

# STOCKERTOWN BOROUGH ZONING ORDINANCE

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# ARTICLE I PREAMBLE

## **§1-1. Title and Short Title**

An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures, the height, number of stories, and size or bulk of buildings and structures, the density of population, off-street parking and similar accessory regulations, in the Borough of Stockertown, Northampton County, Pennsylvania, and for said purposes dividing the Borough into districts and prescribing certain uniform regulations for each such district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended. This Ordinance shall be known as, and may be cited as, "The Stockertown Borough Zoning Ordinance of 2005".

## **§1-2. Purpose**

**§1-2.1** To promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public improvements; as well as, preservation of the natural scenic and historic value in the environment and preservation of forests, wetlands, aquifers and floodplains.

**§1-2.2** To prevent the overcrowding of land, blight, danger, and congestion in travel and transportation, loss of health, life or property from fire, flooding, panic or other dangers; and toward these ends, this Ordinance is in accordance with the Comprehensive Plan of Stockertown Borough with consideration for the character of the Borough, its various parts and the suitability of the various parts for particular uses and structures.

**§1-2.3** To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

## **§1-3. Interpretation**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall be controlling.

## **§1-4. Scope**

From and after the effective date of this Ordinance, use of all land, every building or portion of a building erected, altered in respect to height or area, added to, or relocated, and every use hereafter established with any building or use accessory thereto in the Borough of Stockertown shall be in conformity with the provisions of this Ordinance.

Any building, structure or use of a building or land existing at the effective date of this Ordinance which is not in conformity herewith may be continued, extended or changed only in accordance with the regulations herein contained relating to nonconforming building and land uses.

## **§1-5. Conflict**

It is not intended by this Ordinance to repeal, abrogate, annul or interfere with any existing ordinance of 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 Ordinance.

## **§1-6. Validity**

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

## **§1-7.Repealer**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

## **§1-8. Community Development Objectives**

While more fully set forth in the Stockertown Borough Comprehensive Plan, as amended, the following community development objectives summarize the broad framework within which the more specific zoning regulations herein are drawn:

- §1-8.1** To continue to promote inter-municipal cooperation with a view to solving regional development problems and work to avoiding duplication of services and conserve regional municipal fiscal resources.
- §1-8.2** To ensure the continuation of an adequate and safe water supply and the construction of an adequate sewerage disposal system for Borough residents in the near future.
- §1-8.3** To coordinate and time future development through appropriate controls to encourage Borough development when and where adequate public utilities are available.
- §1-8.4** To institute zoning controls designed to stabilize property values and create a balanced pattern of areas within the Borough in which to live, work and shop.
- §1-8.5** To promote the preservation of unique scenic or natural assets such as the creeks and floodways, hillsides and wooded areas through adequate controls.
- §1-8.6** To work toward the development of a capital improvement program and plan for needed long-range improvements.
- §1-8.7** To work toward providing adequate, well-located public recreation areas for Borough residents, and encourage joint school-municipal use of all.
- §1-8.8** To discourage conversion of existing residences to higher densities or business activities where such conversion may result in functional overcrowding of land or streets or a mixed land use pattern.
- §1-8.9** To encourage separate and better industrial highway access and interface with residential areas.
- §1-8.10** To coordinate future street improvements with major traffic generators, such as industry, schools, etc., so that these areas are readily accessible by good streets.
- §1-8.11** To provide for industrial and commercial expansion in appropriate locations within the Borough.
- §1-8.12** To adopt land subdivision ordinances to insure sound land development practices and minimize the Borough's expense for improvements.
- §1-8.13** To provide as high a level of community service that is financially feasible in order to make the community an attractive place to live.

## ARTICLE II DEFINITIONS

### §2-1. Application and Interpretation

Unless otherwise expressly stated or the context clearly indicates another meaning, the following words and phrases shall be construed throughout this Ordinance to have the meanings indicated below:

**§2-1.1** The present tense includes all other tenses; the singular includes the plural, and the plural includes the singular; the masculine gender includes the feminine and neuter; the word "used" includes the words "designed" or "arranged"; the word "occupied" includes the words "designed, or intended to be occupied"; the word "shall" is always mandatory; and the word "may" is always permissive. The words "as amended from time to time" and the like as applied to any statute, ordinance, code, regulation, plan or map, includes replacements, supplements or restatements thereof; and reference to a particular Article, Section or Subsection which inherently refers to other Articles, Sections or Subsections, includes all Articles, Section or Subsections referred to.

**§2-1.2** The word "Borough" means Borough of Stockertown, Northampton County, Pennsylvania; the term "Borough Council" means the Borough Council of Stockertown; the term "Planning Commission" means the Planning Commission of the Borough; and the term "Zoning Hearing Board" means the Zoning Hearing Board of the Borough.

**§2-1.3** The terms "such as", "including" and the like are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such terms appear without limiting or detracting from the general application of the sentence, clause or phrase in which such terms appear.

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:

Words in the singular include the plural and those in the plural include the singular.

Words in the present tense include the future tense.

The words "person", "developer", "subdivide", and "owner" include a corporation, unincorporated association, a partnership, or legal entity, as well as an individual.

The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof".

The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

The word "Borough" means Stockertown Borough, Northampton County, Pennsylvania.

The term "Borough Council" means the Borough Council of Stockertown Borough.

The term "Planning Commission" means the Planning Commission of Stockertown Borough.

The term "Board" means the Zoning Hearing Board of Stockertown Borough.

If a word is not defined in this Ordinance, but is defined in the Borough Zoning Ordinance, as amended, the definition in that Ordinance shall apply. If a word is defined in both this Ordinance and another Borough Ordinance, each definition shall apply to the provisions of each applicable Ordinance.

Any word or term not defined in this Ordinance or in the Borough Zoning Ordinance, as amended, shall have its plain and ordinary meaning within the context of the Section. A standard reference dictionary should be consulted.

The words “such as”, “includes”, “including” and “specifically” shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.

All undefined terms used in this Ordinance which are defined in the Pennsylvania Storm Water Management Act of 1978, or the Stormwater Management Ordinance of Stockertown Borough as adopted in 1988, shall have the meaning defined in said Act or Plan. In the event that terms are defined both in this Ordinance, and in the Act or Stormwater Ordinance, the definitions contained in this Ordinance shall prevail over the definitions contained in the Act and the Stormwater Ordinance.

## **§2-2. Definition of Terms**

For the purpose of this Ordinance, the following words, terms and phrases have the meaning indicated herein:

ABUTTING OWNER: The owner of record of a lot which is contiguous at any point to the lot in question or which is contiguous to that section of street on which the subject lot has frontage, i.e., a lot across from the subject lot.

ACCESSORY BUILDING: A building which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the uses of the principal building. Any portion of a principal building used for an accessory use shall not be considered to be an accessory building.

ACCESSORY STRUCTURE: A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

ACCESSORY USE: A use separated from, subordinate to and customarily incidental to the use of the principal building and situate on the same lot.

ACRE: An acre of land and/or water, which equals forty-three thousand five hundred sixty (43,560) square feet.

ACT 247: The “Pennsylvania Municipalities Planning Code” of July 31, 1968, 53PS 10101, et seq., (Act) No. 247, as amended.

AGRICULTURAL USE: AGRICULTURE: A principal use involving the cultivating of the soil, the raising and keeping of livestock and poultry and the harvesting of the products of the soil, including horticulture and forestry.

ALLEY: A public or private thoroughfare, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, joists or rafters, or enclosure walls which changes the use of a building or structure or otherwise alters the area and bulk requirements of this Ordinance.

AMBIENT NOISE: The all-encompassing noise associated with a given environment being usually a composite of sounds from many sources near and far.

ANTIQUES: Goods and objects (i.e., furniture, glass, jewelry) made in a former period and considered to be of value due to their quality, style, appearance or age.

APARTMENT: See Dwelling Types, Multiple-Family Dwelling.

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

AVENUE: A wide street or thoroughfare lined with trees.

BASE FLOOD: The flood which has been selected to serve as the basis upon which the floodplain management

provisions of this Ordinance have been prepared; for the purposes of this Ordinance, the one hundred (100) year flood.

**BASE FLOOD ELEVATION:** The one-hundred (100) year flood elevation. Within the approximated floodplain, the base flood elevation shall be established as a point on the boundary of the approximated floodplain, which is nearest to the construction site in question.

**BASEMENT:** An enclosed area partly or completely below grade. It shall be considered a building story if more than thirty-three and one-third (33-1/3) percent of the perimeter walls extends five (5) feet or more above grade, or if the net area of the door or window openings in the exterior walls is at least equal to ten (10) percent of the enclosed floor area.

**BED AND BREAKFAST:** An accessory use to a single-family detached dwelling, permitted as such only when carried on in conformity with applicable regulations, in which the occupants of the residence provide overnight accommodations for short-term, transient guests, including the service of breakfast, but no other meals.

**BLOCK:** Property bounded on one side by a street, and other three sides, by a street, railroad right-of-way, waterway, unsubdivided area, or other definite barrier.

**BOARDING HOUSE:** A building or portion of a building arranged or used for sheltering or feeding, or both, for compensation for two (2) or more individuals who are not otherwise part of a "family" as defined herein.

**BOROUGH:** The Borough of Stockertown, Northampton County, Pennsylvania.

**BOROUGH ENGINEER:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Borough Engineer.

**BOULEVARD:** A wide city street.

**BUFFER AREA:** A strip of land adjacent to the lot line to establish a visual separation between incompatible uses.

**BUILDING:** Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, equipment or materials and that a total area under roof of greater than 16 square feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

**BUILDING COVERAGE:** The ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot (including covered porches, carports and breeze-ways, but excluding open patios) by the total area of the lot upon which the buildings are located.

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

**BUILDING LINE:** A line, parallel to the lot line, passing through the part of the building nearest to the particular lot line; may be farther from the lot line than the Building Set Back Line.

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

**BUILDING SETBACK LINE:** A line, which designates the minimum distance between any building and the adjacent street right-of-way or property line, whichever is closer. This line shall be measured from a point or points formed by the intersection of a vertical building wall with the ground (or in the case of a cantilevered building, at the vertical plane which coincides with the most projected surface), to the street right-of-way or property line, whichever is closer.

**Front Yard Building Setback Line.** The line parallel to the public or private street right-of-way line at a distance equal to the minimum depth of the front yard designated for each district in the Stockertown Borough Zoning Ordinance. All yards adjacent to a public or private street right-of-way shall be considered front yards, except in double frontage lots.

