 340-224. Funeral Home.

A. A parking lot shall not be located between the principal building and the front of the lot.

B. Any crematorium as an accessory use shall also meet the regulations for such use in this Article.

§ 340-225. Gas Station.

A. All fuel tanks shall conform with State regulations.

B. Borough-approved curbing shall be constructed and maintained in a good and safe condition along all street property lines, except at crossovers.

C. The entire area of the gasoline station or repair garage traversed by motor vehicles shall be hard surfaced.

D. No building space used for repairs shall have an opening in roof or walls within 15 feet of any lot line of a residential district.

E. No repair garage or gasoline station vehicle entrance or fuel pump shall be located within 200 feet of a primary or secondary school, nor within 50 feet of a primarily residential use.

F. Fuel dispensers shall be setback a minimum of 30 feet from the existing street right-of-way line and from any lot line of a lot occupied by a residential use.

G. All gasoline stations shall be arranged, and all fuel pumps shall be placed, to permit all servicing on the premises and outside the public right-of-way.

H. All lots shall be kept free of paper and rubbish. No abandoned or junk vehicle shall be stored on the premises for more than 10 days within view of a public street.

I. The use may include a "convenience store" if the requirements for such use are also met.

J. A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street or alley right-of-way line. Such canopy may be attached to the principal building. An allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line.

(1) The canopy over gasoline pumps shall have a maximum height from the ground to the top of the canopy of 20 feet, except for portions of the canopy that are sloped to direct light away from streets and dwellings.

(2) Lights attached to the bottom of the canopy shall be recessed, angled, or screened so that the luminaire itself is not visible from beyond the lot lines.

§ 340-226. Geothermal System.

A. Open loop systems are permitted subject to the following:

(1) Only an PA DCNR-licensed well driller or a geothermal system installer accredited by the International Ground Source Heat Pump Association (IGSHPA) shall conduct the drilling of a geothermal well. The well drilling rig must also be approved by PA DCNR.

(2) The geothermal system must be installed, maintained, and decommissioned in accordance with IGSHPA Closed-Loop/Geothermal Heat Pump Systems Design and Installation Standards, latest version.

(3) The pipe loop is to be installed by a geothermal well installation contractor who is certified in the proper method of heat fusion specified by the pipe manufacturer. The geothermal well installation contractor shall be responsible for ensuring that the pipe loop is installed in accordance with the specifications of the ground source heat pump system manufacturer and the pipe manufacturer, and that the borehole is properly backfilled. Backfilling shall be according to the specifications of the ground source heat pump equipment manufacturer. When sand is the specified backfill material, the borehole shall be constructed in the same manner as a water supply well. A casing is required to be used and the annular space is required to be grouted.

B. Minimum Setbacks:

(1) Property lines and right-of-way lines: 10’

(2) Delineated wetlands, floodplains, surface waters: 10’

(3) Storm drains and stormwater management facilities: 10’

(4) Building foundations: 10’

(5) Gravity sanitary sewer lines: 10’

(6) Domestic water lines or sanitary force mains: 15’

(7) Subsurface sewage disposal or storage systems: 25’

(8) Hazardous materials storage: 300’

(9) Superfund plumes: 300’

C. Maintenance

(1) All ground source heat pump systems shall be properly maintained in accordance with the manufacturer's specifications, the installer’s specifications, and any applicable DEP or federal regulations.

(2) A person who owns a lot upon which a ground source heat pump system is installed, and any person who occupies a structure which is served by a ground source heat pump system, shall be responsible for maintaining the ground source heat pump system.

(3) If a ground source heat pump system malfunctions, the person responsible for the maintenance of the ground source heat pump system shall take all action necessary to repair, modify, or alter the ground source heat pump system to eliminate the malfunction.

(4) Any ground source heat pump system leaks or releases shall be reported by the applicant (and subsequent owners) to the Borough within 24 hours of the discovery of same, and the applicant (and subsequent owners of the property) covenants and agrees to take all appropriate action to minimize any fluid release to the ground and to promptly repair any system leak.

(5) In the event of the proposed discontinuance of the use of the ground source heat pump system, a system closure plan will be prepared and submitted to the Borough for its approval.

D. Abandonment.

(1) A geothermal system shall be abandoned in a manner acceptable to the Borough and shall comply with the laws, rules, and regulations applicable to the abandonment of water wells.

(2) Any and all heat transfer fluid must be removed by displacement with grout in a manner acceptable to the Borough.

(3) The top of the borehole must be uncovered and capped with grout in a manner acceptable to the Borough.

E. Permitting

(1) It shall be unlawful to install a new geothermal well or modify an existing geothermal well without a valid permit.

(2) Prior to constructing a new geothermal well or modifying an existing geothermal well, the property owner shall file all appropriate applications with the Borough, county, or other regulating agency and pay all applicable fees.

(3) The application to construct or alter a geothermal well must be filed on behalf of the current owner or equitable owner.

(4) Any relocation of the proposed geothermal well site from the permitted location must be submitted in writing and approved by the Borough.

(5) If geothermal well construction is not completed within three (3) years of the permit issuance date, the approval to construct shall expire.

(6) All geothermal well applications must be completed and include the following information:

(a) Applicant name and signature, address, and telephone number.

(b) Site address, subdivision name, and lot number.

(c) Driller name, PA DCNR number, and telephone number.

(d) Tax parcel number.

(e) Description of construction.

(f) Site plan including:

[1] Property lines, lot dimensions, slope direction, adjacent streets, and reference to North.

[2] Marked distances from the proposed geothermal well to any existing and proposed water supplies, buildings, driveways, parking areas, two (2) non-parallel property lines, retention areas, surface waters, hazardous materials areas, and any other feature that requires an isolation distance as defined in this ordinance.

F. Compliance with other regulations. If any provision of this section conflicts with any applicable state or federal law, rule, or regulation which is more stringent or which is determined to preempt a provision of this section, the applicable state or federal requirement shall control.

G. Closed loop systems are prohibited.

§ 340-227. Group Homes.

A. A written narrative shall be submitted describing the purpose and general operation of the proposed facility, including the number of residents, staff, level of supervision, and parking needs.

B. A proposed facility shall be indistinguishable from the exterior of other residential dwellings in the immediate neighborhood. However, improvements required by code for access or exit from the building shall not be deemed incompatible merely because surrounding buildings lack such facilities.

C. Any counseling or other services provided shall be solely for the benefit of residents of the facility.

D. The facility shall receive the license or permit of any applicable State, County or Borough agencies prior to the commencement of operations.

E. The facility shall not generate traffic greater in volume or different in nature than would normally occur in the neighborhood in which it is proposed to be located.

F. No identification signs shall be permitted, except as required by law.

G. For each staff person greater than one, one off-street parking space shall be provided, using the largest daily shift per week as a base.

H. For the facilities where clients may drive and own vehicles, one off-street parking space shall be provided per driver-vehicle owner.

I. The site shall be convenient to those support facilities that are essential to the functioning of the specific facility. These may include mass transportation, medical, educational, recreational, job training, social service, and/or other facilities being necessary for the particular use.

J. A Group Home shall include the housing of a maximum of 5 unrelated persons, except:

(1) if a more restrictive requirement is established by the Property Maintenance Code or another Borough Code;

(2) the number of bona fide paid professional staff shall not count towards such maximum; and

(3) The persons living on-site shall function as a common household unit.

§ 340-228. Heliport.

A. The landing pad shall be set back at least 100 feet from any sidewalk, street or other public area and shall not be closer than 600 feet to any residential district.

B. The landing pad shall be clearly marked and signed around the perimeter and shall include a circle with a diameter at least 1.5 times the length of the longest helicopter using the facility.

C. If the landing pad is within 1,500 feet of a residential district, it shall not routinely be used for landings or take-offs between 11:00 p.m. and 7:00 a.m., except for emergency medical purposes.

D. A paved surface must be provided to prevent the blowing of dust, dirt or other objectionable matter.

E. The helistop shall be provided with such fire protection devices and equipment as may be deemed necessary by the Borough Fire Department.

F. All helistops shall comply with the requirements of this Ordinance or applicable State and Federal agencies, whichever is more restrictive.

G. The applicant shall submit plans to the Borough that will direct pilots to utilize approach and departure routes that will minimize conflicts with residential neighborhoods, where practical and feasible. This provision shall not apply to a medical emergency helistop.

H. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.

I. Council may place conditions on the frequency of use, fueling facilities, setbacks and hours of operation to minimize nuisances and hazards to other properties. This provision shall not apply to any heliport used for exclusively for medical and emergency transport.

§ 340-229. Home Occupation.

A. Home occupation activities shall only be conducted within the principal building or one accessory building.

B. A home occupation shall not be of a type that routinely attracts more traffic for business purposes than would be typical for a dwelling in a residential district, except for a home occupation along an "arterial street" or permitted offices of a medical, dental, chiropractic or similar doctor.

C. A home occupation providing a service (other than a medical office) or instruction must be limited to appointment only and shall be limited to serving one person at a time.

D. The total floor area used for the home occupation shall not exceed 25 percent of the habitable floor area of the principal building.

E. No more than one person who does not reside within the dwelling may be employed on the premises or use the property as a meeting place for the purpose of traveling to a work site.

F. A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.

G. The residential character of the building and lot shall be preserved. A home occupation shall not require exterior alterations or additions of a building that would reduce its residential appearance. The exterior design of new additions shall reflect the principal residential use of the structure.

H. The only sign that may identify or advertise a home occupation shall be a single non-illuminated sign with a maximum sign area of 1.5 square feet.

I. A maximum of one commercial vehicle shall be based at the dwelling.

J. If the use will include a non-resident employee, then an additional off-street parking space shall be provided, in addition to the parking for the dwelling. If the use will involve customers regularly visiting the property, then another additional off-street parking space shall be provided.

K. No on-site retail sales, warehousing or storage of equipment shall be permitted, and no bulk manufacturing shall be permitted other than custom crafts.

L. A use shall not be permitted as a home occupation in a residential district if it will routinely require deliveries or pickups by tractor-trailer trucks.

M. The use shall not produce noise, odors, vibration, or electrical interference routinely detectable from another dwelling.

N. The use shall not involve hazardous substances other than types typically found in a dwelling.

O. The use shall not involve manufacturing, other than of custom crafts and sewing.

P. The use shall not involve commercial repair of motor vehicles.

§ 340-230. Hospital.

A. If regulated as a special exception use, a statement setting forth full particulars on the operation to be conducted shall be filed with the Borough by the applicant.

B. No building shall be erected nearer than 30 feet from any lot line within a residential district.

C. Additional buffer strips may be required as part of a conditional use approval.

D. The use shall acquire and maintain any and all applicable licenses required by state and/or local agencies as a condition of approval and prior to the issuance of a zoning permit.

E. Minimum lot area - 2 acres.

F. Buildings and parking structures shall be setback a minimum of 50 feet from any lot in a residential district that is occupied by a dwelling and is not owned by the hospital.

§ 340-231. Hotel or Inn.

A. Tractor-trailer truck parking shall kept be a minimum of 50 feet from any lot of a principal dwelling.

§ 340-232. Kennel.

A. All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from lot lines of each existing dwelling. The setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.

B. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.

C. No animal shall be permitted to use outdoor runs from 9 p.m. to 8 a.m. that are within 250 feet of an existing dwelling.

D. The facility shall be compliant with any kennel regulations of the Commonwealth of Pennsylvania.

§ 340-233. Landfill, Solid Waste Facility.

A. Any solid waste storage, disposal and incineration shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100-year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than two acres in area.

B. All areas to be used for the storage, disposal or incineration of solid waste shall be a minimum of 500 feet from any residential district or park or any existing dwelling or the banks of any perennial creek or river.

C. The use shall be served by a minimum of two paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.

D. Any burning or incineration shall be carried out in a completely enclosed incinerator approved by the Pennsylvania Department of Environmental Protection. Any material to be incinerated that is to be stored for more than three hours shall be stored in an enclosed structure.

E. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Borough. Violations of this condition shall also be violations of this Ordinance.

F. Open dumps and open burning of refuse are prohibited.

G. The applicant shall prove to the satisfaction of the Borough that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas.

H. The applicant shall prove to the satisfaction of the Borough that the use would not routinely generate noxious odors discernable beyond the property boundaries.

I. A chain-linked or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children. Earth berms, evergreen screening and/or shade trees shall be used to prevent landfill operations from being visible from neighboring streets or dwellings.

J. A minimum total lot area of 20 acres (which may include land in an adjoining municipality) is required for any solid waste facility other than a solid waste-to-energy facility or a solid waste transfer facility. For a solid waste-to-energy facility or solid waste transfer facility, a minimum lot area of five acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus one acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 750 tons per day.

K. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.

L. An attendant shall be present during all periods of operation or dumping.

M. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.

N. The operator of the use shall cooperate fully with local emergency services, including allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.

O. Under authority granted to the Borough under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.

P. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.

Q. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.

R. Staging. No total area(s) larger than 50 acres shall be used as a disposal area for a sanitary landfill in any calendar year.

S. The applicant shall provide sufficient information for the Borough to determine that the requirements of this Ordinance will be met.

T. Nothing in this section is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Borough and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Borough regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that submitted to DEP at the same time as they are submitted to DEP.

U. The operator shall enter into an agreement with the Borough specifying the types and frequencies of environmental monitoring that will be put into place while a solid waste-to-energy or sanitary landfill is underway and for a minimum of three years after any landfill is closed.

V. A leachate treatment system may be an accessory use to a landfill, and a recycling collection center and/or bulk-recycling center are permitted in combination with any permitted solid waste disposal facility.

W. For any transfer facility or waste-to-energy facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface draining to an adequately treated holding tank.

X. At least a portion of the solid waste disposal facility shall be within one-half mile by street of an arterial street.

Y. The applicant shall provide a professional analysis of the expected impacts of the facility on air quality, groundwater quality and surface water quality, and expected health hazards to humans.

§ 340-234. Medical Marijuana.

A. Purpose - The purpose of this section is to establish a process and standards for the establishment, construction, and operations of medical marijuana facilities, pursuant to the Pennsylvania "Medical Marijuana Act" (PA Act 16, 2016) to allow for the integration of an allowed industry while providing for the protection of the public's health, safety, morals, and general welfare.

B. General Provisions

(1) Academic Clinical Research Centers are permitted where listed on the Use Table subject to the requirements of this Ordinance.

(2) Medical Marijuana Grower/Processors are permitted where listed on the Use Table subject to the requirements of this Ordinance.

(3) Medical Marijuana Transport Vehicle Offices are permitted where listed on the Use Table subject to the requirements of this Ordinance.

(4) Medical Marijuana Dispensaries are permitted where listed on the Use Table subject to the requirements of this Ordinance.

C. Specific Requirements

(1) Academic Clinical Research Centers

(a) Parking requirements will follow the parking schedule found in the Off-Street Parking Regulations and/or as listed a research facility.

(b) An academic clinical research center may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

(c) A buffer planting is required where an academic clinical research center adjoins a residential use or district.

(2) Medical Marijuana Grower/Processor

(a) A medical marijuana grower/ processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing, and production facilities that are in the same district.

(b) A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

(c) A medical marijuana grower/ processor shall meet the setback, parking, landscaping, coverage, and building height requirements of the applicable zoning district to determine the building envelope and maximum allowable floor area.

(d) A buffer planting is required where a medical marijuana grower/processor adjoins a residential use or district.

(e) The maximum floor area of a medical marijuana grower/processor shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana related materials used in production or for required laboratory testing.

(f) There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing, or testing occurs.

(g) Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.

(h) The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products are prohibited at medical marijuana grower/processor facilities.

(i) Grower/processors shall not locate within 1,000 feet of the property line of a public, private, or parochial school or day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.

(j) Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

(3) Medical Marijuana Transport Vehicle Service

(a) A traffic impact study is required where the office is operated.

(b) A buffer planting is required where a medical marijuana transport vehicle service adjoins a residential use or district.

(c) If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.

(d) Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

(4) Medical Marijuana Dispensary

(a) A medical marijuana dispensary shall meet the same municipal zoning and land use requirements as other commercial facilities that are in the same district.

(b) A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the DOH.

(c) A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

(d) A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.

(e) Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.

(f) Permitted hours of operation of a dispensary shall be 8 A.M. to 8 P.M.

(g) A medical marijuana dispensary shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of product and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.

(h) A medical marijuana dispensary shall:

[1] Not have a drive-through service;

[2] Not have outdoor seating areas;

[3] Not have outdoor vending machines;

[4] Prohibit the administering of, or the consumption of medical marijuana on the premises; and

[5] Not offer direct or home delivery service.

(i) A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

(j) A medical marijuana dispensary shall not be located within 1,000 feet of the property line of a public, private, or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.

(k) A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor or academic clinical research centers and the specific dispensary they serve, or with which they partner.

(l) Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a secondary or elementary school or a day-care center.

(m) A buffer planting is required where a medical marijuana dispensary adjoins a residential use or district.

(n) Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

(o) In the event the Controlled Substance, Drug, Device and Cosmetic Act relating to marijuana conflicts with a provision of Act 16, PA Act 16 is declared to take precedence.

D. Building and Zoning Permits/Approvals

(1) A zoning permit shall be required prior to obtaining a building permit. For the construction or erection of a building; the alteration of a building or portion thereof; the use or change in use of a building or land; or any adjustments to a nonconforming use.

(2) Permits may be denied if the applicant, in the reasonable opinion of the Borough, is failing to comply with any state or local law or regulation.

(3) In the case of new construction, meeting the PA MPC definition land development plan application is required to be submitted and an approval secured, prior to establishment of the use.

(4) If the application is to change the use of a building or needs to demonstrate allocation of space within a structure, the applicant shall provide architectural drawings prepared by an architect registered in the Commonwealth of Pennsylvania.

(5) A medical marijuana grower/processor must be legally registered in the Commonwealth and possess a current valid Medical Marijuana Permit from the DOH.

E. Severability

(1) If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

§ 340-235. Mobile Home Park.

A. Each newly placed manufactured/mobile home shall comply with the most recent construction standards of the U.S. Department of Housing and Urban Development.

B. Each manufactured/mobile home shall be securely anchored to the ground to resist damage from high winds.

C. The minimum tract area shall be 30,000 square feet, which shall be under single ownership.

D. The maximum density of the manufactured home park shall not exceed 5 dwelling units per acre. In calculating this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100-year floodplain, wetlands and slopes over 25 percent shall not be included.

E. The area from the base of each manufactured/mobile home to the ground shall be surrounded by an enclosure that has the appearance of a foundation of a site-built home.

F. For any new or expanded area of a manufactured home park, a landscaped area with a minimum width of 25 feet shall be maintained around the perimeter of a manufactured home park, which shall only be interrupted at approximately perpendicular vehicle or utility crossings. Such landscaped area shall not include any buildings.

G. For any new or expanded manufactured home park, each mobile/manufactured home shall be setback a minimum of 20 feet from any other mobile/manufactured home and at least 35 feet from any exterior lot line.

H. Unenclosed porches, awnings, decks and accessory structures may be 15 feet from the walls of another dwelling.

I. Interior roads and required parking spaces shall be paved in asphalt with a stone subsurface, concrete or other material approved by the Borough Engineer.

§ 340-236. Mobile Homes, Trailers, and Similar Devices, Structures and Vehicles.[12]

A. Restrictions on parking, maintenance and location.

(1) A mobile home, trailer, storage trailer, commercial vehicle greater than 20' in length, or any other similar storage or residential device, structure, or vehicle (for the purpose of this Section, "over-sized vehicle"), shall not be parked, maintained or located on a premises, except as otherwise set forth herein, or except when the appropriate use permits, including a zoning permit, has been obtained in accordance with the Borough ordinances and regulations.

B. Conditions for maintenance during construction under subdivision and/or development agreement.

(1) An over-sized vehicle may be maintained on a premises pursuant to prior approval by Borough Council under a subdivision and/or development agreement during the period of construction, only so long as appropriate securities have been escrowed for the removal of such over-sized vehicle.

C. Conditions for parking on a property

(1) An over-sized vehicle may be parked on a property, provided that the following conditions are met:

(a) An over-sized vehicle must be owned, rented, or leased by the owner of the property or a tenant residing at the property.

(b) An over-sized vehicle must be parked in a fully enclosed garage or shall be located in the rear yard or side yard of the property.

(c) For the purposes of this section, multiple frontage lots shall be deemed to have one front yard, with said front yard being that frontage on which the front door of the primary structure faces.

(d) The over-sized vehicle shall be located no closer than five feet from any property line.

12. Editor's Note: Relocated from Article XVII of the prior ZO.

(e) At no time shall there be parked more than two over-sized vehicles on a property, not including an over-sized vehicle parked in a fully enclosed garage. For the purposes of this section, a boat that rests on a trailer shall be considered one over-sized vehicle.

(f) At no time shall any over-sized vehicle be occupied without a permit.

(g) For loading or unloading, an over-sized vehicle may be parked in a front yard or on a public street for up to 48 hours, no more than four times during a calendar year, provided that the sidewalk and drive lane of the public street always remains unencumbered.

§ 340-237. Night Club.

A. The building and any parking areas shall be set back 200 feet from any residential zoning district.

B. The applicant shall prove that adequate on-site security will be in place.

C. All BYOB regulations apply.

§ 340-238. Nursing Home, Convalescent, Retirement.

A. The use shall acquire and maintain all applicable licenses required by state and/or local agencies as a condition of approval and prior to the issuance of a zoning permit.

B. A statement setting forth full particulars on the operation to be conducted shall be filed with the Borough by the applicant.

C. No building shall be erected nearer than 30 feet from any lot line within a residential district.

D. Buffer yards as described elsewhere in this Ordinance shall be provided.

E. The maximum permitted density shall not exceed 25 beds per acre.

F. In a residential zone, such facilities are limited to a maximum of 30 beds.

G. In a residential zone, such facilities shall be permitted only on arterial or collector roads.

H. A minimum of 20 percent of the site shall be suitable and developed for outdoor passive recreation uses, which may include, but shall not be limited to, sitting areas and pedestrian walks.

I. The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design and building placement.

§ 340-239. Outdoor Display, Sales or Storage.

A. Where outdoor display, sales or storage are permitted in the Use Table, vending machines or kiosks, such as beverage dispensers, ice machines, or DVD rental units may occupy 20% of each building face fronting a street.

§ 340-240. Parking, Off-Street (Principal).

A. In a residential district, parking shall only be for the parking of passenger automobiles.

B. The facility is not to be used for sales, long term storage, repair work or servicing of any kind unless the requirements for such uses are also met.

C. All parking is to be separated by curbing, curb stops, fencing or similar approved barriers from streets and lot lines.

D. No off-street parking lot that abuts or is across the street from a residential district may be used for the parking of tractors, tractor trailers, buses or commercial vehicles equal to or greater than a Class V. This restriction shall only apply to parking lots established as a principal use of the lot and not where such parking is accessory to or required as part of a lawful principal use.

§ 340-241. Pawn Shop.

A. The building area occupied by a Pawn Shop facility shall not be located within 5,000 feet from the lot line of a Licensed Gaming Facility.

B. The Pawn Shop shall fully comply with record-keeping requirements of the State Pawnbrokers License Act, as amended, and such records shall be available for review by the Borough upon request.

§ 340-242. Places of Worship.

A. The use may include a maximum of one dwelling unit, provided such dwelling is limited to housing of full-time paid religious leader(s) and their families.

B. Except for the one dwelling permitted above, any residential, social service, accessory or related uses shall only be permitted if all of the requirements for such use are also met and the use is separately approved.

C. The applicant for a new Place of Worship shall provide a written description of the intended use, including maximum number of attendees, hours of operation, accessory uses, and amplification.

D. Where permitted as a Conditional Use, Council may place reasonable conditions on the use to ensure compatibility with surrounding uses.

E. In residential zones, places of worship may not be located in structures that are physically attached to a residential structure.

§ 340-243. Residential Club (Fraternity, Sorority, Student).

A. A 50 feet minimum building setback shall apply from any lot line of a dwelling located within a residential district.

B. If located on a lot separate from college educational buildings, the structure shall contain a minimum of 400 square feet of lot area for each resident.

C. All such structures shall be owned and/or operated by an accredited college or university.

D. All such structures shall be limited to housing students enrolled at or full-time employees of an accredited college or university and up to two live-in advisors.

§ 340-244. Restaurant, Café, Tavern.

A. Suitable areas shall be provided for trash storage which are designed as to have minimal visibility from a public street. The trash storage area must allow for safe, easy removal of trash.

B. All exterior lighting shall be directed away from residential properties.

§ 340-245. Restaurant (Fast Food).

A. Drive-in windows shall be arranged so that sufficient area exists for the expected lines of vehicles. The area set aside for the lines shall not be used for other internal traffic circulation.

B. Directions for the internal movement of traffic shall be clearly marked.

§ 340-246. Self-Storage Facility.

A. Outdoor storage shall be limited to recreational vehicles, boats, and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.

B. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.

C. Interior traffic aisles shall be kept clear of obstructions to emergency vehicles.

D. Adequate lighting shall be provided for security and shall be directed away from and shielded from adjacent residential uses.

E. Any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard. Any fencing shall be placed on the inside of the plantings.

F. Minimum separation between buildings - 20 feet.

G. Maximum length of any building - 300 feet.

§ 340-247. Solar Energy System, Accessory.

A. An accessory Solar Energy System is allowed where indicated on the Use Table subject to the requirements of this Ordinance.

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

C. This section applies to Solar Energy Systems to be installed and constructed after the effective date of this Ordinance, and all applications for Solar Energy Systems on existing structures or property.

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

E. Compliance with other regulations: The Solar Energy System shall comply with all applicable building and construction codes as amended and any regulations adopted by the Department of Labor and Industry. The design and installation of accessory solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements.

F. No portion of an accessory solar energy system shall be located within any front yard, nor within any required setback of any property.

(1) Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures and are permitted to face any rear, side, or front yard.

(2) Ground-mounted systems shall be completely enclosed by fencing at least four feet in height.

G. Building- or roof- mounted solar energy systems shall not exceed a height of 12 inches from the rooftop surface. In no event shall such systems exceed the maximum allowed height in any zoning district. For purposes for the height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.

H. Setback: In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

I. Clearance: Roof-mounted solar energy systems shall be set back at least three (3) feet from the roof edge and roof ridge line for fire department access.

J. Applications:

(1) Plan applications for solar energy systems shall include scaled horizontal and vertical (elevation) drawings showing the location of the system on the building or on the property for a ground-mounted system, including the property lines.

(2) Roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

(a) Flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

(3) Applications shall include manufacturer’s specifications and the name of the DEP-approved installer.

K. Upon issuance of a zoning permit for a solar energy system, the Zoning Officer shall provide written notice of the issuance by first class mail to the owner of record of each adjoining lot along with a copy of this section of the Ordinance.

L. Installation of a solar energy system does not guarantee the creation of a permanent easement for solar access. However, existing solar energy systems and solar access requirement shall be considered by the Zoning Officer, Planning Commission and Council when reviewing applications for Land Development or subdivision.

M. Abandonment: If a solar energy system is inoperable for twelve (12) consecutive months the owner shall be notified that they must, within three (3) months of receiving the notice, restore their system to operating condition. If the owner fails to restore the system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the solar energy system for safety reasons. The system then would be subject to the Public Nuisance provisions of the Municipal code.

§ 340-248. Solar Energy System, Principal.

A. A principal solar energy system is allowed where indicated on the Use Table subject to the requirements of this Ordinance.

B. Acreage: A principal solar energy system shall occupy less than one (1) acre.

C. Height and Setback: For purposes of determining compliance with lot coverage standards of the underlying zone, the total surface area of all ground-mounted and freestanding solar collectors including solar photovoltaic cells, panels, arrays, and solar hot air or water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations specified within each the underlying zone.

D. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

E. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

F. All mechanical equipment of principal solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the landscaping provisions of the Borough subdivision and land development ordinance.

G. If the applicant ceases operation of the energy project or begins, but does not complete, construction of the project, the applicant shall restore the site according to a plan approved by the Borough. A principal solar energy system owner is required to notify the Borough immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. The owner shall then have twelve (12) months in which to dismantle and remove the principal solar energy system from the property. At the time of issuance of the permit for the construction of the system, the owner shall provide financial security in form and amount acceptable to the Borough to secure the expense of dismantling and removing said structures.

§ 340-249. Stable.

A. Minimum lot area - 2 acres for the first horse or similar animal, plus 1 acre for each additional horse or similar animal.

B. Any horse barn, manure storage areas or stable shall be a minimum of 50 feet from any lot line of an adjacent dwelling.

C. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried by runoff into a waterway.

§ 340-250. Townhomes (row homes).

A. Maximum number of townhouses in any attached grouping – 8.

B. All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.

C. Vehicle parking spaces and any garages or carports shall be located to the rear of new townhouses to the maximum extent feasible. Where a shared parking area is proposed, and a location to the rear of the townhouses is not feasible, then a location to the side of a set of townhouses shall be considered.

D. Mailboxes provided within the street right-of-way shall be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are discouraged.

E. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.

F. A sketch plan indicating the proposed site layout of townhouses shall be submitted for Planning Commission review prior to the submission of preliminary or preliminary/final subdivision or land development plans.

§ 340-251. Treatment Center, Veteran's.