**Side Yard Building Setback Line.** The line parallel to the side lot line and equal to the minimum depth of the side yard designated for each district in the Stockertown Borough Zoning Ordinance.

**Rear Yard Building Setback Line.** The line parallel to the rear lot line and equal to the minimum depth of the rear yard designated for each district in the Stockertown Borough Zoning Ordinance.

**BULK:** The term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines. The term may include: the size, height and floor area of buildings or other structures; and, all open areas in yard space relating to buildings and other structures.

**CART WAY:** The surface of a street or alley available for vehicular traffic.

**CARTWAY:** The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

**CERTIFICATE OF USE AND OCCUPANCY:** A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure, sign, and/or land complies with the Zoning Ordinance, or that a building, structure, sign, and/or land may be lawfully employed for specific uses or both.

**CHURCH:** A building or group of buildings, including customary accessory buildings, designed or intended for public worship. For the purpose of this Ordinance, the word church shall include: chapels, cathedrals, synagogues, temples and similar designations as well as parish houses, convents and such accessory uses.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street intersections defined as lines of sight between points at a given distance from the intersection of the street rights-of-way, cartways, or centerlines.

**COMMON AREA:** That portion of a development tract owned in undivided fee interests by the unit owners in such condominium and set aside for their exclusive use and enjoyment.

**COMMON OPEN SPACE:** Land or an area of water or a combination of land and water within a development site, designed and intended for the use and enjoyment of the residents of the development and other neighborhoods, consisting of landscaped or natural terrain including lakes and streams. Common open space shall be substantially free of buildings (but may include such buildings or other improvements as are in the development plan as finally approved and as are appropriate for the recreational uses). Common open space shall not include street rights-of-way or yard or off-street parking areas required for residential or other non-common open space functions. The common open space may include recreational uses such as tennis courts, squash courts, playgrounds, golf courses, swimming pools or other like uses.

**COMMUNICATIONS ANTENNAE:** Any device used for the transmission or receipt of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas. **(Amended by Ord. 2000-6)**

**COMMUNICATIONS EQUIPMENT BUILDING:** An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet. **(Amended by Ord. 2000-6)**



COMMUNICATIONS TOWER: A structure other than a building, such as a monopole, self-supporting, designed and used to support communications antennas. **(Amended by Ord. 2000-6)**

COMPREHENSIVE PLAN: The document entitled the "Stockertown Comprehensive Plan," or any part thereof, adopted by the Borough Council, as amended.

CONDITIONAL USE: A use which may not be generally appropriate to a particular zoning district, but which may be suitable in certain locations within the district only when specific conditions prescribed for such use within this Ordinance are present. Conditional uses are granted or denied by the Borough Council after a hearing to determine whether or not such conditions are present.

CONDOMINIUM: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions created under either the Pennsylvania Unit Property Act of July 3, 1963 or the Pennsylvania Uniform Condominium Act of 1980.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

CONVERSION: An alteration of a building, structure or land by change of use, theretofore existing, to a new use which imposes other special provisions of a law governing building construction, equipment, exits, or zoning regulations.

CURBING: A raised stone or concrete edging along the side of a street.

DAY CARE CENTER: Facility licensed by the Commonwealth of Pennsylvania which provides food service, shelter, supervision, educational and recreational needs of children whether or not for monetary gain.

DENSITY, GROSS: The total land ownership divided by the total number of families or dwelling units per acre, such ownership including interior streets having rights-of-way not over fifty (50) feet in width, common open spaces, permitted commercial uses, sites for schools and places of worship, and all land devoted to residential use, but excluding interior streets having rights-of-way greater than fifty (50) feet in width.

DENSITY, NET: The number of families or dwelling units per acre, within only that portion of the lot devoted to any one (1) particular housing type, including the yards, off-street parking and driveway facilities directly serving those particular dwelling types, but excluding common open spaces, places of worship, permitted commercial uses, school sites, public streets, areas devoted to sanitary sewer facilities and other public grounds.

DEPARTMENT OF HEALTH: The Department of Health of the Commonwealth of Pennsylvania, or their representative having jurisdiction in the Borough.

DETENTION BASIN: A basin designed, intended or used to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate.

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

DEVELOPMENT PLAN: The design or site layout plan for multifamily dwellings, mobile home parks, shopping centers and industrial parks, covering the entire property ownership although the actual development may take place in stages, and including all required provisions applicable to the type of development such as all covenants relating to the use, location and bulk of buildings and other structures, gross and net densities, streets, ways and parking facilities, common open space and public facilities, as well as such written and graphic material as may be necessary for the reviewing officials to evaluate the proposed development; and, where more than one (1) mortgage is contemplated, the limits of each shall be shown, and all required elements and provisions of this

Ordinance shall take place independently within each of the mortgage areas so that each could function independently, if necessary.

DRIVE: A road for vehicles.

DWELLING UNIT: A room or group of rooms located within a residential building and forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking and eating by one family.

DWELLING TYPES:

**§2-2.1** Multiple-Family Dwelling: A building containing three (3) or more dwellings, each accommodating one (1) family.

**§2-2.1.1** Apartment Dwelling: A building or group of buildings with common ownership on a lot with three (3) or more dwelling units used specifically for residential purposes and originally constructed as such.

**§2-2.1.2** Garden Apartment: A multiple-family dwelling of up to three (3) stories in height designed for rental or condominium ownership of each housekeeping unit.

**§2-2.1.3** Quadraplex: A building containing four (4) dwellings, each sharing two (2) common party walls which separate the units vertically.

**§2-2.1.4** Single-Family Attached Dwelling (Townhouse): Three (3) or more single-family attached dwelling units with one (1) dwelling unit from ground to roof, two (2) points of independent outside access, at least two (2) other dwellings built in conjunction herewith and any portion of one (1) or two (2) unpierced party walls common with an adjoining dwelling, and having yards on at least two (2) sides.

**§2-2.2** Mobile Home

**§2-2.3** Single-Family Detached Dwelling: A building designed for and occupied exclusively as a residence, containing one (1) dwelling unit and having no common or party wall with an adjacent dwelling, and having yards on all sides. Where a private garage is structurally attached to such building, it shall be considered as part thereof.

**§2-2.4** Single-Family Semidetached Dwelling (Twin): Two (2) dwelling units, each accommodating one (1) family, which are attached side by side through use of a party wall, with each dwelling unit having one (1) side yard.

**§2-2.5** Two-Family Detached Dwelling (Duplex): Two (2) dwelling units, each accommodating one (1) family, which are located one over the other with the building having two (2) side yards.

DWELLING UNIT: A room or rooms within a building connected together, constituting a separate independent housekeeping establishment for one (1) family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent lavatory, cooking and sleeping facilities.

EASEMENTS: A liberty, privilege or advantage which one has in the lands of another for a precise and definite purpose, subordinate to, but not inconsistent with, the owner's general property rights.

EDUCATIONAL USE: A use requiring certification, licensing, or review by the Pennsylvania Department of Education.

EFFECTIVE DATE OF THIS ORDINANCE: The effective date of this Ordinance is five (5) days after its adoption,

except that with respect to the subject matter of any amendment, the effective date of this Ordinance shall mean five (5) days after the date upon which the particular amendment was adopted.

**EFFECTIVE SCREEN:** Planting of deciduous and evergreen trees and shrubs not less than five (5) feet in initial height and capable of attaining a height and width of not less than ten (10) feet wherein not less than fifty (50) percent of the plants shall be evergreen mixed throughout the length of such screen, so arranged or placed as to divert attention from or obstruct at least eighty-five (85) percent of an otherwise clear view of an objectionable or incompatible use or activity during all seasons of the year. A wall or fence in combination with the aforementioned plantings may be used as an effective screen where required for parking and loading areas. The effective screen shall be in accordance with plans and specifications prepared by a registered landscape architect and shall be compatible with the landscaping on the lot and approved by the Zoning Officer.

**ELECTRIC SUBSTATION:** Buildings or structures and equipment erected and used for the purpose of transmission, switching or transforming of electrical current between customers and the utility company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews, such buildings or structures being appropriately planted or screened to blend the installation with the surrounding landscape.

**ENGINEER, BOROUGH:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough of Stockertown, its Planning Commission or Authority.

**ENGINEER:** A Professional Engineer licensed by the Commonwealth of Pennsylvania.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmissions or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding communications towers and communications antennas, as defined herein. **(Amended by Ord. 2000-6)**

**ESSENTIAL UTILITIES:** Includes sewerage, water, gas and electric lines and related appurtenances used to serve development within the Borough, but not including cross-country transmission lines or other utilities not required to serve the Borough.

**FAMILY:** A family is:

**§2-2.6** A single person occupying a dwelling unit, or

**§2-2.7** Two (2) or more legally related persons, including foster children, occupying a dwelling unit, or

**§2-2.8** Not more than four (4) unrelated persons occupying a dwelling as a single nonprofit entity.

**FENCE:** Any freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation, singly, or in combination with other materials, two and one-half (2 1/2) feet or higher, erected to secure or divide one (1) property from another or part of a property from a remaining part, to ensure privacy, to protect the property so defined, or to enclose all or part of the property.

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOOD ELEVATION. REGULATORY:** The one hundred (100) year flood elevation, plus a freeboard safety factor of one and one-half (1 1/2) feet.

**FLOOD-FRIDGE:** That portion of the floodplain outside the floodway.

**FLOOD, ONE HUNDRED YEAR:** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

**FLOOD PLAIN:** A relatively flat or low lying area adjoining a river, stream or watercourse which is subject to

partial or complete inundation during a 100-year design frequency storm or an area subject to the accumulation or runoff of surface waters from any source, as more fully defined by the current edition of the Stockertown Borough Flood Insurance Rate Map and associated Flood Plain Study.

**FLOODPROOFING:** Any combination of structural and nonstructural additions, changes and adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

**FLOODWAY:** The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude.

**FLOOR AREA OR GROSS FLOOR AREA:** The total area of all floors as measured to the outside surfaces of exterior walls, or from the centerline of party walls separating two (2) buildings, but excluding crawl spaces, garages, carports, attics without floors, open porches, terraces, and cellars.

**FUNERAL HOME:** A building used for the preparation of the deceased for burial or cremation and the display of the deceased and ceremonies connected therewith before burial or cremation.

**GARAGE, PRIVATE:** An accessory building or 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 two (2) motor vehicles owned and used by persons other than the owner or tenant of the premises.

**GARAGE, STORAGE:** A building, not a private or public garage, one (1) 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:** An area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and hand washing of motor vehicles, and the sale, installation or minor repair of tires, batteries, or other automobile accessories.

**GOLF COURSE:** Either a publicly or privately owned and operated course, which shall have a minimum of nine (9) holes of golf. Neither a commercial driving range nor a commercial miniature golf area shall be considered a golf course for the purposes of this Ordinance.

**GOVERNMENTAL USES:** Municipal, County, State or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

**GRADE:** The elevation of finished ground or paving which adjoins a building.

**GROUP HOME:** A facility which provides residential services to persons who, due to age, disability, or handicap, are not able to live without professional care or supervision. Such a facility provides twenty-four (24) hour supervision and is licensed by the State and/or County.

**HEIGHT OF A COMMUNICATIONS TOWER:** The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower. **(Amended by Ord. 2000-6)**

**HISTORIC BUILDINGS:** Existing buildings or structures registered with the National Register of Historic Places. Buildings or structures meeting criteria as set forth by the National Register of Historic Places.

**HOME OCCUPATION:** An accessory use which is clearly incidental and subordinate to the residential use of a dwelling unit and is customarily performed within a dwelling unit or accessory buildings by one (1) or more occupants of such dwelling unit.

**HOMEOWNERS ASSOCIATION:** A nonprofit organization comprised of homeowners or property owners,

planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owned property.

HOME, ROOMING: A dwelling in which weekly or monthly sleeping accommodations are provided for rent to less than ten (10) persons, whether or not the serving of meals is included.

HOME, TOURIST: A dwelling in which overnight sleeping accommodations are provided for rent to less than ten (10) motor vehicle travelers, whether or not the serving of meals is included.

HORSE BARN: A building or portion of building used for the shelter of horses belonging to the landowner or tenant residing on the property.

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

HOTEL, MOTEL, MOTOR INN: A building or group of buildings containing guest rooms especially designed for the temporary lodging of transient guests, provided that no room shall have cooking facilities of any kind.

HOUSEHOLD PETS: Domesticated animals normally considered to be kept in or in conjunction with a dwelling unit for the pleasures of the resident family, such as dogs, cats, small birds, gerbils and other similar pets normally sold by retail pet stores.

IMPERVIOUS COVER: Land that is occupied by principal and accessory structures, streets, driveways, parking areas and other similar surfaces that prohibit or slow the percolation of water into the soil.

IMPROVEMENTS: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

INDUSTRIAL PARK: A grouping of two (2) or more industrial establishments on a lot held in single and separate ownership.

INSTITUTION: A building or grounds, a portion of which is used for the residence of more than four (4) unrelated persons who occupy the buildings for a common purpose to include hospitals, convents, school dormitories, college campuses, nursing homes, the educational, administrative and recreational facilities of such organizations as the YMCA, YWCA, and the like.

JUNKYARD: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and/or discarded materials, including, but not limited to, waste paper, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two (2) or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a junkyard.

KARST: A type of topography that is formed over limestone, dolomite, or gypsum by bedrock solution, and that is characterized by closed depressions or sinkholes, caves and underground drainage.

KENNEL: An operation involving the boarding, sale, breeding, show purposes, or grooming of adult dogs, cats or other domestic animals. Kennels shall be enclosed, including soundproof runs.

LABORATORY: A building or group of buildings in which are located the facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

LAND DEVELOPMENT: Any of the following activities:

**§2-2.9** The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

**§2-2.9.1** A group of two (2) or more principal residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

**§2-2.9.2** The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

**§2-2.10** A subdivision of land.

LAND DEVELOPMENT: Any of the following activities:

- (a) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (b) A subdivision of land.
- (c) Development in accordance with Section 503.1.1 of the Municipalities Planning Code, as amended.

LANDOWNER: The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a leasee (if authorized under the lease to exercise the right of the landowner), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

LANDSCAPING: The planting of turf or other appropriate groundcover or the planting of deciduous and evergreen trees and shrubbery, including the maintenance thereof, for control of erosion, retention of precipitation, protection against the elements, and promotion of human comfort and welfare.

LEHIGH VALLEY PLANNING COMMISSION: The Planning Commission of Lehigh and Northampton Counties.

LICENSE: According to usage:

**§2-2.11** When applied to Mobile Home Parks, shall mean written approval by the Borough of Stockertown, a prerequisite of which shall be approval by the Department of Health, and compliance with all applicable regulations of this, or other applicable ordinances.

**§2-2.12** When applied to erection of signs shall mean written approval by the Borough of Stockertown, a prerequisite of which shall be compliance with all applicable regulations of this and other applicable ordinances, and the posting of a liability insurance policy or an indemnity bond in an amount not less than Five Thousand Dollars (\$5,000) payable to the Borough of Stockertown in a form satisfactory to the Borough Solicitor.

LIVING SPACE: Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

LIVESTOCK: Animals of any kind kept or raised for use or pleasure, especially meat and dairy cattle and draft animals, opposed to dead stock.

LOADING SPACE: A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials.

LOT AREA: The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). Lot area shall not include the following:

- (a) Areas within future or existing street rights-of-way.
- (b) Areas that are currently or will be dedicated as common open space or,
- (c) For residential lots only, areas within rights-of-way intended for overhead electrical lines of 35 kilovolts or higher capacity.

LOT: A parcel of land which is occupied or is to be occupied by one (1) principal building and other permitted uses, or in the case of multifamily dwellings or multi-use commercial and industrial developments to be occupied by two (2) or more principal buildings, and such open spaces as are arranged or designed to be used in connection with such principal buildings or other structures or uses, such open spaces and the area and dimensions of such lot being not less than the minimum required by this Ordinance.

LOT CORNER: A lot at the junction of, and abutting on two (2) or more intersecting streets, or at the point of abrupt change in direction of a single street the interior of which is not greater than one hundred thirty-five (135) degrees.

LOT COVERAGE: The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces which do not normally absorb rainfall.

LOT DEPTH: The distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, INTERIOR: Any lot which only has access to a street by either an easement or right-of-way; or any lot which has limited frontage to a street by virtue of being "flag-shaped".

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 such 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 lines even though such may be the property boundary line in a deed.

LOT LINE, FRONT: The lot line abutting a street and coinciding with the street line, and in the case of a corner lot, both Street-abutting lot lines. In the case of an interior lot, the front lot line shall be that property line generally parallel to the street line providing access to the lot.

LOT LINE, REAR: A lot line opposite and most distant from the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE: Any lot line connecting a front or rear lot line.

LOT, REVERSE FRONTAGE: Lots which are situated between two (2) public streets, but provide vehicular access solely from the street with the lesser highway functional classification.

LOT WIDTH: The distance, in feet, between two (2) opposite side lot lines, measured at the building setback

line.

**MAINTENANCE GUARANTEE:** Any security which may be accepted by the Borough Council to insure the structural integrity of accepted improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan, for a period of twelve (12) months.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, that is 25 m (8 body ft) or more in width or 12 m (40 body ft) or more in length in the traveling mode or, when erected on site, is 30 m<sup>2</sup> (320 ft<sup>2</sup>) or more; which is built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square meters (square feet) in a structure will be based on the structure's exterior dimensions, measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include inside bay windows.

**§2-2.13 Roof.** The roof must be predominantly double-pitched and have a minimum vertical rise of 3 inches for every twelve inches of horizontal run, and must be covered with material that is customarily used on site-built dwellings, including approved wood, asphalt composition shingles, fiberglass and metal roof, but excluding aluminum and corrugated fiberglass. The roof shall have a minimum eave projection and roof overhang of ten inches, which must include gutters and downspouts and provide positive drainage.

**§2-2.14 Siding.** Exterior siding shall be of a material customarily used on site-built dwellings, which does not have a high gloss finish, such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with building codes adopted by the Governing Body.

**§2-2.15 Installation.** The home shall be installed in accordance with the recommended installation procedures of the manufacturer and the standards set by the International Conference of Building Officials (ICBO) and published in the most recent edition of "Guidelines for Manufactured Housing Installations". A continuous, permanent concrete or masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, which may include walk-out basements and garages, shall be installed under the perimeter of the home, also in accordance with the above referenced ICBO "Guidelines".

**§2-2.16 Finished floor elevation.** The finished floor of the residential-design manufactured home shall be a maximum of 24 inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance into the dwelling.

**§2-2.17 Attached additions.** Any attached addition shall comply with the building codes adopted by the Governing Body. Architectural and aesthetic standards, as specified above, shall be applicable to all additions.

**§2-2.18 Garages.** Detached garages, which may be constructed on the same lot as a residential-design manufactured home, shall comply with all requirements of the building codes adopted by the Governing Body and with all architectural and aesthetic standards, as specified above.

**MARKER:** A metal pipe or pin of at least three-quarters (3/4) inches outside diameter and at least thirty (30) inches in length.

**MICROWAVE ANTENNA:** A parabolic ground-based reflector together with its pedestal and any other attachments and parts thereof commonly referred to as a disk-shaped antenna, used or intended to receive radio or electromagnetic waves from an overhead satellite.

**MINIMARKET:** A retail store selling a variety of food, beverages, drugs, reading material, or household supplies and having a floor area not exceeding two thousand five hundred (2,500) square feet.



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 part of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME: A factory-assembled structure or structures transportable in one or more sections that is built on a permanent chassis and designed to be used as a dwelling without a permanent foundation where connected to the required utilities and that includes the plumbing, heating, air conditioning and electric systems contained therein.

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, which said lot is leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

MONUMENT: A stone or concrete monument with a flat top at least four (4) inches in diameter or square. The bottom sides or radius shall be at least two (2) inches greater than the top to minimize movements caused by frost. The monument shall contain a steel dowel and be at least thirty (30) inches in length.

NO-IMPACT HOME-BASED BUSINESS: No-impact home-based business shall be permitted in all residential districts of the Borough as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, by-law or other document applicable to a common interest ownership community. A no-impact home-based business must satisfy the following requirements:

- a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b) The business shall employ no employees other than family members residing in the dwelling.
- c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- g) The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25%) percent of the habitable floor area.
- h) The business may not involve any illegal activity. **(Added by Ordinance No. 248)**

NONCONFORMITY: A building or other structure, use or lot by which reason of design, size or use, does not comply with the applicable use or area and bulk requirements of the zoning ordinance or amendment thereto, heretofore or hereafter enacted where such nonconformity was lawfully in existence prior to the application of such ordinance or amendment to its location by reason of annexation.