A. A narrative shall be submitted by the applicant describing the purpose and general operation of the proposed treatment center, including the number of residents, staff and level of supervision. The narrative shall also include any out-patient facilities which shall be provided on the site, and their anticipated level of service for the next 3 to 5 years.

B. The treatment center shall receive the license or permit of any applicable State, County or Borough agencies prior to the commencement of operations.

C. The facility must comply with all applicable Fire, Housing, Building, Property Maintenance, and Health Codes, and all regulations pertaining to transient occupancy with respect to emergency lighting, smoke detectors, exit lights, and other safety devices.

D. Any food preparation, service, or distribution shall be licensed and remain available for inspection.

E. All services provided on site shall be contained within the structure and operated by a non-profit, charitable, or for-profit organization.

F. The applicant for these facilities shall submit with its application a plan

G. outlining in detail the management of the facility. This shall include information on personnel, supervision, hours of operation, services provided, rules and regulations, and any other information pertinent to the operation of the facility.

§ 340-252. Wind Energy System, Accessory.

A. An accessory wind energy system is allowed where indicated on the Use Table subject to the requirements of this Ordinance.

B. The maximum number of wind energy systems per property shall be one.

C. Appearance: Wind turbines shall be a non-obtrusive color, such as white, off-white or gray.

D. Location:

(1) Wind Turbines may be placed in the side or rear yards only.

(2) Wind Turbines shall be set back from the nearest Occupied Building a distance not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

E. Setback: The base of the tower shall be set back from all property lines, public rights-of-way, and public utility lines a distance equal to 1.1 times the turbine height. Turbines shall be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail rights-of-way. The setback distance shall be measured to the center of the Wind Turbine base.

F. Turbine Height: Turbine height means the distance measured from the surface of the turbine foundation to the highest point of wind rotor or blade. Turbine height shall not exceed the greater of the permitted height of a Communications Tower if permitted in the district, or two (2) times the permitted height of a principal structure on the lot.

G. Sound: Sound produced by the turbine under normal operating conditions, as measured at the property line, shall not exceed the definition of nuisance noise. Sound levels, however, may be exceeded during short-term events out of anyone's control such as utility outages and/or severe windstorms.

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

I. Engineered Drawings: Building permit applications for accessory wind energy systems shall include manufacturer's drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation.

J. Electrical Code Compliance: Building permit applications for accessory wind energy systems shall include manufacturer's line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

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

L. Abandonment: If a wind turbine is inoperable for twelve (12) consecutive months the owner shall be notified that they must, within three (3) months of receiving the notice, restore their system to operating condition. If the owner fails to restore the system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the Municipal code.

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

N. Lighting: No illumination of the turbine or tower shall be allowed unless required by the FAA.

O. Access: Any climbing foot pegs or rungs below twelve (12) feet of a freestanding tower shall be removed to prevent unauthorized access.

§ 340-253. Wind Energy System, Principal.

A. A principal wind energy system is allowed where indicated on the Use Table subject to the requirements of this Ordinance.

B. A principal wind energy system shall meet the requirements of an accessory wind energy system in addition to the regulations described in this section.

C. A principal wind energy system requires preparation and submission of a land development plan demonstrating that the proposed Wind Energy System will comply with this Section and the PA Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry. The land development plan, in addition to the other requirements of the Borough's Subdivision and Land Development Ordinance shall contain the following:

(1) A narrative describing the proposed Wind Energy System, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy System; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

(2) An affidavit or similar evidence of agreement between the property owner and the System Owner or Operator demonstrating that the System Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy System.

(3) Identification of the properties on which the proposed Wind Energy System will be located, and the properties adjacent to where the Wind Energy System will be located.

(4) A Decommissioning Plan meeting the requirements described further in this section.

D. Warnings

(1) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

E. Setbacks

(1) Wind Turbines shall be set back from the nearest Occupied Building a distance not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

(2) Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

(3) Wind Turbines shall be set back from the nearest property line a distance of not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

(4) Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

F. Noise and Shadow Flicker

(1) Audible sound from a Wind Energy System shall not exceed fifty (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the s System shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.

(2) The System Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.

G. Signal Interference - The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy System

H. Decommissioning

(1) The Applicant shall prepare provide a decommissioning plan at the time of the initial application, to include the following:

(a) A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy System to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

(b) Documents related to decommissioning, including a schedule for the decommissioning and financing security.

(c) Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Borough to ensure compliance with this section.

(2) The System Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy System, or individual Wind Turbines, within (12) twelve months after the end of the useful life of the System or individual Wind Turbines. The Wind Energy System or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

(3) Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

(4) Disturbed earth shall be graded and re-seeded unless the landowner requests in writing that the access roads or other land surface areas not to be restored.

(5) An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Borough after the first year of operation and every fifth year thereafter.

(6) The System Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the System Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Borough.

(7) Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Borough.

(8) If the System Owner or Operator fails to complete decommissioning within the 12-month period described above, then the landowner shall have six (6) months to complete decommissioning.

(9) If neither the System Owner or Operator, nor the landowner complete decommissioning within the 12-month period and 6-month period described above, then the Borough may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Borough shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Borough may take such action as necessary to implement the decommissioning plan.

(10) The escrow agent shall release the Decommissioning Funds when the System Owner or Operator has demonstrated and the Borough concurs that decommissioning has been satisfactorily completed, or upon written approval of the Borough to implement the decommissioning plan.

§ 340-254. Data Center.

A. Site layout:

(1) Setback: Data Centers shall be set back from all property lines a distance not less than the maximum setback requirements for that zoning classification where the Data Center is located or 500 feet, whichever is greater.

(a) The above setback shall apply to all major impact sources, including generators and substations. mechanical equipment, buildings, accessory uses, and truck idling.

(2) Reserve areas: The site layout shall include adequate reserve areas to support at least one future microgrid element, including but not limited to baseload power source, backup power source, battery energy storage systems, geothermal, hydroelectric, gas, solar, wind, and demand response systems.

(a) The stormwater management system shall be designed to consider reserve areas as impervious cover.

B. Noise and vibration:

(1) The application shall include a sound study produced by an Institute of Noise Control Engineering certified consultant evidencing that the use will comply with all applicable noise and vibration regulations of this section at the property line. All evaluations, studies, modeling, and compliance determinations shall:

(a) Assume the concurrent operation of all generators, cooling systems, mechanical equipment, and other noise producing devices operating at maximum rated capacity, unless a more restrictive operating condition is required by approval.

(b) Use applicable ANSI standards and generally accepted criteria.

(c) Use objective sound level limits expressed in A-weighted decibels (dBA), measured and evaluated in accordance with standardized methodologies acceptable to the Borough.

(d) Include measurements taken at all property lines.

(e) Include measurements taken during normal operations, peak cooling load, and during operation of emergency generators under load.

(f) Address low frequency noise impacts, including compliance with applicable dBC limits of this section.

(g) Evidence ground vibration will avoid building damage by not exceeding 0.2 to 0.5 inches per second peak particle velocity (PPV), measured in accordance with USBM RI 8507 or successor standard.

(h) Evidence vibration levels will not disturb adjacent residents by not exceeding 65 VdB, measured in accordance with ISO 2631 1 or successor standard.

(i) Identify all measurement locations, instrumentation used, calibration documentation, testing methodology, operational conditions during testing, and meteorological conditions.

(2) Sound studies shall be conducted at the following phases:

(a) Preliminary, as part of the Conditional Use process, including listing sound reducing materials or systems to be installed to meet the requirements of this section.

(b) Interim, during the building permit process based upon the proposed equipment indicated on the building plans and the sound reducing materials or systems designed to achieve compliance with the requirements of this section.

(c) Post-construction verification evidencing compliance with the requirements of this section prior to the final escrow release for any land development phase. Any exceedance documented in the study shall promptly be remedied by the owner through operational changes or supplemental sound reducing materials or systems as necessary.

[1] The timing of the post construction noise and vibration study shall not preclude Borough enforcement at any time upon identification of a violation. Owner shall provide reasonable access to monitoring data, equipment specifications, and operating conditions to the Borough.

[2] Initial monitoring or complaints indicating a probable violation may require interim mitigation measures, operational modifications, equipment limitations, additional or increased acoustic barriers, or temporary curtailment of specific noise producing activities until compliance is demonstrated.

(3) The following tables establish objective noise limits, modeling requirements, and enforcement procedures:

Table 1: Noise limits, measurement, and compliance requirements

Category	Requirement
Applicable Uses	Data Centers and any accessory mechanical equipment, generators, cooling systems, or substations
Measurement Basis	A-weighted sound levels (dBA), unless noted otherwise for low-frequency noise
Locations	Measurements and modeling shall be conducted at the nearest property line
Operating Condition Assumption	All compliance evaluations shall assume simultaneous operation of all generators, cooling equipment, and other noise-producing devices at maximum rated capacity

Table 2: Noise limits by use

Receiving Land Use	Day or night
Residential/Agricultural	40 dBA Leq (1-hour)
Commercial	50 dBA Leq (1-hour)
Industrial	55 dBA Leq (1-hour)

Table 3: Low-frequency noise criteria

Parameter	Requirement
Frequency Sensitivity	C-weighted sound levels (dBC), capturing enhanced sensitivity to low-frequency noise
Measurement Metric	Equivalent continuous sound level (Leq, 1-hour) in dBC
Measurement Locations	At the nearest property line
Day/night Limit	50 dBC Leq (1-hour)
Tonal / Narrowband Noise	Clearly perceptible low-frequency tonal noise shall require mitigation regardless of overall dBC compliance, as determined by the Qualified Professional or the Borough based on clearly perceptible tonal characteristics
Applicability	Limits apply under simultaneous operation of all generators, cooling systems, and mechanical equipment

Table 4: Modeling & study requirements

Requirement	Standard
Pre-construction Study	Required with application
Post-construction Verification	Required within 180 days of commencement of operations
Prepared By	Qualified Professional with demonstrated noise expertise
Modeling Methodology	ISO 9613-2, CadnaA, SoundPLAN, or equivalent accepted industry model
Meteorological Assumptions	Downwind propagation, ISO-conservative conditions
Equipment Data	Manufacturer sound power levels and octave-band spectra
Low-Frequency Evaluation	Required where large generators or cooling systems are used

Table 5: Measurement procedures

Element	Requirement
Instrumentation	Type 1 or Type 2 ANSI-certified sound level meter
Calibration	Pre- and post-measurement field calibration required
Measurement Duration	Minimum 15 minutes per location unless otherwise specified. Sound level limits expressed as hourly equivalent levels (Leq, 1-hour) may be evaluated using shorter-duration measurements, including the minimum durations identified in this table, where such measurements are conducted under steady-state operating conditions and are representative of normal operations.
Operating Conditions	Measurements shall include peak cooling load and generator operation under load
Background Noise	Baseline ambient levels documented prior to construction

Table 6: Compliance

Item	Requirement
Material Increase Definition	An increase of ≥ 3 dBA above baseline ambient sound level
Violation Determination	Exceedance of numeric limits or material increase
Retesting Authority	Borough may require additional testing following substantiated complaints or equipment changes

C. Water and Sewer

(1) If the use will be served by a public water supply, the application shall include written certification from the supplier that adequate water service will be provided without adverse impact to customers in the Borough.

(2) If the use is to rely upon nonpublic sources of water, the application shall include a water service study prepared by a professional geologist or hydrogeologist detailing the following:

(a) The projected water demands of the facility.

(b) The water source.

(c) A description of the process by which water will be recycled or discharged and the estimated daily volumes of each.

(d) That there is an adequate supply of water for the proposed use.

(e) A geologic map of the one-mile radius around the facility.

(f) The approximate location of all existing and proposed wells within 1,000 feet of the property boundary.

(g) The location of all PA DEP recognized surface waters within 1,000 feet of the property boundary.

(h) That the estimated impact of the use on existing wells, groundwater, and surface waters within one mile of the site will not adversely affect the quantity or quality of groundwater supplies or surface waters.

(i) Copies of reviews and approvals, if required, by the Delaware River Basin Commission.

(3) Regardless of water source, the application shall include a Drought Response Plan demonstrating compliance with state, regional, and local use restrictions during cleared drought conditions.

(4) The application shall include a written study by a professional geologist demonstrating the feasibility of providing adequate means of wastewater disposal subject to subsequent permit submissions and approvals by the Borough Sewage Enforcement Officer or the PA DEP as applicable.

(a) Untreated wastewater discharge into stormwater systems or surface waters is prohibited.

(b) Where the facility will be served by a public system the plan shall include written confirmation of capacity.

D. Power Supply

(1) Applications shall include a written statement from the electrical utility provider detailing the following:

(a) That adequate power is available and will be provided to support the use.

(b) That serving the use will not reduce electrical service quality or reliability or create increased cost to customers in the Borough.

[1] If adequate power is not available from the electrical utility provider without adverse impact to the service quality, reliability or cost enjoyed by customers in the Borough, the applicant shall provide, at its own expense, the system improvements necessary to mitigate such adverse impacts while conforming to all specifications, procedures, and timelines required by the electrical utility provider and the Borough.

(c) The source of power generation and transmission, including existing or proposed substations.

(2) Backup generators, if employed, shall:

(a) Meet Tier IV requirements.

(b) Limit commissioning and testing to between 7:00 a.m. and 7:00 p.m. Monday through Friday, excluding national holidays.

(c) Limit non-commissioning and non-testing activities to backup/emergency use.

E. Thermal Impact

(1) A Thermal Impact Mitigation Plan shall be submitted with the application, including, at a minimum:

(a) Identification of primary sources of waste heat (air- and water-based).

(b) Evaluation of potential off-site thermal impacts (including plume/heat discharge and localized heat islands) under representative seasonal conditions.

(c) Description of design measures to minimize heat impacts (e.g., equipment siting, shielding, landscaping, cool roofs/paving where applicable).

(d) Evaluation of feasible opportunities for waste heat reuse. Where reuse is not feasible, the reason(s) why should be given, in which case alternative mitigation shall be identified (e.g., vegetative or green roof and/or site design modifications).

(e) Inclusion of a monitoring/verification approach if required by conditions of approval based on proximity to non-industrial uses or site constraints.

(f) Certification the plan was prepared by a professional engineer.

(2) The Thermal Impact Mitigation Plan shall be subject to Borough review, comment, and the right to require supplemental or amended plans prior to any use approval.

F. Emergency Planning – Applications shall include a written report prepared by a qualified professional detailing:

(1) The facility's impacts on fire protection, EMS, and emergency management services.

(2) Fire suppression, containment, ventilation, and evacuation procedures

(3) Distribution of hydrant locations and fire truck circulation provisions in accordance with the International Fire Code and its appendices.

(4) Provision of training for local first responders specific to the facility's systems, equipment, and hazards, at Owner's expense, before commencement of operations.

(5) Demonstration of compliance with applicable national fire and safety codes (such as NFPA standards) and the installation of fire suppression systems specifically designed for facilities with battery storage or other energy-storage systems.

(6) Provisions for annual fire safety inspections.

G. Decommissioning Plan

(1) A Decommissioning Plan prepared by a qualified professional with relevant past experience shall be submitted. The plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and site restoration.

(2) The then owner of the facility shall submit a notification of closure if operations are permanently ceased.

(3) Decommissioning shall begin within 1 year of cessation of operations on the property, or upon notice of abandonment by the operator, whichever occurs first. An extension of 1 year may be granted by the Borough if the property owner demonstrates active marketing of the site for a compatible replacement use. Decommissioning shall be completed within 18 months thereafter, unless extended by the Borough for good cause.

(4) Standards for Decommissioning:

(a) All above-ground structures, equipment, and accessory facilities shall be removed.

(b) Hazardous materials, including batteries, fuel, or refrigerants, shall be disposed of in compliance with state and federal law.

(c) Disturbed soils shall be stabilized and re-vegetated.

(d) Any utility connections shall be safely disconnected and capped.

(e) The site shall be restored to a condition compatible with surrounding land uses or consistent with the most restrictive adjacent zoning district

(5) Decommissioning Financial Security. Prior to issuance of the permit for the construction of a facility, the then-owner, operator, or developer shall provide financial security to the Borough in the form and amount acceptable to the Borough to secure its decommissioning obligations under this section, which decommissioning financial security shall be separate from and in addition to any other financial security obligations as may be applicable by other law.

(a) The amount of financial security required for decommissioning shall be based on an estimate of the cost of completion of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs") as prepared and submitted by the owner and reviewed and approved by the Borough Engineer.

(b) The facility’s then-owner or operator shall then post and maintain decommissioning financial security in an amount equal to Net Decommissioning Costs plus 10%, provided that at no point shall decommissioning funds be less than 50% of Decommissioning Costs.

(c) On every fifth anniversary of the date of providing the decommissioning financial security the then existing facility owner or operator shall provide an updated decommission cost estimate, with adjustments for inflation and cost and value changes. If the Decommissioning Financial Security amount changes, the facility owner or operator shall remit the increased financial security to the Borough within 30 days of the approval of the updated decommissioning security estimate by the Borough.

(d) In addition to posting a Decommissioning Financial Security, the owner, operator or developer shall enter into a decommissioning agreement with the Borough as prepared by the Borough Solicitor outlining the decommissioning responsibility including the posting and maintenance of a decommissioning financial security, which agreement may be recorded against the property as an ongoing obligation or covenant running with the land.

(e) All decommissioning costs estimates as provided for herein shall be subject to review and approval by the Borough and the owner or operator submitting such costs estimates shall be responsible for administrative, legal, and engineering costs incurred by the Borough for such review and for the preparation of any associated agreements or documents.

(f) In the event of a sale or transfer of the property or a Data Center facility on the property, the acquiring individual, entity, or agency shall adhere to all applicable requirements as contained herein including all financial security and operational requirements.

§ 340-255. Reserved.

§ 340-256. Reserved.

§ 340-257. Reserved.

§ 340-288. Reserved.

§ 340-259. Reserved.

Article XX
Non-conforming Uses

§ 340-260. 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.

§ 340-261. 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.

§ 340-262. 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.

§ 340-263. 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.

§ 340-264. 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.

§ 340-265. 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.

§ 340-266. 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.

§ 340-267. 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.

§ 340-268. 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.

§ 340-269. Nonconforming signs.

See Article XII Signs.

§ 340-270. Reserved.

§ 340-271. Reserved.

§ 340-272. Reserved.

§ 340-273. Reserved.

§ 340-274. Reserved.

§ 340-275. Reserved.

§ 340-276. Reserved.

§ 340-277. Reserved.

§ 340-278. Reserved.

§ 340-279. Reserved.

ARTICLE XXI

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; 3-1-2016 by Ord. No. 433]

§ 340-280. Statutory authority.

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978,[13] delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Borough Council of the Borough of Trappe does hereby order as follows.

§ 340-281. Intent.

The intent of this article is to:

A. Protect areas of the floodplain necessary to contain floodwaters.

B. To permit only those uses in the floodplain that are compatible with preserving natural conditions and stream flow.

C. Promote the general health, welfare, and safety of the community by preventing development in areas prone to flooding.

D. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

E. Minimize danger to public health by protecting water supply and natural drainage.

F. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

G. Comply with federal and state floodplain management requirements.

§ 340-282. Applicability.

A. The Floodplain Conservation District is defined and established as a district applicable to those areas of the Borough of Trappe subject to inundation by the waters of the one-hundred-year flood as delineated on the Flood Insurance Rate Map (FIRM) for Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, dated March 2, 2016, and subsequent revisions thereto. Said floodplain areas shall consist of the following three specific areas:

   (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.

13. 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 Flood Insurance Study 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.

B. 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.

C. Soils with a frequency of flooding of 1% or greater per year, as delineated by the Natural Resources Conservation Service, United States Department of Agriculture Web-Based Soil Survey (available online at http://websoilsurvey.nrcs.usda.gov), including the following soils:

Bowmansville (Bo)

Knauers (Bo)

Gilbraltar (Gc)

Hatboro (Ha)

Rowland (Rt)

Rowland (RwA)

Rowland (RwB)

Urban Land Occasionally Flooded (UlA)

D. In lieu of the above, the Borough of Trappe 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, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

E. The Floodplain Conservation District shall be delineated according to FEMA's Flood Insurance Rate Map (FIRM) for the Borough of Trappe, which is hereby made a part of this article, and additional area based on soils as described in the “Applicability” section of this Article. The FIRM is available for inspection at the municipal office.

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

G. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough of Trappe unless a permit has been obtained from the Floodplain Administrator.

H. A permit shall not be required for minor repairs to existing buildings or structures.

§ 340-283. Abrogation and greater restrictions.

This article supersedes any other conflicting provisions which may be in effect in the Floodplain Conservation District. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this article, the more restrictive shall apply.

§ 340-284. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the article, which shall remain in full force and effect, and for this purpose the provisions of this article are hereby declared to be severable.

§ 340-285. Warning and disclaimer of liability.

A. The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside the Floodplain Conservation District, or that land uses permitted within such areas, will be free from flooding or flood damages.

B. This article shall not create liability on the part of the Borough of Trappe or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

§ 340-286. Definitions.

A. Interpretation. Unless specifically defined below, words and phrases used in this article shall be interpreted so as to give this article its most reasonable application.

B. Specific definitions. As used in this article, the following terms shall have the meanings indicated:

ACCESSORY USE OR STRUCTURE – A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASE FLOOD – A flood which has a one-percent chance of being equaled or exceeded in any given year (also called the "one-hundred- year flood").

BASE FLOOD ELEVATION (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year. The BFE is also shown on the FIS profile and can be determined for Zone A floodplains.

BASEMENT – Any area of the building having its floor below ground level on all sides.

BUILDING – A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to subdivision of land; construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; fill; grading and excavation; mining; dredging; drilling operations; or storage of equipment or materials.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXISTING STRUCTURE/EXISTING CONSTRUCTION – A structure for which the start of construction commenced before the effective date of the FIRM.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD – A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING – 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.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOODWAY FRINGE – That part of the floodplain adjacent to and extending from the floodway and subject to inundation by the one- hundred-year flood.

FREEBOARD – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURES – Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as meeting the criteria for individual listing on the National Register;

(2) Certified or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as contributing to the historical significance of a National Register historic district or a district preliminarily determined by the PHMC to be eligible to qualify for listing in the National Register; or

(3) Designated as historic by a municipal ordinance:

(a) Identified individually or as part of a local historic district by a zoning ordinance under the authority of the Pennsylvania Municipalities Planning Code; or[14]

(b) Located in a local historic district that has been certified by the Pennsylvania Historical and Museum Commission as meeting the requirements of the Pennsylvania Historic District Act.

LOWEST FLOOR – The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for the parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this article.

MANUFACTURED HOME – A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MINOR REPAIR – The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after January 20, 1982, and includes any subsequent improvements thereto.

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

NEW MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

ONE-HUNDRED-YEAR FLOOD – The flood having a one-percent chance of being equaled or exceeded in any given year. Also referred to as the "one-percent-frequency flood" or the "base flood," as defined by FEMA in the Flood Insurance Study for the Borough of Trappe.

PERSON – An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

POST-FIRM STRUCTURE – A structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial FIRM dated January 20, 1982, whichever is later, and as such would be required to be compliant with the regulations of the NFIP.

PRE-FIRM STRUCTURE – A structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the community's initial FIRM dated January 20, 1982, and as such would not be required to be compliant with the regulations of the NFIP.

RECREATIONAL VEHICLE – A vehicle which is:

(1) Built on a single chassis;

(2) Not more than 400 square feet, measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light- duty truck;

(4) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REDEVELOPMENT AREA – A census tract or group of census tracts eligible for the Montgomery County Revitalization Program and identified in the adopted municipal revitalization plan.

REGULATORY FLOOD ELEVATION – The elevation to which development is regulated for purposes of elevation and/or dry floodproofing. It is equal to the base flood elevation (BFE) plus a freeboard of one foot.

REPETITIVE LOSS – Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

SPECIAL FLOOD HAZARD AREA (SFHA) – An area in the floodplain subject to a one-percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

SPECIAL FLOODPLAIN AREA – The areas identified as Zone AE in the Flood Insurance Study, where one-hundred-year flood elevations have been provided, but no floodway has been delineated.

SPECIAL PERMIT – A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all or a designated portion of a floodplain.

START OF CONSTRUCTION – Includes substantial improvement and other proposed new development and means the date the permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE – A walled and roofed building, including a gas or liquid storage tank that is principally above the ground, as well as a manufactured home.

SUBDIVISION – The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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

SUBSTANTIAL IMPROVEMENT – Any 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 (or repetitive loss when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not, however include 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. For alteration of historic structures, see the “Improvements to existing structures” section of this Article.

UNIFORM CONSTRUCTION CODE (UCC) – The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VIOLATION – The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

§ 340-287. Identification.

A. The Floodplain Conservation District shall be any areas of Borough of Trappe classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 2, 2016, and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

B. The Floodplain Conservation District shall also include areas with soils listed in the "Applicability" section of this Article, along with any community-identified flood hazard areas.

C. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by the Borough of Trappe and declared to be a part of this article.

§ 340-288. Description and special requirements of Floodplain Conservation District.

The Floodplain Conservation District shall consist of the following specific areas/districts:

A. The Floodway Area/District shall be those areas identified as floodway on the FIRM as well as those floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot at any point.

(1) Within any floodway area, no encroachments, including fill, new construction, substantial Improvements, or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.

(1) In an AE Area/District, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one foot.

(2) No permit shall be granted for any construction, development, use, or activity within any AE Area/District unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one foot at any point.

C. The AE Area/District without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.

(1) In an AE Area/District without floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one foot.

(2) No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one foot at any point.

D. Community-identified flood hazard areas shall be those areas where the Borough of Trappe has identified local flood hazard or ponding areas, as delineated and adopted on a Local Flood Hazard Map using best available topographic data and locally derived information such as flood of record, historic high-water marks, soils or approximate study methodologies.

E. The A Area/District shall be the areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one- percent-annual-chance flood elevations have been provided. For these areas, elevation and floodway information from other federal, state, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the Floodplain Conservation District which is nearest the construction site. In lieu of the above, the municipality 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, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

F. The Shallow Flooding Area/District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by one-percent-annual-chance shallow flooding where average depths are between one foot and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

§ 340-289. Changes in identification area.

The Floodplain Conservation District may be revised or modified by the Borough Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

§ 340-290. Boundary disputes.

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 the "Description and special requirements of Floodplain Conservation District" section 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 the "Appeals" section of this Article.

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).

§ 340-291. Corporate boundary changes.

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR 60.3.

§ 340-292. Uses permitted by right.

The following uses are permitted by right in the Floodplain Conservation District in compliance with the requirements of this article:

A. Up to half of any required yard setback area on an individual residential lot may extend into the Floodplain Conservation District.

B. Open space uses that are primarily passive in character shall be permitted to extend into the floodplain, including:

(1) Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.

(2) Streambank stabilization.

C. Forestry operations reviewed by the Montgomery County Conservation District.

D. The following floodplain crossings are permitted, provided that disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable:

(1) Agricultural crossings by farm vehicles and livestock.

(2) Driveways serving single-family detached dwelling units, roadways, recreational trails, railroads, and utilities.

E. Agricultural uses conducted in compliance with methods prescribed in the latest version of the Department of Environmental Protection's Erosion and Sediment Pollution Control Manual. In the event that the municipality has a Riparian Corridor Conservation District or similar regulation, the more restrictive regulation shall apply.

F. Public sewer and/or waterlines and public utility transmission lines running along the corridor.

G. Development of elevated and floodproofed buildings on brownfield sites in redevelopment areas encouraging economic revitalization, in compliance with the "Permits Required" section of this Article.

§ 340-293. Uses prohibited in Floodplain Conservation District.

Any use or activity not authorized within the "Uses Permitted by Right" section herein shall be prohibited within the Floodplain Conservation District, and the following activities and facilities are specifically prohibited, except for as part of a redevelopment project in compliance with the "Uses Permitted by Right" section herein:

A. No new construction, alteration, or improvement of buildings and any other type of permanent structure, including fences, shall be permitted in the floodway or the one-hundred-year floodplain.

B. Placement of fill within the one-hundred-year floodplain is prohibited.

C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse.

D. The clearing of all existing vegetation, except where such clearing is necessary to prepare land for a use permitted under the "Uses Permitted by Right" section herein, and where the effects of these actions are mitigated by reestablishment of vegetation.

E. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards.

F. Roads or driveways, except where permitted as corridor crossings in compliance with the "Uses Permitted by Right" section herein.

G. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.

H. Parking lots.

I. Subsurface sewage disposal areas.

J. Sod farming.

K. Stormwater basins, including necessary berms and outfall facilities.

§ 340-294. Nonconforming structures and uses in Floodplain District.

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 the "Uses Permitted by Right" section 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 the "Variances," "Conditional Use" and "Variance Conditions" sections of this article, this chapter and the Trappe Borough Building Code.[15]

§ 340-295. Improvements to existing structures.

The following provisions shall apply whenever any improvement is made to an existing structure located within any Floodplain Conservation District:

A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the base flood elevation.

B. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District with floodway, as defined in the "Description and special requirements of Floodplain Conservation District" section, that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.

C. No expansion or enlargement of an existing structure shall be undertaken in the direction of the streambank.

D. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this article.

E. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this article must comply with all ordinance requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

F. The above activity shall also address the requirements of the 34 Pa. Code, as amended and the 2006 IBC and the 2006 IRC.

G. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this article.

§ 340-296. Variances.