OPEN-PIT MINING: All activity which removes from the surface or beneath the surface of the land some material, mineral, resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material or an undesirable one, or to remove the strata or material which overlays or is above the desired material in its natural condition and position. Open-pit mining includes, but is not limited to the excavation necessary for the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore.

OPEN SPACE: That part of a lot, parcel or tract which is unoccupied and unobstructed by any structure or impervious cover, except recreational and utility structures, which are permitted. The term "open space" shall not include any area designed, maintained or used for streets, roads, highways, driveways or parking areas.

OPEN SPACE, COMMON: A parcel or parcels of land, within a tract which meets all of the following standards:

- (a) is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- (b) is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- (c) will be deeded to the Borough and/or deed restricted to permanently prevent uses of land other than "common open space" and non-commercial recreation, and
- (d) does not use any of the following areas to meet minimum open space requirements:
  - (i) existing or established future street rights-of-way,
  - (ii) vehicle streets or driveways providing access to other lots,
  - (iii) land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough for agricultural preservation),
  - (iv) off-street parking (other than that clearly intended for noncommercial recreation),
  - (v) area(s) needed to meet a requirement for an individual lot,
  - (vi) area(s) deeded over to an individual property owner for his/her own exclusive use, except for land approved by the Borough for agricultural preservation,
  - (vii) land beneath or within 50 feet of each side of each of the following: a) overhead electrical transmission lines of 35 kilovolts or greater capacity, b) the towers/poles supporting such lines,
  - (viii) for land intended to be open to the public, that does not have provisions for entry with a 20 feet minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street,
  - (ix) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Borough Council would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions,
  - (x) portions of land that have a width of less than 20 feet,
  - (xi) land that includes commercial recreation uses, except as may specifically be permitted to be counted towards a common open space requirement by a specific provision of this Ordinance, and
  - (xii) land that includes a central sewage treatment plant or a stormwater facility, except as provided for above.

PA DEP: The Pennsylvania Department of Environmental Protection, or its successors, and its subparts.

PARKING SPACE: A reasonably level space, having a surface slope not exceeding five (5) percent, available for the parking of one (1) motor vehicle, not less than ten (10) feet wide and having an area of not less than two hundred (200) square feet exclusive of passageways, driveways, or other means of circulation or access.

PARKING SPACES, ALL WEATHER: A parking space surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

PENNDOT: The Pennsylvania Department of Transportation, or its successor, and its subparts.

PERFORMANCE GUARANTEE: Any security which may be accepted by the Borough Council to guarantee that the proper construction of improvements be made by the developer as a condition for the approval of the Plan.

PLAN, FINAL. A complete and exact plan, with professional engineer's seal and/or professional land surveyor's seal affixed and prepared for official recording as required by this Ordinance to define property rights, streets and other proposed improvements.

PLAN, PRELIMINARY. A tentative plan, in lesser detail than a Final Plan, showing proposed streets and lot layout and such other information as required by this Ordinance.

PLAN, RECORD. The copy of the Final Plan which contains the original endorsements of the Lehigh Valley Planning Commission and the Borough Planning Commission and which is intended to be recorded with the County Recorder of Deeds.

PLAN, SKETCH. An informal plan, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision. A sketch plan is not mandatory and is not a preliminary plan.

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

POULTRY: Domesticated birds that serve as a source of eggs or meat and that include among commercially important kinds, chickens, turkeys, ducks and geese, and among kinds chiefly of local interest, guinea fowl, pea fowl, pigeons, pheasants and others.

PRINCIPAL USE: The single dominant use or single main use on a lot.

PUBLIC NOTICE: Notice published in any newspaper of general circulation in the Borough of Stockertown, once each week for two (2) successive weeks, the first not more than thirty (30) days and the second not less than seven (7) days prior to any public hearing required by this Ordinance; such notice shall give time and place, and the nature of the matter to be considered.

PUBLIC NOTICE: Notice as required by the Municipalities Planning Code.

PUBLIC UTILITY TRANSMISSION TOWER: A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines. **(Amended by Ord. 2000-6)**

PUBLIC WATER: Water which is distributed by a municipality or a private company which is subject to control of the Pennsylvania Department of Environmental Resources and the Public Utility Commission, through a network of pipes and for which a fee is charged.

RADIO TOWER: A structure erected for the sole purpose of holding antennae to be used as an accessory use specifically for communications via radio by an individual or company holding a valid active radio license issued by the Federal Communications Commission.

RECREATION LAND: Land dedicated to the Borough or other entity approved by the Borough for the use of the Borough's residents, which is suitable for active uses such as playing fields. Recreation lands shall not include areas within the 100-year flood plain, power line or pipeline rights-of-way, quarries, road rights-of-way, buffer zones, or stormwater management facilities. Recreation lands shall not include areas characterized by wetlands, hydric soils, slopes in excess of five (5%) percent, or woodlands.

RECREATION, ACTIVE: Those recreational pursuits, which require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to playgrounds, ball courts, and swimming pools.

RECREATION, PASSIVE: Recreational pursuits which can be carried out with little alteration or disruption to the area in which they are performed. Such uses include, but are not limited to, hiking, biking and picnicking.

RENTAL UNIT: An individual space offered for rent or lease within a motel, hotel, rooming house, tourist home, institutional home, dormitory, or in a professional or commercial office building.

RESTAURANT: A place of business serving food and beverage prepared for consumption within a building, and providing table or sit-down service only, but not including outdoor counter service or curbside service. The inside tables must seat comfortably a total of not less than twenty-five (25) people.

RESTAURANT, DRIVE-THROUGH: A restaurant, or section thereof, which is designed to allow for the serving and pick-up of food, without leaving the vehicle, for off-premises consumption.

RETAIL TRADE: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and vending services incidental to the sale of such goods, such as, but not limited to, hardware store, pharmacy, magazine/book store, florist or clothing store.

REVERSE FRONTAGE LOT: A parcel designed such that individual residential uses abut a street on both the front and the rear, with vehicular access from only one street. A lot will only be deemed a reverse frontage lot if access is from a local street.

RIGHT-OF-WAY: Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the future street right-of-way line.

ROAD: An open, public way for moving vehicles, persons or animals.

RUNOFF: That part of precipitation which flows over the land.

SALDO: The Stockertown Borough Subdivision and Land Development Ordinance of 2002.

SANITARY LANDFILL: A lot or land or part thereof municipally operated and used primarily for the disposal of garbage, refuse and other discarded materials, including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities. The operation of a sanitary landfill normally consists of: (1) depositing the discarded material in a planned controlled manner, (2) compacting the discarded material in thin layers to reduce its volume, (3) covering the discarded material with a layer of earth, and (4) compacting the earth cover.

SEWAGE DISPOSAL:

**§2-2.19** Individual: The disposal of sewage from one (1) dwelling unit by use of septic tanks or other safe and healthful means, approved by the Borough Sewage Enforcement Officer. Such system shall be totally within the confines of the lot on which the use is located, or shall be located within an easement designated for such purpose on another lot.

**§2-2.20** Central/Community Collection and Treatment (COLDS): A sanitary sewage system which carries sewage from individual dischargers by a system of pipes to one (1) or more common treatment and disposal facilities, either on site or off-site, and approved by the Pennsylvania Department of Environmental Resources.

**§2-2.21** Public Sewage System: An off-site system for treatment and disposal of sewage in which sewage is conveyed by interceptor to the treatment facility and disposed of through means approved by the Pennsylvania Department of Environmental Resources.

SANITARY SEWAGE DISPOSAL, ON-LOT: An "on-lot" septic tank disposal system generally providing for disposal of effluent for only one building or a group of buildings on a single lot, and provided in compliance with Pennsylvania Department of Environmental Resources' regulations or regulations of the Borough, whichever may be more stringent.

SANITARY SEWAGE DISPOSAL SYSTEM, PUBLIC: A public or private utility system designed to collect, centrally treat and dispose of sewage from more than one customer, in compliance with Pennsylvania Department of Environmental Resources' regulations or regulations of the Borough, whichever may be more stringent.

SEDIMENTATION: The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".

SHED: Any structure not suitable for human habitation, used as a utility building but not a garage, whose maximum floor coverage does not exceed 200 square feet. **(Amended by Ord. 2000-4)**

SHOPPING CENTER: The multiple use of a single property for a group of stores planned and designed as an integrated unit with controlled ingress and egress and off-street parking provided on the property as an integral part of the unit.

SIDEWALKS: The portion of street located outside the cartway and includes a paved footpath; a walk for pedestrians along the side of a street or road.

SIGHT DISTANCE: The required length of roadway visible to the driver of a motor vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made between a point 3.5 feet above the centerline of the road surface and a point 3.5 feet above the centerline of the road surface.

SIGN: A structure, building wall or other outdoor surface, or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, or to display, identify and publicize the name and product or service of any person.

SIGN, ACCESSORY USE: Signs which identify or advertise home occupations.

SIGN AREA OR SIZE: The entire area within a single continuous perimeter enclosing the extreme limits of such sign, together with all moldings, battens, cappings, nailing strips, latticing and platforms which are attached and are part of the sign proper and/or forming an integral part of the display. Signs which are composed of letters, words or representations only and which do not form a square or rectangular pattern shall be considered to include in sign area a square or rectangle as drawn at the outer limits of the letters, words or representations.

SIGN, BUSINESS: A sign directing attention to a business, commodity, or service conducted, sold or offered upon the same premises as those upon which the sign is maintained.

SIGN, DEVELOPMENT: A sign indicating that the premises is in the process of being subdivided and developed for the construction of dwellings or other buildings.

SIGN, DIRECTIONAL: A sign conveying instructions with respect to the premises on which it is maintained, such as the entrance and exit of a parking area, a warning sign, a danger sign and similar information signs.

SIGN, DOUBLE FACED: A sign with two (2) or more faces which display the same message on each face, with each of the sign faces being parallel to one another or separated by an interior angle of no greater than forty-five (45) degrees.

**SIGN, FREESTANDING:** A detached sign which shall include any sign, uprights or braces placed upon or in the ground and not attached to any building.

**SIGN, ILLUMINATED:** A non-flashing or non-twinkling sign which has characters, letters, figures, designs or outlines illuminated by direct or indirect electric lighting or luminous tubes as part of the sign.

**SIGN, OFFICIAL TRAFFIC:** Signs erected by the Commonwealth of Pennsylvania Department of Transportation or the Borough of Stockertown which are designed to regulate traffic, describe road conditions, or supply direction.