A. If compliance with any of the requirements of this article would result in an exceptional hardship to a prospective builder, developer or landowner, the Borough of Trappe may, upon request, grant relief from the strict application of the requirements.

15. Editor's Note: See Ch. 135, Construction Codes, Art. III, Building Code.

B. For a use other than those permitted in the "Uses Permitted by Right" section of this Article, an application seeking approval by variance shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.

C. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.

D. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.

E. No variance shall be granted for any of the other requirements pertaining specifically to development regulated by the "Special Technical Requirements" section of this Article (pertaining to activities requiring a special permit) or to development that may endanger human life.

§ 340-297. Special requirements for subdivisions.

All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision.

§ 340-298. Special requirements for manufactured homes and recreational vehicles.

A. Within the Floodplain Conservation District, manufactured homes shall be prohibited within the area measured 50 feet landward from the top- of-bank of any watercourse.

B. Where permitted by variance within the Floodplain Conservation District, all manufactured homes, and any improvements thereto, shall be:

(1) Placed on a permanent foundation.

(2) Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above the base flood elevation.

(3) Anchored to resist flotation, collapse, or lateral movement.

C. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2006 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto, shall apply and 34 Pa. Code Chapters 401 through 405.

D. Consideration shall be given to the installation requirements of the 2006 IBC and the 2006 IRC, or the most recent revisions thereto, and 34 Pa. Code, as amended, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed installation.

E. A recreational vehicle placed within the Floodplain Conservation District must meet the elevation and anchoring requirements for manufactured homes, unless it is:

(1) On the site for fewer than 180 consecutive days; or

(2) Fully licensed and ready for highway use. "Ready for highway use" means that it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and has no permanently attached additions.

§ 340-299. Conditional use.

All applications for approval by conditional use shall be considered using the following standards:

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 XIV Zoning Hearing Board.

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.

G. The Borough Council shall exercise discretion in allowing only those uses which are substantially in accord with the stated objectives in the “Intent” section herein. In considering a use as a conditional use, the Borough Council shall consider the following:

(1) 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.

(2) Lands abutting the waterway, both upstream and downstream, shall not be unreasonably affected by the proposed use.

(3) The general welfare or public interest of Trappe Borough or of other municipalities in the same watershed shall not be adversely affected.

(4) 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 floodwater.

(a) Residential structures shall be elevated in accordance with the provisions contained in the Borough of Trappe Building Code, as amended.

(b) 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.

(5) For any development or structure permitted by conditional use, the following shall apply:

(a) All such structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

(b) All such structures shall be constructed so as to prevent the entrance of floodwaters 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 floodwaters.

(c) 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 the Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

(d) 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.

(e) With any FW (Floodway Area), the following provisions apply:

[1] Any new construction, development, use, activity, or encroachment that would cause any increase in one- hundred-year flood heights shall be prohibited.

[2] 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: 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.

H. 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.

I. 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.

J. 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.

§ 340-300. Variance conditions.

A. If granted, a variance shall involve only the least modification necessary to provide relief.

B. In granting any variance, the Zoning Hearing Board shall attach the reasonable conditions and safeguards outlined herein. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.

C. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

(1) The granting of the variance may result in increased premium rates for flood insurance.

(2) Such variances may increase the risks to life and property.

D. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:

(1) That there is good and sufficient cause, including:

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

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

(c) That such unnecessary hardship has not been created by the appellant.

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(2) That failure to grant the variance would result in exceptional hardship to the applicant.

(3) That the granting of the variance will neither:

(a) Result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; nor

(b) Create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

E. A complete record of all variance requests and related actions shall be maintained by the Borough of Trappe. In addition, a report of all variances granted during the year shall be included in the biennial report to FEMA.

§ 340-301. Technical provisions if variance granted.

In granting any variance, the Borough of Trappe shall attach the following technical provisions to the proposal for which the variance has been granted. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.

A. Pertaining to the alteration or relocation of watercourse.

(1) 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 Regional Office.

(2) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.

(3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

B. The municipality shall require technical or scientific data to be submitted to FEMA for a Letter of Map Revision (LOMR) within six months of the completion of any new construction, development, or other activity resulting in changes in the BFE. A LOMR or Conditional Letter of Map Revision (CLOMR) is required for:

(1) Any development that causes a rise in the base flood elevations within the floodway; or

(2) Any development occurring in Zones A1-30 and Zone AE without a designated floodway which will cause a rise of more than one foot in the base flood elevation; or

(3) Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

C. Any new construction, development, uses or activities allowed by variance within any Floodplain Conservation District shall be undertaken in strict compliance with the provisions contained in this article and any other applicable codes, ordinances and regulations. In addition, when such development is proposed within the area measured 50 feet landward from the top-of-bank of any watercourse, a permit shall be obtained from the Department of Environmental Protection Regional Office.

§ 340-302. Elevation and floodproofing requirements.

A. Residential structures.

(1) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to or above the regulatory flood elevation. The design and construction standards and specifications contained in the 2006 International Building Code (IBC) and in the 2006 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code (Chapters 401 through 405, as amended) shall be used.

(2) In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to or above the regulatory flood elevation determined in accordance with the "Description and Special Requirements of Floodplain Conservation District" section of this article.

(3) In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.

(4) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code (Chapters 401 through 405, as amended) shall be utilized.

B. Nonresidential structures.

(1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to or above the regulatory flood elevation or be designed and constructed so that the space enclosed below the regulatory flood elevation:

(a) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and

(b) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(2) In A Zones, where no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to or above the regulatory flood elevation determined in accordance with the "Description and Special Requirements of Floodplain Conservation District" section of this article.

(3) In AO Zones, any new construction or substantial improvement shall have its lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.

(4) Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be

accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above- referenced standards.

(5) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC), or the most recent revisions thereof, and ASCE 24 and 34 Pa. Code (Chapters 401 through 405, as amended) shall be used.

C. Space below the lowest floor.

(1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

(2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) Minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

D. Accessory structures.

(1) Structures accessory to a principal building need not be elevated or floodproofed to remain dry but shall comply, at a minimum, with the following requirements:

(a) The structure shall not be designed or used for human habitation but shall be limited to the parking of vehicles or to the storage of tools, material, and equipment related to the principal use or activity.

(b) Floor area shall not exceed 100 square feet.

(c) The structure will have a low damage potential.

(d) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.

(e) Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.

(f) Permanently affixed utility equipment and appliances, such as furnaces, heaters, washers, dryers, etc., are prohibited.

(g) Sanitary facilities are prohibited.

(h) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

[1] A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.

[2] The bottom of all openings shall be no higher than one foot above grade.

[3] Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 340-303. Special technical requirements.

A. Development that may endanger human life. In accordance with the Pennsylvania Flood Plain Management Act,[16] and the regulations adopted by the Department of Community and Economic Development as required by the Act, 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, of 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 is a list of materials and substances that are considered dangerous to human life:

Acetone

Ammonia

Benzene

Calcium carbide

Carbon disulfide

Celluloid Chlorine

Hydrochloric acid

Hydrocyanic acid

Magnesium

Nitric acid and oxides of nitrogen

Pesticides (including insecticides, fungicides, and rodenticides) Petroleum products (gasoline, fuel oil, etc.)

Phosphorus

Potassium

Radioactive substances, insofar as such substances are not otherwise regulated

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

Sodium

Sulphur and sulphur products

B. New or substantially improved structure.

(1) Where permitted by a variance within the floodplain area, any new or substantially improved structure of the kind described in Subsection A above shall be:

(a) Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the base flood elevation; and

(b) Designed to prevent pollution from the structure or activity during the course of a base flood elevation.

(2) Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Floodproofing Regulations (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

§ 340-304. Design and construction standards.

The following minimum standards shall apply for all construction and development proposed within any Floodplain Conservation District:

A. Fill. If fill is used, it shall:

(1) Extend laterally at least 15 feet beyond the building line from all points;

(2) Consist of soil or small rock materials only; sanitary landfills shall not be permitted;

(3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

(4) Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to and approved by the Floodplain Administrator; and

(5) Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and sanitary sewer facilities and systems.

(1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.

(3) No part of any on-site sewage system shall be located within any Floodplain Conservation District except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

(4) The design and construction provisions of the UCC and FEMA No. 348, Protecting Building Utilities From Flood Damages, and the International Private Sewage Disposal Code shall be utilized.

D. Other utilities. All other utilities, such as gas lines, electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.

F. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in the "Special Technical Requirements" section of this Article, Development that may endanger human life, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.

G. Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed 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 floodwater.

H. Anchoring.

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

(2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, walls and ceilings.

(1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.

(2) Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.

(3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

(4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

J. Paints and adhesives.

(1) Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.

(3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.

K. Electrical components.

(1) Electrical distribution panels shall be at least three feet above the base flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment. Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

M. Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

N. Uniform Construction Code coordination. The standards and specifications contained 34 Pa. Code (Chapters 401 through 405), as amended, and not limited to the following provisions shall apply to the above and other sections and subsections of this article, to the extent that they are more restrictive and/or supplement the requirements of this article:

(1) International Building Code (IBC) 2006 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612 and 3402 and Appendix G.

(2) International Residential Building Code (IRC) 2006 or the latest edition thereof: Sections R104, R105, R109, and R323, Appendix AE101, Appendix E and Appendix J.

§ 340-305. Activities requiring special permits.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act,[17] the activities indicated in the "Special Permits" section of this Article shall be prohibited within any Floodplain Conservation District unless a special permit has been obtained. In order to apply for a special permit, a variance must first be obtained, as outlined in "Variance Conditions" section of this Article.

A. The commencement of any of the following activities, or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

(1) Hospitals.

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

(2) Nursing homes.

(3) Jails or prisons.

(4) Hotels.

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

§ 340-306. Application requirements for special permits.

Applicants for special permits shall provide five copies of the following items:

A. A written request, including a completed special permit application form.

B. A small-scale map showing the vicinity in which the proposed site is located.

C. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

(1) North arrow, scale and date;

(2) Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two feet;

(3) All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;

(4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

(5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

(6) The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water, including direction and velocities;

(7) The location of all proposed buildings, structures, utilities, and any other improvements; and

(8) Any other information which the municipality considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale, showing the following:

(1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

(2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

(3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood elevation;

(4) Detailed information concerning any proposed floodproofing measures;

(5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

(6) Profile drawings for all proposed streets, drives, and vehicular accessways, including existing and proposed grades; and

(7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

(1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

(2) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood elevation;

(3) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood elevation, including a statement concerning the effects such pollution may have on human life;

(4) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation elevations and flows;

(5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation elevations and flows;

(6) The appropriate component of the Department of Environmental Protection's “Planning Module for Land Development”;

(7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

(8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

(9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

§ 340-307. Application review procedures.

Upon receipt of an application for a special permit by the Borough of Trappe the following procedures shall apply in addition to those of Article XIII Administration:

A. Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough of Trappe Planning Commission and Borough of Trappe Engineer for review and comment.

B. If an application is received that is incomplete, the Borough of Trappe shall notify the applicant in writing, stating in what respect the application is deficient.

C. If the Borough of Trappe decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Borough of Trappe approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five working days after the date of approval.

E. Before issuing the special permit, the Borough of Trappe shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the Borough of Trappe.

F. If the Borough of Trappe does not receive any communication from the Department of Community and Economic Development during the thirty-day review period, it may issue a special permit to the applicant.

G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough of Trappe and the applicant, in writing, of the reasons for the disapproval, and the Borough of Trappe shall not issue the special permit.

§ 340-308. Special technical requirements.

A. In addition to the requirements of Article XIII Administration, Article XVII General Provisions, and Article XVIII Additional Requirements for Specific Uses of this article, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in Articles XIII, XVII, and XVIII of this chapter or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

B. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

(1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

(a) The structure will survive inundation by waters of the base flood elevation without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the BFE.

(b) The lowest floor (including basement) will be elevated to at least 1 1/2 feet above the base flood elevation.

(c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood elevation.

(2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

C. All 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, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough of Trappe and the Department of Community and Economic Development.

§ 340-309. Designation of Floodplain Administrator.

The Borough of Trappe Engineer is hereby appointed to administer and enforce this article and is referred to herein as the "Floodplain Administrator."

§ 340-310. Permits required.

A permit shall be required before any construction or development is undertaken within the Floodplain Conservation District. In the case of a proposed hospital, nursing home, jail, prison, hotel or manufactured home park, the permit referred to here would be the special permit of Article XIV Zoning Hearing Board.[18]

§ 340-311. Duties and responsibilities of Floodplain Administrator.

A. The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinance

B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended);[19] the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended);[20] the Pennsylvania Clean Streams Act (Act 1937-394, as amended);[21] and the U.S. Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.

C. In the case of existing structures, prior to the issuance of any development permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.

18. Editor's Note: For special permits, see §§ 340-295 through 340-298.
19. Editor's Note: See 35 P.S. § 750.1 et seq.
20. Editor's Note: See 32 P.S. § 693.1 et seq.
21. Editor's Note: See 35 P.S. § 691.1 et seq.

D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. The Floodplain Administrator shall make as many inspections during and upon completion of the work as are necessary.

E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Floodplain Conservation District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this article.

F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the Borough Council for whatever action it considers necessary.

G. The Floodplain Administrator shall maintain all records associated with the requirements of this article, including, but not limited to, permitting, inspection and enforcement.

H. The Floodplain Administrator shall consider the requirements of the 34 Pa. Code and the 2006 IBC and the 2006 IRC, or latest revisions thereof.

§ 340-312. Application procedures and requirements.

A. Application for such a permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Borough of Trappe. Such application shall contain the following:

(1) The name and address of the applicant.

(2) The name and address of the owner of the land on which proposed construction is to occur.

(3) The name and address of the contractor.

(4) The site location, including address.

(5) A listing of other permits or variances required.

(6) A brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.

B. If any proposed construction or development is located entirely or partially within any Floodplain Conservation District, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

(1) All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.

(2) All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage.

(3) Adequate drainage is provided so as to reduce exposure to flood hazards.

(4) Structures will be anchored to prevent flotation, collapse, or lateral movement.

(5) Building materials are flood-resistant.

(6) Appropriate practices that minimize flood damage have been used.

(7) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

(1) A completed permit application form.

(2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

(a) North arrow, scale, and date;

(b) Topographic contour lines, if available;

(c) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;

(d) The location of all existing streets, drives, and other accessways; and

(e) The location of any existing bodies of water or watercourses, the Floodplain Conservation District, and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.

(3) Plans of all proposed buildings, structures and other improvements, drawn at a scale of one inch being equal to 100 feet or less, showing the following:

(a) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

(b) The elevation of the base flood;

(c) Supplemental information as may be necessary under 34 Pa. Code, the 2006 IBC or the 2006 IRC.

(4) The following data and documentation:

(a) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation, and detailed information concerning any proposed floodproofing measures and corresponding elevations.