**SIGN, OFF-SITE DIRECTIONAL:** Non-illuminated signs used to direct persons to civic or service clubs, churches, schools, non-profit organizations or other public or quasi-public sites or facilities.

**SIGN, OUTDOOR ADVERTISING BILLBOARD:** A sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered upon the premises where such sign is located.

**SIGN, PORTABLE:** Signs that can either be attached or mounted on wheels or transported by flatbed trailer.

**SIGN, REAL ESTATE:** A temporary sign indicating the sale, rental or lease of the premises on which the sign is located.

**SIGN, TEMPORARY NONPROFESSIONAL:** A sign notifying or advertising a special event, such as festivals, concerts or exhibits.

**SIGN, WALL:** Any sign erected against the wall of any building, or displayed in windows or doors, or displayed with the exposed face thereof in a plane parallel to the face of said wall, window or door and which sign is mounted at a distance measured perpendicular to said wall not greater than twelve (12) inches.

**SINGLE AND SEPARATE OWNERSHIP:** The ownership of property by any person, partnership, or corporation, which ownership is separate and distinct from that of any adjoining property.

**SOLID WASTES:** All refuse including garbage and trash, and all material which is putrescible and originating from the preparation, cooking and consumption of food and market produce.

**SPECIAL EXCEPTION:** Permission, approval or authorization granted by the Zoning Hearing Board in accordance with Article XIV, Section 14-7.10, herein, only in situations where provisions therefore are specifically made by the terms of this Ordinance.

**SPECIAL PERMIT:** A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

**STORM SEWER:** A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

**STORM WATER MANAGEMENT PLAN:** The plan for managing storm water runoff adopted by Northampton County for the Bushkill Creek Watershed as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the "Storm Water Management Act".

**STORY:** That portion of a building comprised between the surface of any floor and the surface of any floor or roof next above.

**STREET:** A strip of land intended for use as a means of vehicular or pedestrian traffic, whether public or private.

**ARTERIAL STREET:** A major regional highway designed to carry heavy vehicular traffic onto, out of, or through

the regional area; subject to necessary control of entrances, exits and curb use.

COLLECTOR STREET: A street designed to carry a moderate volume of traffic to intercept local streets, to provide routes to arterial roads and to community facilities and to provide a limited amount of access to the abutting properties.

CUL-DE-SAC: A local street intersecting another street at one end, and terminating in a vehicular turn-around at the other.

DEAD END STREET: A street with a single connection with the surrounding road network, which fails to meet the definition of "stub street."

EXPRESSWAY: A major highway designed for large volumes and high speed traffic with access limited to grade separated intersections.

LOCAL STREET: A street whose function is to provide for local traffic movement with relatively low volumes and direct access to abutting properties.

LOOP STREET: A street which intersects only with itself, except for a single connection with the surrounding road network.

MARGINAL ACCESS STREET: A local street which is parallel to and adjacent to an expressway, or an arterial road, and which provides access to abutting properties and protection from through traffic.

PUBLIC STREET: A street which has been accepted for dedication by Stockertown Borough for public use.

STUB STREET: A street or road within a subdivision terminating at the subdivision boundary with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adequate connecting street system.

STREET RIGHT-OF-WAY LINE: The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line provided that: (1) the street right-of-way line shall be not less than 16-1/2 feet from the centerline of any existing road or street, and (2) where a future right-of-way width for a road or street has been officially established, then the street right-of-way shall be the side line of the future right-of-way so established.

STRUCTURAL ALTERATION: Any change in or addition to the supporting or structural members of a building, or other structure, such as the bearing wall, partitions, columns, beams or girders, or any change which could convert an existing building or other structure into a different structure; or adapt it to a different use, or which, in the case of a nonconforming building or other structure, would prolong the life of such building or other structure.

STRUCTURAL UNIT: One (1) or more buildings enclosed by continuous exterior walls and a continuous roof.

STRUCTURE: Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

- (a) The following specifically shall be considered to be structures: buildings; signs; stadiums; platforms; communications towers; walkways, porches or decks that are structurally raised above the underlying ground level or that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds; carports; and garages; post or pier mounted lights; brick or masonry piers; walls; non-portable basketball backboards; fences and gates.
- (b) Any structure shall be subject to the principal or accessory setbacks of the Stockertown Borough Zoning Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by the Stockertown Borough Zoning Ordinance.

**SUBDIVISION:** The division or re-division of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership of building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted.

**SUBDIVISION, MINOR:** A subdivision which does not by itself or in combination with previous subdivision plans, involve more than a total of three (3) lots, and does not involve the provision of any new street or easement for access (i.e. one in which all proposed lots will have frontage on an existing public street), or a boundary line adjustment between property owners where no new lots are created.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

**SURVEYOR:** A licensed surveyor registered by the Commonwealth of Pennsylvania.

**SWIMMING POOL:** A structure, above or below ground level, for the purpose of containing water to a depth, at any point, in the excess of two (2) feet and intended primarily for recreation, without regard to material of its construction.

**TRAILER CAMP:** Any land used or designated to be used as a temporary parking space for more than one (1) house trailer, or dependent mobile home; not a permitted use.

**USE:** Any purpose for which a building or other structure or tract of land may be designed, arranged, intended, maintained or occupied, or any activity, or occupation carried on, or intended to be carried on, in a building or other structure or a tract of land.

**USED CAR LOT:** Any land used or occupied for the purpose of buying and selling second-hand motor vehicles and storing said motor vehicles prior to sale, but excluding body and fender repair, painting, and the sale of fuel or lubricants for motor vehicles.

**VARIANCE:** Permission, approval or authorization granted by the Zoning Hearing Board in accordance with Article XIV, Section 14-7.9, herein, constituting a modification of, or deviation from the exact provisions of this Ordinance as applied to a specific piece of property.

**WALK WAY PUBLIC:** Any space designed or maintained solely for public pedestrian use, without regard to ownership.

**WATERS OF THE COMMONWEALTH:** Any and all rivers, streams, creeks, lakes, rivulets, dammed water, ponds, springs, and all other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or in the boundaries of the Commonwealth of Pennsylvania.

**WATERCOURSE:** Any channel of conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WATER SUPPLY AND DISTRIBUTION SYSTEM, ON-LOT:** An "on-lot" water supply system generally providing for an adequate supply of water for one building or a group of buildings on a single lot, and in compliance with the Pennsylvania Department of Environmental Resources, regulations or Borough regulations, whichever may be more stringent.

**WATER SUPPLY AND DISTRIBUTION SYSTEM, PUBLIC:** A public or private utility system designed to transmit water from a common source to customers in compliance with the Pennsylvania Department of Environmental



Resources' Regulations or the Borough Regulations, whichever may be more stringent.

WETLANDS: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, or as specifically described under the official Federal definition of wetland.

WHOLESALE: A commercial activity comprising the sale of commodities in large quantities or in bulk, as to retailers or jobbers, rather than to consumers directly, including the warehousing, loading and unloading, and shipping of such commodities.

WINDMILL: A structure for the purpose of generating energy by utilizing wind-driven blades.

WOODLAND: Areas composed of a grove of trees forming one canopy where ten (10) or more trees measure at least six (6) inches in diameter, measured at four and one-half (4-1/2) feet from the ground.

YARD (SETBACK): A prescribed open area around the inner periphery of a lot, in which no building or structure shall be created, except for permitted signs and fences; a yard extends parallel to lot lines and street lines, and is measured as a distance perpendicular to lot and street lines.

YARD, FRONT: A yard parallel to a street line for a street from which the lot has access or which abuts the lot, and extending the entire width of the lot. In the case of a corner lot, the yards extending along all streets are front yards and the remaining yards shall include a rear yard, opposite the street to which the principal building is located, and a side yard opposite the other street. In the case of an interior lot, the front yard shall extend along the front lot line the entire width of the lot and shall not include any portion of the right-of-way or accessway connecting the lot with the street.

YARD, REAR: A yard extending the full width of the lot along the rear lot line.

ZONING HEARING BOARD: The Zoning Hearing Board of Stockertown Borough.

ZONING OFFICER: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

ZONING PERMIT: A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance, which authorizes an applicant to proceed with said use, building or structure.

## ARTICLE III ESTABLISHMENT OF DISTRICTS

### §3-1. Establishment of Districts

§3-1.1 The Borough is divided into districts, each with a specified purpose and intent to implement the purpose of this Ordinance and the goals and objectives of the Comprehensive Plan.

§3-1.2 Every parcel of land and every building or other structure in the Borough, except as otherwise provided by law or by the Ordinance, shall be subject to the provisions specified for the district in which it is located.

§3-1.3 A building may be erected or used, and a lot may be used or occupied only for the uses permitted by right, accessory uses, conditional uses which adhere to the explicit standards and criteria, and the uses permitted by special exception, when approved, in the zoning district in which the building or lot is located. No other use shall be permitted unless the Borough Council approves an amendment to this Ordinance either permitting another use in the Zoning District or rezoning the lot to permit another use.

### §3-2. Classes of Districts

For the purpose of this Ordinance, the Borough of Stockertown is hereby divided into the following classes of Districts:

R- 1	Residential District
MU	Mixed Use
I	Industrial
O/I	Office/Industrial
FP	Floodplain

### §3-3. Zoning Map

The location and boundaries of such districts, with the exception of the Floodplain District, shall be as shown on the map attached to and hereby made a part of this Ordinance, which map shall be designated the "Zoning Map of Stockertown Borough. The said map, and all the notations, references, and other data shown hereon, shall be as much a part of this Ordinance as if fully described herein.

### §3-4. District Boundaries

The boundaries between districts are, unless otherwise indicated, either the center lines of streets, lanes, watercourses and rights-of-way of power lines, pipelines, and other public utilities. Where boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse, or right-of-way of a power line, pipe line or other public utility, for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such feature named lying within such portion of its length. Where uncertainty exists as to the location of any such boundary as shown on the Zoning Map, the following rules shall apply:

§3-4.1 Where a district boundary is indicated as approximately following a lot line or other property line, or as approximately following the center line of a street, lane, lake, watercourse or right-of-way of a utility line, such center line shall be construed as such boundary line.

§3-4.2 Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on said map.

§3-4.3 Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate

that the district boundary runs parallel to the street Line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise specified. Where scaled distances do not agree with such figures, the figures shall control.

**§3-5. Boundary Tolerances**

Where a lot is divided by a district boundary line, other than a boundary line of the floodplain District, the uses permitted in the less restrictive district may extend into that portion of said lot in the more restrictive district to the nearest lot line, but in no case a greater distance than fifty (50) feet, so long as full use is made of the less restricted area before extension into the more restricted area of the said lot, and provided, however, that the area and bulk regulations of the less restrictive district shall not be so extended and further provided that in no case shall the uses permitted in an abutting district be extended for any distance into a floodplain District.

## ARTICLE IV R-1 RESIDENTIAL

### §4-1. Purpose

The purpose of the “R-1” Residential District is to create and/or maintain a pleasant low-density residential area, free from intrusions by commercial and industrial uses. The development of the district at the maximum densities allowed is to be coordinated with the availability and use of public water supply and sewage disposal. In the R-1 Residential District, the following regulations shall apply:

### §4-2. Use Regulations

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

§4-2.1 Single-family detached dwelling.

§4-2.2 Single-family semidetached dwelling.

§4-2.3 Municipal use.

§4-2.4 Private or public club for swimming, tennis, golf or other recreation, provided that the principal activity shall not be one which is customarily carried on as a commercial activity.

§4-2.5 Agricultural uses in accordance with Section 9-5.

§4-2.6 No-impact home-based business as defined in Section 2-2, subject to the requirements of Section 9-21 shall be a permitted accessory use. **(Added by Ordinance No. 248)**

§4-2.7 Any of the following uses when authorized as a special exception and subject to the provisions of Section 14-7.10.

§4-2.7.1 Public or parochial educational or religious, use, in accordance with Sections 9-8 and 9-9.

§4-2.7.2 Home occupations in accordance with Section 9-1.2.4

§4-2.7.3 Bed and breakfast in accordance with Section 9-1.2.5.

§4-2.7.4 Day care in accordance with Section 9-3.

§4-2.7.5 Conversion of dwellings in accordance with Section 9-2.

§4-2.7.6 Signs in accordance with Article XI.

§4-2.7.7 Accessory use in accordance with Section 12-1.

**§4-3. Area and Bulk Regulations**

	<u>Without Public Sewer</u>	<u>With Public Sewer</u>
<u>Lot Area - Minimum</u>		
1. Single-family detached	1 acre	12,000 sq. ft.
2. Single-family semidetached	1 acre/unit	9,000 sq. ft.
	<u>Without Public Sewer</u>	<u>With Public Sewer</u>
3. Other permitted uses	2 acres	20,000 sq. ft.

Minimum Lot Width and Building Line

1. Single-family detached	180 ft.	90 ft.
2. Single-family semidetached	150 ft.	45 ft.
3. Other permitted uses	200 ft.	100 ft.

Maximum Building Coverage

1. Single-family detached	20%	25%
2. Single-family semidetached	20%	25%
3. Other permitted uses	30%	40%

Maximum Lot Coverage

1. Single-family detached	30%	40%
2. Single-family semidetached	30%	40%
3. Other permitted uses	50%	60%
(a) Front Yard, Minimum	30 ft.	30 ft.
(b) Rear Yard, Minimum	35 ft.	35 ft.
(c) Side Yards, Minimum	25 ft.	10 ft.
(d) Maximum Building Height	2 stories or 35 ft.	2 stories or 35 ft.
(e) Minimum Square Foot Living Space	1,000 sq. ft.	1,000 sq. ft.

**§4-4. Design Standards**

For additional regulations applicable to this district, see Article IX Supplemental Land Use Regulations, Article X General Provisions, and Article XI Signs.

## ARTICLE V MU MIXED USE DISTRICT

### §5-1. Purpose

The purpose of the “MU” Mixed Use District is to provide areas in the Borough for a continued mix of residential and commercial activity as well as new residential, office and commercial development. The MU District has been located in areas where convenient access and services are available. In the MU District, the following regulations shall apply:

### §5-2. Use Regulations

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

§5-2.1 Single-family detached dwelling, single-family semidetached dwelling and two-family dwellings.

§5-2.2 Apartments above or in the rear of a permitted commercial use.

§5-2.3 Hotel, including restaurant and bar, confectionery and newsstand.

§5-2.4 Retail store for the sale of dry goods, variety merchandise clothing, food, beverages, drugs, furnishings and other household supplies, jewelry, time pieces, musical instruments, scientific instruments and antiques.

§5-2.5 Business or professional office, studio, bank or other financial institution, library.

§5-2.6 Restaurant, provided, however, that outdoor counter, drive-in or curbside service shall not be permitted.

§5-2.7 Personal service shop such as barber, beauty salon, tailor and shoe repair.

§5-2.8 Contractor, craftsman including plumbing, heating, carpenter, welding.

§5-2.9 Self-service laundry and dry cleaning establishment provided, however, that the establishment will be connected to the Stockertown Borough Sewage Treatment Plant.

§5-2.10 Church or other religious organization, club or fraternal organization.

§5-2.11 No-impact home-based business as defined in Section 2-2, subject to the requirements of Section 9-21 shall be a permitted accessory use. **(Added by Ordinance No. 248)**

§5-2.12 The following uses when authorized as a special exception and subject to the provisions of Section 14-7.10 herein.

§5-2.12.1 Multifamily dwellings according to Section 9-10.

§5-2.12.2 Home occupations according to Section 9-1.2.4

§5-2.12.3 Mixed use development according to Section 9-7.

§5-2.12.4 Bed and breakfast according to Section 9-1.2.5

§5-2.12.5 Automotive sales and service according to Section 9-15.

§5-2.12.6 Drive-through restaurant facilities according to Section 9-16.

§5-2.12.7 Service stations and vehicle repair shops according to Section 9-17.

§5-2.12.8 Group home according to Section 9-4.

§5-2.12.9 Warehousing and distribution. **(Amended by Ord. 2001-3)**

§5-2.12.10 Light manufacturing. **(Amended by Ord. 2001-3)**

§5-2.13 The following when authorized as a conditional use by the Borough Council subject to Section 14-1 of this Ordinance:

§5-2.13.1 Mobile home park according to Section 9-18.

§5-2.14 Accessory uses according to Section 9-1.

**§5-3. Area and Bulk Regulations**

	<u>Without Public Sewer</u>	<u>With Public Sewer</u>	<u>Minimum Living Square Footage</u>
Lot Area - Minimum			
1. Single-family detached	1 acre	9,000 sq.ft.	1,000 sq.ft.
2. Single-family semidetached and two-family detached	1 acre/unit	6,500 sq.ft.	1,000 sq.ft.
3. Multifamily dwellings (tract)	Not Permitted	20,000 sq.ft.	1,000 sq.ft.
a. Maximum gross density (tract)		6 DU/Ac*	
b. Maximum net density		8 DU/Ac*	
4. Mixed Use	1 acre/use	15,000 sq.ft.	
5. Other permitted uses	1 acre/use	8,000 sq.ft.	
6. Mobile Home Park	Not Permitted	5 Acres	800 sq.ft.
a. Maximum Gross Density		6 DU/AC*	

\*DU/Ac - dwelling unit per acre

	<u>Without Public Sewer</u>	<u>With Public Sewer</u>
Minimum Lot Width at Building Line		
1. Single-family detached	150 ft.	50 ft.
2. Single-family semidetached and two-family detached	150 ft.	40 ft.
3. Multifamily dwellings (tract)		80 ft.
4. Mixed Use	200 ft.	80 ft.
5. Other permitted uses	200 ft.	60 ft.
6. Mobile home park		200 ft.

Maximum Building Coverage

	<u>Without Public Sewer</u>	<u>With Public Sewer</u>
1. Single-family detached	20%	45%
2. Single-family semidetached and two-family detached	20%	45%
3. Multifamily dwellings (tract)		45%
4. Mixed use	30%	55%

5. Other permitted uses	30%	55%
6. Mobile home park		40%



	<u>Without Public Sewer</u>	<u>With Public Sewer</u>
Maximum Lot Coverage		
1. Single-family detached	30%	60%
2. Single-family semidetached and two-family detached	30%	60%
3. Multifamily dwellings (tract)		60%
4. Mixed use	50%	70%
5. Other permitted uses	50%	70%
6. Mobile home park		40%
Front and Rear Yard, Minimum		
1. Single-family detached	35 ft.	35 ft.
2. Single-family semidetached and two-family detached	25 ft.	25 ft.
3. Multifamily dwellings (tract)		40 ft.
4. Mixed use	35 ft.	35 ft.
5. Other permitted uses	35 ft.	35 ft.
6. Mobile home park		25 ft.
Side Yards, Minimum		
1. Single-family detached	25 ft.	15 ft.
2. Single-family semidetached and two-family detached	25 ft.	10 ft.
3. Multifamily dwellings (tract)		25 ft.
4. Mixed use	25 ft.	15 ft.
5. Other permitted uses	25 ft.	15 ft.
Maximum Building Height	* 3 stories or 35 ft.	

\* Except that by special exception for every one foot above 35 feet there shall be one foot added to each of the required yards, up to 65 feet.

#### **§5-4. Design Standards**

For additional regulations applicable to this district, see Article IX Supplemental Land Use Regulations, Article X General Provisions, and Article XI Signs.

# ARTICLE VI I INDUSTRIAL DISTRICT

## §6-1. Purpose

The purpose of the "I" Industrial District is to provide for industrial and other related intensive activities in the Borough; to encourage the establishment of industrial uses which will offer additional employment opportunities and an increased tax base for the Borough; to establish reasonable standards governing industrial development to ensure its compatibility with the character of the area and adjacent land uses; and to locate industrial uses within close proximity to major roads in order to provide safe and efficient access by industrial-related traffic.

In the I Industrial District, the following regulations shall apply:

## §6-2. Use Regulations

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

- §6-2.1 Assembly of office equipment and electrical appliances and supplies; and similar processes not to include the manufacturing of iron, steel, other metals or alloys, or metal processing.
- §6-2.2 Manufacture of light industrial products from already prepared materials (such as cloth, leather, paper, plastic, glass); manufacture of professional, scientific, or electronic instruments; jewelry; watches and similar products.
- §6-2.3 Research, engineering, or testing laboratories.
- §6-2.4 Public utility operating facilities.
- §6-2.5 Printing or publishing establishment.
- §6-2.6 Office building.
- §6-2.7 Wholesale warehouse, and distribution.
- §6-2.8 Contractor's establishment.
- §6-2.9 Any one of the following uses when authorized as a special exception by the Zoning Hearing Board, subject to Section 14-7.10 of this Ordinance:
  - §6-2.9.1 Sanitary landfills in accordance with the requirements of Section 9-11.
  - §6-2.9.2 Junkyard in accordance with the requirements of Section 9-12.
  - §6-2.9.3 Recycling collection center, excluding processing or transfer station in accordance with the requirements of Section 9-13.
  - §6-2.9.4 Motor vehicle body or fender repair, including painting or major overhauling in accordance with the requirements of Section 9-14.
  - §6-2.9.5 Industrial and manufacturing uses limited to the following, provided any use, process, or activity which is, or could be noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration, radiation, or noise, or which constitutes a public health hazard by fire, explosion, or otherwise, shall not be permitted:

**§6-2.9.5A** Manufacture of lime or cement

**§6-2.9.5B** Foundries

**§6-2.9.5C** Underground storage of fuels or similar substances, including the sale or distribution thereof.

**§6-2.9.6** Any use similar to the above permitted uses not specifically provided for herein, provided that the use meets the performance requirements of Section 10-9 of this Ordinance.