(b) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point.

(c) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

(d) Detailed information needed to determine compliance with the "Design and Construction Standards" section herein, Storage, and the "Special Technical Requirements" section, Development that may endanger human life, including:

[1] The amount, location and purpose of any materials or substances referred to in the above-referenced sections which are intended to be used, produced, stored or otherwise maintained on site.

[2] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in the above-referenced sections during a base flood.

(e) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

(f) Where any excavation or grading is proposed, a plan, meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

(5) Applications for permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administration.

§ 340-313. Review by County Conservation District.

A copy of all applications and plans for any proposed construction or development in any Floodplain Conservation District to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

§ 340-314. Review of application by other agencies and individuals.

A copy of all plans and applications for any proposed construction or development in any Floodplain Conservation District to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer, etc.) for review and comment.

§ 340-315. Changes.

After the issuance of a permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing and shall be submitted by the applicant to Floodplain Administrator for consideration.

§ 340-316. Placards.

In addition to the permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit and the date of its issuance and be signed by the Floodplain Administrator.

§ 340-317. Start of construction.

Work on the proposed construction shall begin within 180 days after the date of issuance and shall be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The term "start of construction" shall be understood as defined in the “Definitions” section of this article. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

§ 340-318. Enforcement notices.

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this article, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

A. Be in writing;

B. Include a statement of the reasons for its issuance;

C. Allow a reasonable time, not to exceed a period of 30 days, for the performance of any act it requires;

D. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state;

E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article.

§ 340-319. Violations and penalties.

Any person who fails to comply with any or all of the requirements or provisions of this article or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall pay a fine to the Borough of Trappe of not less than $500 nor more than $1,000 plus costs of prosecution. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or

noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this article may be declared by the Borough Council to be a public nuisance and abatable as such.

§ 340-320. Appeals.

A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this article may appeal to the Borough Council. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator.

B. Upon receipt of such appeal the Borough Council shall set a time and place, within not less than 10 or not more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

C. Any person aggrieved by any decision of the Borough Council may seek relief therefrom by appeal to court, as provided by the laws of this state, including the Pennsylvania Flood Plain Management Act.

§ 340-321. 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.

§ 340-322. Municipal 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.

§ 340-323. Repealer.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

§ 340-324. When effective.

This article shall become effective five days after its enactment.

§ 340-325. Reserved.

§ 340-326. Reserved.

§ 340-327. Reserved.

§ 340-328. Reserved.

§ 340-329. Reserved.

Article XXII
Wireless Communications Facilities

§ 340-330. Purpose.

The purposes of this ordinance include a desire to establish reliable standards for the siting, design, permitting, construction, operation, inspection, maintenance, repair, modification, removal and replacement of wireless communications facilities in recognition of the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); the federal Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) Pub. L. No. 112-96, 126 Stat. 156 (2012), and FCC regulations promulgated thereunder by the Federal Communications Commission (FCC), including the FCC's Report and Order of October 21, 2014, FCC 14-153 (rel. Oct. 21, 2014); and the Pennsylvania Wireless Broadband Collocation Act (Act 191 of 2012), 53 P.S. § 11702.1 et seq. in the Borough. Moreover, the Borough desires to plan and accommodate for the managed deployment of infrastructure that is necessary to accommodate the wireless communications needs of the Borough's residents, businesses and emergency service providers. While the Borough recognizes the benefit of wireless communications facilities in providing high quality communications service and enhancement to its residents, businesses and emergency service providers, the Borough also recognizes that it has an obligation to protect public safety through the standards set forth in the following provisions.

§ 340-331. Definitions.

The definitions found herein apply only to Wireless Communications Facilities and the regulations found in this Article.

Accessory Equipment: Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar equipment.

Antenna: Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. An antenna shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

Base Station: A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services (i.e., wifi) and fixed wireless services (i.e. point to point microwave transmissions) such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the Borough under this subpart, supports or houses equipment described in sub-paragraphs (i) and (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the Borough under this section, does not support or house equipment described in sub-paragraphs (i) or (ii) of this section

Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.3
Distributed Antenna System (DAS): A small network of antennas that are connected to a common source that provides coverage in a building or a small geographic area.

Eligible Facilities Request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

Eligible Support Structure: Any tower or base station, provided that it is existing at the time the relevant application is filed.

Equipment Compound: An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.

Ft. Worth Attachment: A non-freestanding pole which is attached to an electrical transmission tower which is used to support antennas and accessory equipment and which is anchored to the ground and obtains lateral bracing by direct attachment to the electrical transmission tower.

Minimum Functional Height: Minimum height necessary for a WCF to function satisfactorily.

Modification: The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

Monopole: A tower which consists of a single pole structure without any guy wires, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.

Replacement: The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

Right-of-Way (ROW): The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or

any other public place, area or property under the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the Right(s)-of-Way.

Site: For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Stealth Technology: State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennas and other facilities which blend the proposed WCF into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, light poles, utility poles or flag poles.

Substantial Change OR Substantially Change: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) for towers other than towers in the public rights-of-way, it increases the original height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other existing towers or base stations, it increases the original height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other existing towers or base stations, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) it entails any excavation or deployment outside the current site.

Tower: Any structure that exceeds ten feet (10') in height and is built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless

services (i.e. wifi) and fixed wireless services (i.e. point to point microwave transmission) such as microwave backhaul, and the associated site. A building, water tower, electrical transmission tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure designed and constructed for a sole or primary purpose other than supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, as well as a Ft. Worth Attachment shall not be considered a tower.

Tower-Based Wireless Communications Facilities (Tower-Based WCF): Wireless communications facilities that include the installation of a new tower to support the transmission equipment. A WCF that requires the replacement of an existing structure (i.e. building, water tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure) to support the weight of a WCF is not considered a new Tower-Based WCF.

Transmission Equipment: Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communications service, including, but not limited to, regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.

WCF on Existing Structure: Wireless communications facilities located on existing structures such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

Wireless: Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

Wireless Communications Facility (WCF): The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunication services. The term shall not include the wireless support structure.

Wireless Support Structure: A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure, including but not limited to buildings, light poles, utility poles, traffic signals and other similar structures that could support the placement or installation of wireless telecommunications facilities if approved by the municipality.

§ 340-332. Locations.

Wireless Communications Facilities shall be permitted only where indicated in the Use Table.

§ 340-333. Dimensional requirements.

A. Beyond the right-of-way:

(1) Height: Tower-Based WCFs shall be designed to Minimum Functional Height, subject to Borough review and acceptance of Applicant documentation justifying the total height, not to exceed 40’ in residential zoning districts and 60’ in non-residential zoning districts.

(2) Lot size, sole use on the lot:

(a) Minimum: Subject to the underlying zoning district.

(b) Maximum: 132’ in length and width.

(3) Lot size, combined with another use on the lot:

(a) The area needed to accommodate the WCF and guy wires, Accessory Equipment, and any required security appurtenances and buffer.

(4) Setbacks: Towers shall be setback from property lines at least 110% of the combined height of the Wireless Support Structure and Antennas, or the applicable minimum building setback in the underlying zoning district, whichever is greater. Equipment buildings/cabinets shall be comply with the applicable minimum accessory use or structure setback in the underlying zoning district.

B. In the right-of-way:

(1) Height: The same as beyond the right-of-way indicated above.

(2) Lot size: Not applicable.

(3) Setbacks: Not applicable.

§ 340-334. Design, construction, and operations.

A. All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired, Modified, removed and replaced in strict compliance with all current applicable federal and state technical and safety codes.

B. Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property.

C. All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communications services.

D. Collocation. All Tower-Based WCFs where the Tower is more than 40 feet in height, located outside of the Right-of-Way, shall be designed to accommodate both the applicant’s Antennas and comparable Antennas for future users. As a condition of approval for all Tower-Based WCFs where the Tower is more than 40' in height, the applicant shall agree to allow other service providers to collocate Antennas on the Tower where technically and economically feasible.

E. Signage. All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communications Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the municipality.

F. Lighting. Towers shall not be artificially lighted beyond what is required by law.

G. Noise. All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by the municipality. The use of a backup generator in emergency situations and periodic maintenance and testing by the wireless communications provider's technicians shall be permitted, where such noise standards may be exceeded on a temporary basis.

H. Vehicular Access.

(1) An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all Tower-Based WCFs located outside of the Right-of-Way.

(2) Maximum use of existing roads, whether public or private, shall be made to the extent practicable.

(3) Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.

(4) Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.

(5) An applicant shall present documentation to the Borough that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.

(6) Any required access easement shall be a minimum of 20 feet in width and the access driveway shall be improved with a dust-free, all-weather surface, including gravel, to a width of at least 10 feet throughout its entire length.

(7) Vehicular access to all WCFs shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot or property. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.

I. Fencing. A security fence, which may include barbed wire, with a minimum height of eight (8') feet may be required to surround any Tower-Based WCF located outside the Right-of-Way, where the Tower is more than 40 feet in height, including guy wires, associated equipment, and buildings. The requirement for a security fence may be waived by the Borough when the fence would not be appropriate or feasible.

J. Safety in Rights-of-Way.

(1) Schedule of operations. The Borough shall determine the time, place and manner of siting, design, construction, maintenance, repair, Modification, removal and/or Replacement of all WCFs located in the Right-of-Way, based on public safety, traffic management, physical burden on the Right-of-Way and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.

(2) Alteration of a WCF. Within 60 days following written notice from the Borough, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF located in the Right-of-Way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any

WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:

(a) The construction, repair, maintenance or installation of any municipal or other public improvement located in the Right-of-Way.

(b) The operations of the Borough or other governmental entity in the Right-of-Way.

(c) Vacation of a street or road or the release of a utility easement.

(d) An emergency as determined by the Borough.

(e) No permit is required for such removal, relocation, change or alteration ordered by the Borough.

(3) Visual obstruction. All WCFs and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the Right-of-Way as determined by the Borough. In no case shall ground-mounted equipment, walls, screening or landscaping be located within (18) inches of the face of the curb, or in an area in which there are no curbs, within (3) feet of the edge of cartway.

K. Maintenance. An applicant for a WCF shall describe anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic, safety and noise impacts of such maintenance.

L. Soil report. An applicant for a Tower-Based WCF where the new Tower is more than 40 feet in height, shall submit a soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-G, as amended, shall be submitted to the Borough Engineer prior to construction to document and verify the design specifications of the foundation for the Wireless Support Structure and anchors for the guy wires, if used.

M. Aviation safety. All WCFs shall comply with federal and state laws and regulations concerning aviation safety.

N. Inspections for all WCFs where the new Tower is more than 40 feet in height.

(1) A copy of any required inspection report shall be provided to the Borough following the inspection. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the Borough.

O. Equipment Storage. The storage of unused equipment or supplies is prohibited on any WCF site.

§ 340-335. Aesthetics, landscaping, and screening.

A. Stealth Technology. All WCFs shall employ the most current Stealth Technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.

B. Landscaping and Screening. An applicant for Tower-Based WCF where the new Tower is more than 40 feet in height, located outside of the Right-of-Way, shall submit a landscaping and screening design including the following:

(1) The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF support structure shall be preserved to the extent practicable.

(2) Ground mounted equipment may be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by Borough.

§ 340-336. Replacement, collocation, or modification.

A. Notwithstanding the requirements for all Tower-Based WCFs and WCFs on Existing Structures, as set forth in this sub-section, an application for Replacement, Collocation or Modification of a previously approved Wireless Support Structure or WCF shall be reviewed for conformance with the Borough building permit requirements, including requirements applicable to the added structural loading of the proposed Antennas and Accessory Equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no Substantial Change.

B. Replacement of WCFs on existing Wireless Support Structures or within existing Equipment Compounds may be performed by the applicant without obtaining building or zoning permits from the Borough.

C. Any Substantial Change to an existing Tower-Based WCF shall require approval of the Borough in accordance with the terms of this Section.

D. Mounting. An applicant proposing a WCF on Existing Structure to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the WCF on Existing Structure will be mounted on the existing structure for review by the Borough building code official for compliance with the building code.

§ 340-337. Permit requirements.

A. Collocation Analysis. An application for a new Tower-Based WCF where the new Tower is more than 40 feet in height and located outside of the Right-of-Way, shall not be approved unless the applicant demonstrates that the Wireless communications equipment planned for the proposed Tower-Based WCF cannot be collocated on an existing structure or building within a 1/2-mile radius of the proposed Tower- Based WCF location to achieve the coverage or capacity objectives of the applicant.

B. Gap in Coverage or Lack of Adequate Capacity. An applicant for a Tower-Based WCF where the new Tower that is more than 40 feet in height, located outside of the Right- of-Way, must demonstrate that a significant gap in Wireless coverage exists or lack of adequate capacity is likely to exist within one (1) year of the filing of its application with respect to the applicant in the area.

C. Authorization. An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed WCF on the subject lot or property.

Trappe Borough Zoning Ordinance - Appendix 'A' - Use Table

Key
P - Permitted Use
CU - Conditional Use
SE - Special Exception Use
N - Not Permitted

Uses	Low-Density Resid. R-1	Medium-Density Resid. R-2	High-Density Residential R-3	Village Commercial VC	Community Commercial CC	Limited Industrial LI	Agricultural AG	Instit'l-Gov't IGO	Notes
Residential									
1 Single family detached	P	P	P	P	N	N	P	N	
2 Single family attached (twin, duplex)	N	N	P	CU	N	N	N	N	
3 Townhomes (row homes)	N	N	CU	N	N	N	N	N	
4 Age-restricted	N	CU	N	N	N	N	N	N	
5 Apartments	N	N	CU	CU	N	N	N	N	
6 Boarding/Rooming/Co-Living	N	N	CU	CU	N	N	N	N	
7 Cluster Development	CU	CU	N	N	N	N	N	N	
8 Condominium	N	N	CU	CU	N	N	N	N	
9 Group Homes	N	N	N	CU	N	N	N	N	
10 Mobile Home Park	N	N	N	N	N	CU	N	N	
11 Residential Club (fraternity, sorority, student)	N	N	N	CU	N	N	N	N	
12 Residential Use Not Otherwise Listed	N	N	N	N	N	CU	N	N	
13 Chickens (accessory)	P	N	N	N	N	N	P	N	(a)
14 Garage/Carport (accessory)	P	P	P	P	N	N	N	N	
15 Geothermal system (accessory)	P	N	N	N	N	N	N	N	
16 Solar Energy System, ground mounted (accessory)	N	N	N	N	N	N	N	N	
17 Solar Energy System, roof mounted (accessory)	P	P	P	N	P	P	P	P	(b)
18 Wind Energy System (accessory)	CU	N	N	N	N	N	N	N	
Commercial									
1 Adult Uses	N	N	N	N	N	CU	N	N	
2 Amusement/recreation, indoor	N	N	N	N	P	P	N	N	
3 Arcade	N	N	N	N	P	N	N	N	
4 Artistic Display	N	N	N	N	N	CU	N	N	
5 Automobile Sales, Service, Storage	N	N	N	CU	CU	CU	N	N	(c)
6 Bakery, confectionery	N	N	N	P	P	P	N	N	(c)
7 Bank, financial institution	N	N	N	P	P	N	N	N	
8 Banquet Hall	N	N	N	CU	CU	N	N	N	
9 Bed and Breakfast Inn	N	N	N	P	N	N	N	N	
10 Betting Parlor	N	N	N	N	N	CU	N	N	
11 Beverage Distributor	N	N	N	P	P	P	N	N	(c)
12 Billboard	N	N	N	N	N	CU	N	N	
13 Body Art Establishment	N	N	N	P	P	N	N	N	
14 Bookstore/Coffee Shop	N	N	N	P	N	N	N	N	
15 Bookstore/Coffee Shop (Drive-Thru)	N	N	N	N	P	N	N	N	
16 Business offices	N	N	N	P	N	P	N	N	(d)
17 Building Supply/Bulk Storage	N	N	N	N	N	CU	N	N	
18 BYOB Establishment	N	N	N	CU	CU	N	N	N	
19 Campground	N	N	N	N	N	CU	N	N	
20 Car Detailing	N	N	N	P	N	P	N	N	
21 Car wash	N	N	N	CU	N	CU	N	N	(d)
22 Carpentry	N	N	N	N	P	CU	N	N	
23 Casino	N	N	N	N	N	CU	N	N	
24 Catering	N	N	N	P	P	P	N	N	
25 Check Cashing Establishment	N	N	N	N	CU	N	N	N	

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	Uses	Low-Density Resid. R-1	Medium-Density Resid. R-2	High-Density Residential R-3	Village Commercial VC	Community Commercial CC	Limited Industrial LI	Agricultural AG	Instit'l-Gov't IGO	Notes
26	Child Care Center	N	N	N	P	P	P	N	N	
27	Club or lodge	N	N	N	N	N	CU	N	N	
28	Communications Facility on Exist. Structure	P	P	P	P	P	P	N	P	
29	Communications Tower (in ROW)	CU	CU	CU	CU	P	P	N	P	
30	Communications Tower (> ROW, 40' max.)	N	N	N	CU	P	P	N	CU	
31	Communications Tower (> ROW, > 40')	N	N	N	CU	P	P	N	CU	
32	Convenience food store	N	N	N	CU	CU	N	N	N	(e)
33	Custom Shops	N	N	N	P	P	CU	N	N	
34	Crematorium	N	N	N	N	N	CU	N	N	
35	Drive-Thru Service	N	N	N	N	P	N	N	N	
36	Dry Cleaning	N	N	N	P	P	N	N	N	(c)
37	Dwelling/Combination Use (Live/Work)	N	N	N	CU	N	N	N	CU	
38	Electric Vehicle Charging Station	N	N	N	N	P	P	N	N	
39	Exercise Club	N	N	N	N	P	P	N	N	
40	Exhibition Center	N	N	N	CU	N	N	N	N	
41	Family day-care home	N	N	N	N	N	N	N	N	
42	Freight Depot	N	N	N	N	N	CU	N	N	
43	Firing Range	N	N	N	N	N	CU	N	N	
44	Funeral homes	N	N	N	CU	N	N	N	N	
45	Garage/Carport (accessory)	N	N	N	P	P	P	N	N	
46	Gas station	N	N	N	CU	CU	N	N	N	(c)
47	Gas station w/convenience store	N	N	N	CU	CU	N	N	N	(c)
48	Golf, excluding driving range & mini	CU	CU	N	N	N	CU	N	N	
49	Golf, including driving range & mini	N	N	N	N	N	CU	N	N	
50	Greenhouse	N	N	N	N	N	P	P	N	
51	Gym, fitness, studio (dance, exercise, MA)	N	N	N	N	P	P	N	N	
52	Heliport	N	N	N	N	N	CU	N	N	
53	Home based business (no-impact, accessory)	P	P	P	P	N	N	N	N	
54	Home occupation	N	N	N	CU	N	N	N	N	
55	Hotel or inn	N	N	N	CU	N	CU	N	N	(c)
56	Hotel, short-term, air b&b	N	N	N	CU	N	CU	N	N	(c)
57	Laundry	N	N	N	P	P	P	N	N	(c)
58	Massage Establishment	N	N	N	CU	N	N	N	N	(f)
59	Medical clinic	N	N	N	P	P	P	N	N	(c)
60	Medical office	N	N	N	P	P	P	N	N	
61	Millinery repair	N	N	N	N	P	CU	N	N	
62	Motel	N	N	N	N	N	CU	N	N	
63	Night Club	N	N	N	N	N	CU	N	N	
64	Nursing home, convalescent, retirement	N	P	N	CU	N	CU	N	N	
65	Office Building	N	N	N	CU	N	CU	N	N	
66	Outdoor Display, Sales or Storage	N	N	N	N	N	CU	N	N	
67	Parking, Off-Street (principal)	N	N	N	N	N	CU	N	N	
68	Pawn Shop	N	N	N	N	CU	N	N	N	
69	Personal Service Shops	N	N	N	CU	P	N	N	N	
70	Pharmacy	N	N	N	CU	P	N	N	N	
71	Professional office	N	N	N	P	N	CU	N	N	
72	Restaurant, café, tavern	N	N	N	P	P	N	N	N	

Trappe Borough Zoning Ordinance - Appendix 'A' - Use Table

Key
P - Permitted Use
CU - Conditional Use
SE - Special Exception Use
N - Not Permitted

Uses	Low-Density Resid. R-1	Medium-Density Resid. R-2	High-Density Residential R-3	Village Commercial VC	Community Commercial CC	Limited Industrial LI	Agricultural AG	Instit'l-Gov't IGO	Notes
73 Restaurant (Fast food)	N	N	N	CU	P	N	N	N	(d)
74 Retail Shops	N	N	N	CU	P	N	N	N	
75 Retail outlet	N	N	N	P	P	N	N	N	
76 Repair shop (carry-in)	N	N	N	CU	P	N	N	N	(c)
77 Self-Storage Facility	N	N	N	N	N	CU	N	N	
78 Shopping center	N	N	N	N	P	CU	N	N	(g)
79 Stables	CU	N	N	N	N	N	P	N	
80 Studio	N	N	N	P	P	N	N	N	
81 Tailor, dressmaking, repair	N	N	N	P	P	N	N	N	(e)
82 Theater or Civic and/or Cultural	N	N	N	CU	P	CU	N	N	(d)
83 Theater, Motion Picture, Outdoor	N	N	N	N	P	CU	N	N	
84 Trade Businesses	N	N	N	N	P	CU	N	N	(c)
85 Upholstering	N	N	N	N	P	CU	N	N	(c)
86 Veterinary Office	N	N	N	P	N	N	N	N	
87 Veterinary Office (with Outdoor Kennel)	N	N	N	N	N	CU	N	N	
88 Wholesale Sales	N	N	N	N	N	CU	N	N	
89 Commercial Use Not Otherwise Listed	N	N	N	N	N	CU	N	N	
90 Electric Vehicle Charging Station (accessory)	N	N	N	P	P	P	N	N	
91 Garage/Carport (accessory)	P	P	P	P	P	P	N	N	
92 Geothermal system (accessory)	N	N	N	N	N	P	N	N	
93 Solar Energy System, ground mounted (accessory)	N	N	N	N	CU	CU	N	N	
94 Solar Energy System, roof mounted (accessory)	P	P	P	N	P	P	P	P	
95 Wind Energy System (accessory)	N	N	N	N	N	CU	N	N	
Industrial									
1 Academic Clinical Research Center	N	N	N	N	N	CU	N	N	
2 Agricultural operation	P	P	N	N	N	P	P	N	
3 Data Center	N	N	N	N	N	CU	N	N	
4 Dispensary	N	N	N	N	N	P	N	N	
5 Forestry	P	P	P	P	P	P	P	N	(h)
6 Hog Farm	N	N	N	N	N	N	SE	N	
7 Incinerator	N	N	N	N	N	SE	N	N	
8 Junk or Scrap Yard	N	N	N	N	N	SE	N	N	
9 Kennel	N	N	N	N	N	CU	CU	N	
10 Landfill	N	N	N	N	N	SE	N	N	
11 Manufacturing, NAICS Codes 3116-311710	N	N	N	N	N	CU	N	N	
12 Manufacturing, NAICS Codes 3241-325199	N	N	N	N	N	CU	N	N	
13 Manufacturing, NAICS Codes 3253-325320	N	N	N	N	N	CU	N	N	
14 Manufacturing, NAICS Codes 31-33 not otherwise listed	N	N	N	N	N	P	N	N	
15 Medical Marijuana Dispensary, Grower/Processor	N	N	N	N	N	CU	N	N	
16 Medical Marijuana Transport Vehicle Service	N	N	N	N	N	CU	N	N	
17 Mining	N	N	N	N	N	SE	N	N	(i)
18 Outdoor storage	N	N	N	N	N	CU	N	N	
19 Recreation, commercial	N	N	N	N	N	CU	N	N	
20 Recycling Collection or Processing	N	N	N	N	N	CU	N	N	
21 Solar Energy Collection	N	N	N	N	N	SE	N	N	
22 Solid Waste Transfer/Energy	N	N	N	N	N	SE	N	N	

Trappe Borough Zoning Ordinance - Appendix 'A' - Use Table

Key
P - Permitted Use
CU - Conditional Use
SE - Special Exception Use
N - Not Permitted

	Uses	Low-Density Resid. R-1	Medium-Density Resid. R-2	High-Density Residential R-3	Village Commercial VC	Community Commercial CC	Limited Industrial LI	Agricultural AG	Instit'l-Gov't IGO	Notes
23	Waste to energy facility	N	N	N	N	N	SE	N	N	
24	Waste treatment facility	N	N	N	N	N	SE	N	N	
25	Wind Turbine(s)	N	N	N	N	N	SE	N	N	
26	Wholesale Trade, NAICS Code 42	N	N	N	N	N	P	N	N	
27	Industrial Use Not Otherwise Listed	N	N	N	N	N	SE	N	N	
28	Artistic Display (accessory)	N	N	N	N	N	CU	N	N	
29	Dwelling qtrs., industrial caretakers (accessory)	N	N	N	N	N	P	N	N	
30	Garage/Carport (accessory)	P	P	P	P	P	P	P	N	
31	Geothermal system (accessory)	N	N	N	N	N	P	P	N	
32	Solar Energy System, ground mounted (accessory)	N	N	N	N	CU	CU	P	N	
33	Solar Energy System, roof mounted (accessory)	P	P	P	N	P	P	P	P	
34	Wind Turbine (accessory)	N	N	N	N	N	CU	P	N	
Public										
1	Airports and Related Uses	N	N	N	N	N	CU	N	CU	
2	Boat Dock, Wharf or Marina	N	N	N	N	N	SE	N	N	
3	Bus or Train Station	N	N	N	N	P	CU	N	CU	
4	Cemetery	N	N	N	CU	N	N	N	N	
5	Community Center	N	N	N	CU	P	CU	N	CU	
6	College or University	N	N	N	N	N	CU	N	N	
7	Correctional (jail, work release)	N	N	N	N	N	CU	N	N	
8	Drug/Alcohol Rehab. or Halfway House	N	N	N	N	N	CU	N	N	
9	Educational, school, pre-K to 12	P	P	N	CU	N	CU	N	P	
10	Fire Station	N	N	N	P	N	N	N	P	
11	Garage/Carport (accessory)	N	N	N	P	P	P	N	P	
12	Historic Resource	P	P	P	P	P	P	N	P	
13	Hospital	N	N	N	N	N	CU	N	N	
14	Institution for Children or Disabled	N	N	N	N	N	CU	N	N	
15	Library	N	N	N	P	N	N	N	P	
16	Municipal	P	P	N	P	N	N	N	P	(d)
17	Museum or Visitor Center	N	N	N	P	N	N	N	P	
18	Park, playground	N	P	P	P	N	N	N	P	
19	Places of Worship	P	P	N	CU	N	N	N	N	
20	Philanthropic	P	P	N	P	N	N	N	N	
21	Pool (principal use)	N	N	N	CU	N	N	N	N	
22	Public Utility, In-Borough Service	P	P	N	N	N	CU	N	CU	
23	Public Utility, Beyond Borough Service	N	N	N	N	N	CU	N	CU	
24	Government office	N	N	N	CU	N	CU	N	CU	(c)
25	Residential Institution	N	N	N	CU	N	CU	N	N	
26	Recreation, non-commercial, non-profit	N	P	P	CU	N	CU	N	P	
27	Recreation, commercial, for-profit	N	N	P	CU	N	CU	N	N	
28	Sanitarium	N	N	N	N	N	CU	N	N	
29	Shelter, Community	N	N	N	N	N	CU	N	CU	
30	Stormwater Management Facility	P	P	P	P	P	P	P	P	
31	Substation (electric)	N	N	N	N	P	CU	N	CU	
32	Trade School	N	N	N	N	N	CU	N	N	
33	Treatment Center, Veteran's	N	N	N	N	N	CU	N	CU	

Trappe Borough Zoning Ordinance - Appendix 'A' - Use Table

Key
P - Permitted Use
CU - Conditional Use
SE - Special Exception Use
N - Not Permitted

	Uses	Low-Density Resid. R-1	Medium-Density Resid. R-2	High-Density Residential R-3	Village Commercial VC	Community Commercial CC	Limited Industrial LI	Agricultural AG	Instit'l-Gov't IGO	Notes
34	Zoo	N	N	N	N	N	SE	N	SE	
35	Public Use Not Otherwise Listed	N	N	N	N	N	CU	N	CU	
36	Banquet Hall (accessory)	N	N	N	N	N	N	N	P	
37	Child Care Center (accessory)	N	N	N	N	N	N	N	P	
38	Electrical Vehicle Charging Station (accessory)	N	N	N	N	N	N	N	P	
39	Garage/Carport (accessory)	P	P	P	P	P	P	N	P	
40	Geothermal system (accessory)	N	N	N	N	N	P	N	P	
41	Solar Energy System, ground mounted (accessory)	N	N	N	CU	CU	CU	N	CU	
42	Solar Energy System, roof mounted (accessory)	P	P	P	N	P	P	P	P	
43	Wind Energy System (accessory)	N	N	N	N	N	CU	N	CU	

General Notes:

G1 Public water & sewer hookups required in R-1, R-2, R-3, VC & CC.
G2 R-3-specific Development, CU, General regulations not listed above
G3 VC "Maximum intensity" regulations not listed above
G4 CC specific design requirements, & development requirements not listed above
G5 An Accessory use on the lot with & customarily incidental to a permitted Primary Use is also permitted.