**§6-2.10** The following accessory uses shall be permitted provided that they are incidental to any of the foregoing permitted uses:

**§6-2.10.1** Customary industrial accessory uses.

**§6-3. Area and Bulk Regulations**

**§6-3.1** Minimum Lot Area

Every lot shall have an area of not less than three (3) acres.

**§6-3.2** Minimum Lot Width

Every lot shall not be less than three hundred (300) feet in width.

**§6-3.3** Yard Regulations

**§6-3.3.1** A front yard of not less than seventy-five (75) feet shall be provided on each lot.

**§6-3.3.2** A rear yard and two (2) side yards of not less than fifty (50) feet each shall be provided on each lot, except that setback shall be one hundred (100) feet where abutting a residential district. If the lot is a reverse frontage lot, then the requirements of Section 10-2.2 shall apply.

**§6-3.4** Coverage Regulation

The maximum building and lot coverage permitted in this district shall be according to the following:

<u>Lot Area</u>	<u>Building Coverage</u>	<u>Lot Coverage</u>
3 to 9 acres	40%	70%
9.1 to 15 acres	35%	60%
15.1 or more acres	30%	50%

**§6-3.5** Height Restrictions

No structure or principal building shall exceed forty (40) feet in height.

**§6-3.6** Accessory Buildings/Structures

No accessory building or structure shall be located within the front yard, nor within thirty (30) feet of any side or rear lot line.

**§6-4. Community Facilities**

Public sewer and water are required for any use permitted in this district, if available. Unless adequate provisions for off-site sewage disposal are provided, there shall be a minimum contiguous area suitable for on-site sewage disposal which is twenty (20) percent of the tract, but in no case less than ten thousand (10,000) square feet.

**§6-5. Design Standards**

For additional regulations applicable to this district, see Article IX Supplemental Land Use Regulations, Article X General Provisions, and Article XI Signs.

## ARTICLE VII O/I-OFFICE/INDUSTRIAL DISTRICT

### **§7-1. Purpose**

The purpose of the "O/I" Office/Industrial District is to provide for a combination of administrative office and research facilities and light manufacturing, assembly and warehousing facilities, which generally require smaller lots. The Office/Industrial District shall be located in close proximity to roadways to provide efficient and safe access by industry-related traffic.

In the O/I district, the following regulations shall apply:

### **§7-2. Use Regulations**

A building or other structure may be erected, altered, or used, and a lot may be used or occupied for any one of the following purposes and no other, provided, any use, process, or activity which is or could be, noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration, radiation, or noise, or which constitutes a public health hazard by fire, explosion, or otherwise shall not be permitted:

**§7-2.1** Printing or publishing establishment.

**§7-2.2** Recycling collection center.

**§7-2.3** Craftsman or constructor shop, such as carpentry, plumbing, welding, electrical, or machine shop.

**§7-2.4** Trucking terminal, provided the minimum lot size is three (3) acres.

**§7-2.5** Warehouse, supply house, and similar uses when carried on within an enclosed building.

**§7-2.6** Wholesale and distribution business when carried on within an enclosed building.

**§7-2.7** A building or other structure may be erected, altered, or used, and a lot may be used for any of the following uses when authorized by a special exception by the Zoning Hearing Board, subject to Section 14-7.10 of this Ordinance.

**§7-2.7.1** Automobile service or repair facilities.

**§7-2.7.2** Auto body repair and paint shop subject to provisions of Section 10-49.

**§7-2.7.3** Outdoor storage, subject to the provision of Section 10-7.

**§7-2.7.4** Manufacturing and processing uses limited to the following purposes, provided any use, process, or activity which is, or could be, noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration, radiation, or noise, or which constitutes a public health hazard by fire, explosion, or otherwise, shall not be permitted:

**§7-2.7A** Light metal processes, limited to finishing, grinding, polishing, heat-treating, or stamping.

**§7-2.7B** Manufacture or assembly of electrical appliances, supplies, and equipment.

**§7-2.7C** Manufacture of products from previously prepared materials, such as canvas, cellophane, cork, felt, glass, hair, leather, or plastic.

**§7-2.7D** Retail sale of good produced as a permitted accessory use, provided that the

area devoted to such sale of goods does not exceed twenty (20) percent of the gross floor area of the building and that all other applicable provisions of this Ordinance are met by both the permitted use and the associated retail activity.

**§7-2.8** Communications antennas mounted on an existing Public Utility Transmission Tower, building or other structure, including existing communications towers and communications equipment buildings. **(Amended by Ord. 2000-6)**

**§7-2.9** Communications towers and communications equipment buildings. **(Amended by Ord. 2000-6)**

**§7-3. Area and Bulk Regulations**

The following regulations shall apply to all uses permitted in this district:

**§7-3.1** Lot Area. Every lot shall have an area of no less than one (1) acre.

**§7-3.2** Lot Width. The lot width at the building line and at the street line shall be a minimum of one hundred twenty-five (125) feet.

**§7-3.3** Building Coverage. The area of each lot covered by buildings shall not exceed twenty-five (25) percent of the lot area.

**§7-3.4** Lot Coverage. The area of each lot covered by buildings, paving and other impervious cover, shall not exceed sixty (60) percent of the lot area.

**§7-3.5** Setbacks. The setbacks for each lot shall be in accordance with the following:

	Range of Lot Area	
	<u>.50 to .99 Acres</u>	<u>1.0 to 1.99 Acres</u>
Front yard	50 feet	100 feet
Rear yard	50 feet	50 feet
Side yard (each)	25 feet	50 feet
Residential *	50 feet	100 feet

\* The setback shall be as indicated for any side residential district or existing residential use or rear yard abutting a residential district or existing residential use.

**§7-3.6** Height Regulations. No building or structure shall exceed thirty-five (35) feet in height. These height regulations shall not apply to any communications antennas or communications towers. **(Amended by Ord. 2000-6)**

**§7-4. Community Facilities**

Public sewer and public water are required for any use permitted in this district, if available. Unless adequate provisions for off-site sewage disposal is provided, there shall be a minimum contiguous area suitable for on-site sewage disposal which is twenty (20) percent of the tract, but in no case less than ten thousand (10,000) square feet.

**§7-5. Design Standards**

For additional regulations applicable to this district, see Article IX Supplemental Land Use Regulations, Article X General Provisions, and Article XI Signs.

**§7-5.1 Regulations governing communications antennas and communications equipment buildings**

- §7-5.1.1** Building mounted communications antennas shall not be located on any single-family dwelling or two family dwelling.
- §7-5.1.2** Building mounted communications antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than twenty (20) feet.
- §7-5.1.3** Omni-directional or whip communication antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- §7-5.1.4** Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.
- §7-5.1.5** Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- §7-5.1.6** Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Borough Engineer for compliance with the Borough's building code and other applicable law.
- §7-5.1.7** Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
- §7-5.1.8** Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- §7-5.1.9** Communications antennas shall not cause radio frequency interference with other communications facilities located in the Borough.
- §7-5.1.10** A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.
- §7-5.1.11** The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas. **(§7-5. Added by Ord. 2000-6)**

## ARTICLE VIII FLOODPLAIN DISTRICT

### **§8-1. Purpose**

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- §8-1.1** Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
- §8-1.2** Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
- §8-1.3** Requiring all those uses, activities, and development that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
- §8-1.4** Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

### **§8-2. Warning and Disclaimer of Liability**

The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purpose and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodplain districts, or that land uses permitted within such districts will be free from flooding or flood damages.

This ordinance shall not create liability on the part of Stockertown Borough or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

### **§8-3. Description of Districts**

#### **§8-3.1 Basis of Districts**

The various floodplain districts shall include areas subject to inundation by waters of the one-hundred (100) year flood. The basis for the delineation of these districts shall be the Flood Insurance Study prepared by the Federal Insurance Administration (HA) dated March 1978.

- §8-3.1.1** The Floodway District (FW) is delineated for the purposes of this ordinance using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in the Floodway Data Table of the above referenced Flood Insurance Study and shown on the Flood Boundary and floodway Map.
- §8-3.1.2** The flood-Fringe District (FF) shall be that area of the 100-year floodplain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred (100) year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study (FIS) and as shown on the Flood Boundary and Floodway Map.
- §8-3.1.3** The General floodplain District (PA) shall be that floodplain area for which no detailed flood



profiles or elevations are provided. Such areas are shown on the maps accompanying the P15 prepared by the HA. In determining the necessary elevations for the purposes of this Ordinance, other sources of data may be used such as:

**§8-3.1.3A** Corps of Engineers - Floodplain Information Reports

**§8-3.1.3B** U.S. Geological Survey Flood Prone Quadrangles

**§8-3.1.3C** U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils)

**§8-3.1.3D** Known high water marks from past floods

**§8-3.1.3E** Other sources

**§8-3.1.3F** Where the specific 100-year flood elevation cannot be determined for this area using sources of data, then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance 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.

#### **§8-3.2 Overlay Concept**

**§8-3.2.1** The floodplain districts described above shall be considered as overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map and, as such, the provision for the floodplain districts shall serve as a supplement to the underlying district provisions.

**§8-3.2.2** Where there happens to be any conflict between the provision or requirements of any of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

**§8-3.2.3** In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

#### **§8-4. Zoning Map**

The boundaries of the floodplain districts are established as part of the Official Zoning Map of Stockertown Borough, as delineated on the Flood Insurance Study and dated March, 1978, which is declared to be a part of this ordinance and which shall be kept on file at the Stockertown Borough offices.