Use Table Notes:

(a) Hens only, subject to Article 17A regulations
(b) Subject to Zoning Ordinance 340-237 - Solar energy system, accessory
(c) < 5,000 SF in VC; larger size in LI
(d) To be consistent with existing uses
(e) < 5,000 SF in VC; larger size in CC
(f) Licensed operator required
(g) Shopping Cntrs w/o feasible public water/sewer require SE. Max. (1) strux. 50 KSF, all strux 100 KSF
(h) Per MPC 603(f)
(i) Per MPC 603(i)

Trappe Borough Zoning Ordinance - Appendix 'B' - Dimensional Table

Uses	Lot Area SF/unit, min.	Lot Width ft. @ St., min.	Bldg. Area %, max.	Impervious %, max.	Yards (ft., min.) Front	Side total, each	Rear	Height ft., max.	
R-1 Low-Density Residential	30,000	125 (1)	15	65	60	50 (2), 25	50	25 (2 stor.)	(17)
Accessory structures (16)			incl.	incl.	X	" "	15	15	
R-2 Medium-Density Residential	20,000	100	20	65	50	40, 15	50	30 (2.5 stor.)	
Accessory structures (16)			incl.	incl.	X	" "	10	15	
R-3 High-Density Residential (3)			70	80	50	50	50		
Single-Family Dwelling	10,000	75	"	"	35	30, 15	40	35	
2-Family Dwelling	5,000	40	"	"	35	15 (4)	35	35	
Single-Family Attached Dwelling	2,000	25 (5)	"	"	25	15 (end units)	30	35	(12)
Accessory structures (16)			incl.	incl.	X	"	10	15	
VC Village Commercial District	10,000	60 (9)			15 (10)	10 (ea.) (11)	20 (11)	30 (2.5 stor.)	
By-Right Uses			20	35	"	"	"	"	
Class 1 CUs (13)			20	65	"	"	"	"	
Class 2 CUs (14)			30	75	"	"	"	"	
Residential, B&B, Rooming House	5,000 (8)				"	"	"	"	
Mix of nonresidential & residential			50		"	"	"	"	
Accessory structures (16)			incl.	incl.	X	5	5	15	
CC Community Commercial District	10 AC (total)	200	20	80	35	25	25	40 (6)	
Accessory structures (16)			incl.	incl.	X	"	"	15	
adjacent to resid. or agri. district			20	80	35	50	50	40 (6)	
Accessory structures (16)			incl.	incl.	X	"	"	15	
LI Limited Industrial District	10 AC	200	60	80	50	30 (ea.)	40 (7)	30 (6)	
Accessory structures (16)			incl.	incl.	X	"	"	15	
AG Agricultural District (15)	10 AC	200	5	10	60	50	50	40	
Accessory structures (16)			incl.	incl.	X	"	"	same	
IGO Institutional-Government	10,000	60 (9)	70	80	15 (10)	10 (ea.) (11)	20 (11)	40	
Accessory structures			incl.	incl.	X	5	5	15	

Notes:

X	Not permitted
1	or 125' measured @ building line if 75 LF min. width @ street line meets requirements
2	Other than single-family homes, neither side yd. < 20'. If bldg. ht. > 25', increase side yad. 2' for each 1' > 25' high
3	Max. Density = 6 units/Ac. by-right, 8 units/Ac. if CU.
4	one side for twin, each side for a duplex
5	25' for dwelling without a garage, 20' minimum for dwelling with garage
6	max of 65' with approval of Zoning Hearing Board such that for every 1' in height above max. 1' is added to required yard setback minimums
7	minimum 100' from residential district, and 50' minimum from residential parking areas
8	5,000 SF for dwelling unit + 2,500 SF per rental room or client/residential room
9	measured at building line
10	or lesser of front yards of two adjoining lots, whichever is greater
11	minimum 25' on a lot within or abutting a residential district, 5' setback for accessory uses
12	160' max bldg. length; accessory bldg. 15'/1 story max. ht.
13	SFA (twin, duplex), Bank, Club/Lodge, Day Care, Group Home, Hotel, Offices, Personal Srvc, Repair Shop (carry-in), Restaurant (excl. fast food), Retail
14	Borough Use, Funeral Home, Hospital, Nursing/Personal Care Home, Place of Worship, Residential Institution (Public), School
15	Max. Density = 1 unit/10 Ac.
16	Accessory structures up to 300 SF in size & without permanent foundations may be within 5' of a side or rear yard
17	40' bldg. ht. municipal uses

Trappe Borough Zoning Ordinance - Appendix 'C' - Parking Table

	Uses	Minimum Spaces Per								Notes
		Unit	Bed Rm.	Seat	Bed	Resident	SF	Employee	Student	
Residential										
1	Single or multi-family	1 / 1	1 / 1							
2	Boarding/Rooming/Co-Living		1 / 1							
3	Group Homes		1 / 2					1 / 1		
4	Residential Club (fraternity, sorority, student)	1 / 1				1 / 2				
Commercial										
1	Amusement/recreation, indoor			1 / 5						(a)
2	Bank, financial institution						1 / 200			(a)
3	Business offices						1 / 200			(a)
4	BYOB Establishment						1 / 50			(a)
5	Child Care Center							1 / 1	1 / 6	
6	Exercise Club, Gym						1 / 100	1 / 1		(a)
7	Exhibition Center						1 / 100			(b)
8	Funeral homes			1 / 4				1 / 1		(a)
9	Hotel or inn	1 / 1								(a)
10	Hotel, Motel, short-term, air b&b	1 / 1								(a)
11	Nursing home, convalescent, retirement				1 / 4					(a)
12	Office Building						1 / 200			(a)
13	Pharmacy						1 / 100			(b)
14	Professional office						1 / 200			(a)
15	Restaurant, café, tavern						1 / 50			(a)
16	Restaurant (Fast food)			1 / 2				1 / 2		
17	Retail Shops						1 / 100			(b)
18	Shopping center						1 / 50			(b)
19	Theater or Civic and/or Cultural			1 / 5						(a)
20	Theater, Motion Picture, Outdoor			1 / 5						(a)
21	Commercial Use dissimilar to any above						1 / 1,000			(a)

Trappe Borough Zoning Ordinance - Appendix 'C' - Parking Table

	Uses	Minimum Spaces Per								Notes
		Unit	Bed Rm.	Seat	Bed	Resident	SF	Employee	Student	
Industrial										
1	Manufacturing							1 / 2		(a)
2	Recreation, commercial			1 / 5						(a)
3	Wholesale Trade							1 / 1		(a)
4	Industrial Use dissimilar to any above							1 / 1		(a)
Public										
1	Community Center			1 / 5						(a)
2	College or University							1 / 1	1 / 4	(a)
3	Correctional (jail, work release)					1 / 10				(a)
4	Educational, school, pre-K to 12			1 / 5						(a)
5	Hospital				1 / 4					(a)
6	Institution for Children or Disabled					1 / 10				(a)
7	Library			1 / 5						(a)
8	Museum or Visitor Center			1 / 5						(a)
9	Places of Worship			1 / 5						(a)
10	Pool (principal use)						1 / 100	1 / 1		(a)
11	Residential Institution			1 / 3				1 / 1		(a)
12	Sanitarium				1 / 4					(a)
13	Trade School								1 / 2	(a)
14	Treatment Center					1 / 10				(a)
15	Public Use dissimilar to any above						1 / 100	1 / 1		(a)

Table Notes:

(a) Spaces may be on adjacent lot.

(b) That portion of establishment used for sales or patron use

(c) Minimum spaces per unit or other metric for all of the above are cumulative

Trappe Borough Zoning Ordinance - Appendix 'D' - Sign Table

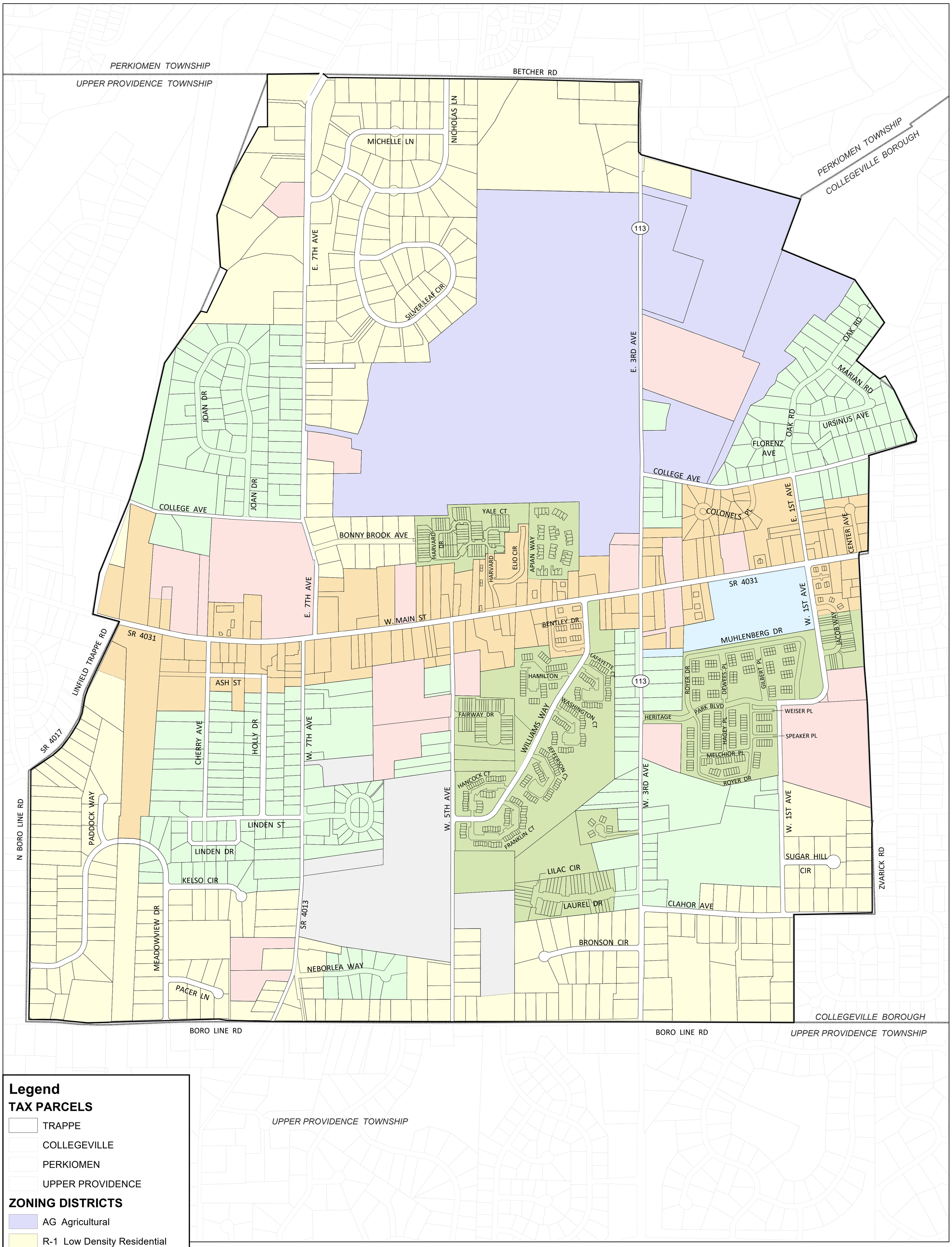
Sign Type	Wall	Freestanding	Canopy	Window	Projecting	Marquee	Limited Duration	Temporary	Illuminated	Digital	Off-Premises
	Residential & Agricultural Districts										
Max. No.	1 / Lot (a)	1 / Lot (a)	N	N	N	N	2 / Lot	2 / Lot	N	N	N
Max. SF (Total)	N/A	N/A	N/A	N/A	N/A	N/A	22	38	N/A	N/A	N/A
Max SF (Individual)	2	6	N/A	N/A	N/A	N/A	16	32	N/A	N/A	
Max. Ht.	See Note (f)	6	N/A	N/A	N/A	N/A	6	8 (c)	N/A	N/A	N/A
	Village Commercial District										
Max. No.	See Note (h)	1 / Street	N/A	N/A	N	N	2 / Lot	2 / Lot	1 / Lot	N	N
Max. SF (Total)	1.5 / Bldg. LF along street frontage	N/A	1.5 / Bldg. LF along street frontage	20% of total window area	N/A	N/A	22	38	N/A	N/A	N/A
Max SF (Individual)	12	30	N/A	20% of signed window area	N/A	N/A	16	32	30% of total on-site permitted sign area	N/A	N/A
Max. Ht.	Eave line	10	Eave line	N/A	Eave line	Eave line	6	8 (c)	Eave line	N/A	N/A
	Community Commercial & Limited Industrial Districts										
Max. No.	See Note (h)	1 / street	N/A	N/A	1 / per tenant entry	1 / Building	2 / Lot	2 / Lot	1 / Lot	1 / Lot	CC - N; LI - 1 / Lot as CU
Max. SF (Total)	1.5 / Bldg. LF along street frontage	N/A	1.5 / Bldg. LF along street frontage	30% of total window area	1.5 / Bldg. LF along street frontage	N/A	22	38	N/A	N/A	N/A
Max SF (Individual)	32	50		30% of signed window area	20	200	16	32	30% of total on-site permitted sign area	30% of total on-site permitted sign area	150
Max. Ht.	Eave line	20	Eave line	N/A	Eave line	Eave line	6	8 (c)	eave line	eave line	30

Notes:

a. Such signs are permitted for Home Occup. & Resid. Dvps./Apt. Bldgs. > 10 units.
b. "Street" references public street frontage as defined in the Signs Article.
c. Temporary banner signs may be 24' high
d. Illuminated signs shall not be within 100' of a residential district boundary.
e. N = Not Permitted.
f. The lower of eave line or 2nd story window sill bottom
g. See text for Temporary Signs & Street Pole Banner regulations.
h. 1 per tenant per street frontage.

Borough of Trappe

Official Zoning Map



Legend

TAX PARCELS

- TRAPPE
- COLLEGEVILLE
- PERKIOMEN
- UPPER PROVIDENCE

ZONING DISTRICTS

- AG Agricultural
- R-1 Low Density Residential
- R-2 Medium Density Residential
- R-3 High Density Residential
- CC Community Commercial
- VC Village Commercial
- LI Limited Industrial
- IGO Intergovernmental District

BARRY ISETT & associates INC
MULTI-DISCIPLINE ENGINEERS AND CONSULTANTS

Published: January 8, 2026

OFFICIAL ZONING MAP
TRAPPE BOROUGH, MONTGOMERY COUNTY, PENNSYLVANIA

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SCALE: 1" = 400'	DATE: 1/8/2026	0 200 400 800 Feet