#### **§8-5. District Boundary Change**

The delineation of any of the floodplain districts may be revised by the Stockertown Borough Council where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, Delaware River Basin Commission or other qualified agency or individual documents the notification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

#### **§8-6. Interpretation of District Boundaries**

Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer. Should a

dispute arise concerning the boundaries of any of the districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and submit his own technical evidence if he so desires.

**§8-7. District Provisions**

**§8-7.1** All uses, activities, and development occurring within any floodplain district shall be undertaken in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances such as the Borough Building Code and Borough Subdivision and Land Development Ordinance.

**§8-7.2** No hazardous or toxic substances may be stored or used within any floodplain district.

**§8-7.3** Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

**§8-7.4** Prior to any proposed alteration or relocation of any stream, watercourse, etc., within the municipality, a permit shall be obtained from the Department of Environmental Resources, Dams and Encroachment Division. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notification shall be forwarded to both the Federal Insurance Administration and the Pennsylvania Department of Community Affairs.

**§8-8. Development Which May Endanger Human Life**

**§8-8.1** The provisions of this section shall be applicable, in addition to any other applicable provisions of this ordinance, or any other ordinance, code, or regulation.

**§8-8.2** In accordance with the Pennsylvania Floodplain Management Act, 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 materials or substances currently listed in the Act or defined as hazardous waste under Section 75.261, Chapter 75, Title 25 of the Pennsylvania Code, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions.

**§8-8.3** Within any Floodway District (FW) any structure of the kind described in Subsection B above shall be prohibited.

**§8-8.4** Where permitted within any Flood Fringe District (FF) or General Floodplain District (FA), any structure of the kind described in Subsection B, above shall be:

**§8-8.4.1** Elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the one hundred (100) year flood and;

**§8-8.4.2** Designed to prevent pollution from the structure or activity during the course of a one-hundred (100) year flood.

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), or with some other equivalent watertight standard.

**§8-8.5** Within any General Floodplain District (PA) any structure of the kind described in Subsection B above shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

**§8-8.6** Except for a possible modification of the one and one-half (1 1/2) foot free board requirements, no variance shall be granted for any of the other requirements of Section 8-8.

**§8-9. Activities Specifically Prohibited**

The following activities and development are prohibited within the Floodplain District and no variance shall be granted:

**§8-9.1** 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:

**§8-9.1.1** Hospitals

**§8-9.1.2** Nursing Homes

**§8-9.1.3** Jails or Prisons

**§8-9.2** The commencement of, or any construction of, a new mobile home park or mobile home subdivision or substantial improvement to any existing mobile home park or mobile home subdivision.

**§8-10. Floodway District (FW)**

In the Floodway District no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvement which have been approved by all appropriate local and/or state authorities as required above.

**§8-10.1 Permitted Uses**

In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials and equipment.

**§8-10.1.1** Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

**§8-10.1.2** Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.

**§8-10.1.3** Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas.

**§8-10.1.4** Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.

**§8-10.2 Uses Permitted by Special Exception**

The following uses and activities may be permitted by Special Exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance:

**§8-10.2.1** Structures except for mobile homes accessory to the uses and activities in Section 8-10.1.

**§8-10.2.2** Utilities and public facilities and improvements such as railroads, streets, bridges,

transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.

**§8-10.2.3** Water-related uses and activities such as marinas, docks, wharves, piers, etc.

**§8-10.2.4** Extraction of sand, gravel and other materials.

**§8-10.2.5** Temporary uses such as circuses, carnivals, and similar activities.

**§8-10.2.6** Storage of materials (except as noted in Section 808) and equipment provided that they are not buoyant, flammable, or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

**§8-10.2.7** Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities and structural developments, shall be undertaken in strict compliance with the floodproofing provisions contained in all applicable codes and ordinances.

#### **§8-11. Flood Fringe District (FF)**

In the Flood Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in all applicable codes and ordinances.

#### **§8-12. General Floodplain District (FA)**

**§8-12.1** In the General Floodplain District no development, use or activity (including fill, grading and/or substantial improvements to structures, etc.) shall be permitted unless the applicant for the proposed development, use or activity has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the one hundred year flood more than one (1) foot at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increases in flood heights.

**§8-12.2** In the floodway portion of the district no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements. Only those uses and/or activities provided for in the Floodway District (FW) shall be permitted in the floodway portion of the district.

**§8-12.3** No hospital, nursing home, jail, or mobile home park shall be constructed within the area measuring fifty (50) feet landward from the top-of-bank of any watercourse.

# ARTICLE IX SUPPLEMENTAL LAND USE REGULATIONS

## §9-1. Accessory Use Regulations

Accessory uses as authorized by this Ordinance shall include the following and uses of the same general character:

### §9-1.1 Accessory Use to Agriculture.

The keeping of livestock, poultry or fish, but only in such quantities and to such extent as are customarily incidental to the principal use in accordance with Section 9-5 of this Ordinance.

### §9-1.2 Uses Accessory to Single-Family Dwelling.

**§9-1.2.1** Detached private garage, private parking space, private stables, barn, shed, shelter for pets owned by the property owner, swimming pool, bathhouse, private greenhouse, and quarters for guests and for servants or tenants, employed on the premises, provided, however, that where such quarters are within a building detached and separate from the principal dwelling, there shall be a minimum lot area equal to the product of the minimum lot area of the district multiplied by the number of separate housekeeping units on the lot, and further provided that the rental or leasing of any of such quarters shall not be permitted.

**§9-1.2.2** No commercial vehicle, or part thereof or combination thereof, having a registered gross weight, either solely or in combination exceeding eight thousand (8,000) pounds, or which is in excess of eighteen (18) feet in length, shall be parked, stored or maintained on any street, road right-of-way, lot or within any building or structure in any residential district established in Section 301 of this Ordinance, except a construction vehicle or vehicles owned by a contractor or other tradesman temporarily engaged in the performance of actual work or delivery of materials to any such street, road right-of-way, lot, building or structure. The proper maintenance and storage of farm equipment, horse vans, boats, recreation vehicles or a motor home, a recreational trailer or a farm truck as the latter terms are defined in the Pennsylvania Vehicle Code, on a lot owned or occupied by the owner of such equipment or vehicle, shall not be deemed to be prohibited by this Section. For the purposes of this Section, the term registered gross weights shall have the meaning ascribed to it in the definitions section of the Pennsylvania Vehicle Code.

**§9-1.2.3** The keeping of animals, exclusive of customary household pets, shall not be permitted except on property qualifying for agricultural use in accordance to Section 9-5 of this Ordinance.

**§9-1.2.4** Home occupations, when authorized as a special exception, such as a professional office or studio of a teacher, artist, architect, musician, engineer, accountant, consultant, manufacturer's agent or sales representative, or practitioner of a similar character, or rooms for home occupations, or handicrafts, day care, or for teaching not more than four (4) pupils at one time, provided that:

**§9-1.2.A** Office, studio or rooms are located in a dwelling in which the practitioner resides, or are in a building accessory thereto.

**§9-1.2.4B** No goods are publicly displayed on the premises.

**§9-1.2.4C** Not more than twenty (20) percent of the habitable floor area shall be used for any such occupation, but in no case more than five hundred (500) square feet.

- §9-1.2.4D** This subsection shall not be construed to authorize the practice of said profession or occupation on the premises by persons not actually residing thereon, except that not more than one (1) assistant shall be permitted who may not reside on the premises.
- §9-1.2.4E** Such profession or occupation shall not involve the regular presence or parking of commercial vehicles on the lot, nor deliveries of commercial carriers.
- §9-1.2.4F** Such profession or occupation shall not result in the parking of any vehicle on any street or highway.
- §9-1.2.4G** The exterior of the residence or accessory structure shall have an appearance no different than if there were no home occupation conducted inside.
- §9-1.2.4H** No offensive or disturbing noise, smoke, odor or other objectionable effects shall be noticeable at or beyond the lot line.
- §9-1.2.4I** When patrons are expected to drive to the use, a minimum of two (2) and maximum of four (4) off-street parking spaces shall be required on the lot in addition to those required for the residential dwelling.
- §9-1.2.5** The following standards shall apply to the operation of any Bed and Breakfast facility permitted by this Ordinance:
- §9-1.2.5A** A bed and breakfast facility shall be permitted only in single-family detached, owner-occupied dwellings containing a minimum of three thousand five hundred (3,500) habitable square feet.
- §9-1.2.5B** The principal use of the property shall remain that of a single-family residential dwelling.
- §9-1.2.5C** No more than four (4) guestrooms may be offered on any individual residential property.
- §9-1.2.5D** There shall be provided one (1) full bathroom (one toilet, wash basin, bath/shower) for each two (2) guestrooms.
- §9-1.2.5E** The length of stay shall be not more than two (2) uninterrupted days for any guest.
- §9-1.2.5F** Meals shall consist of breakfast only and only for the guests of the establishment. Owners shall comply with all Federal, State, and local requirements for the preparation, handling and serving of food.
- §9-1.2.5G** Any amenities (swimming pool, tennis court, etc.) shall be solely for the use of the resident owner and bed and breakfast guest.
- §9-1.2.5H** The owner shall maintain a current guest registration.
- §9-1.2.5I** Area and bulk standards shall be those that apply to single-family detached dwellings within the applicable zoning district.
- §9-1.2.5J** One (1) on-site parking space shall be provided per guestroom and shall not be located in any required yard area.
- §9-1.2.5K** One (1) sign shall be permitted in association with a bed and breakfast operation.

Any such sign shall be in conformance with standards for home occupations in Section 11-4.

**§9-1.2.5L** Each bed and breakfast facility shall be equipped at minimum with one (1) smoke detector and one (1) fire extinguisher. Guests shall be provided with floor plans of the dwelling for emergency exits.

**§9-1.2.6** The following standards shall apply to any skateboard ramps proposed in the Borough:

**§9-1.2.6A** Skateboard ramps shall be constructed as a permanent structure and shall require a building permit prior to construction.

**§9-1.2.6B** The ramp shall not exceed five (5) feet in height.

**§9-1.2.6C** The ramp shall not be placed in a driveway, sidewalk, parking lot or any other area intended for vehicular or pedestrian traffic.

**§9-1.2.6D** The ramp shall be fenced and screened from adjacent land uses in accordance with Section 10-5.

**§9-1.2.6E** The ramp shall be used exclusively for the residents of the dwelling.

**§9-1.2.6F** The ramps shall apply to the area and bulk standards of the applicable district.

**§9-1.3** Uses Accessory to Multifamily Dwellings.

Recreation facilities, designed for the use of tenants and their guests, such as swimming pools, tennis and badminton courts, swings, see-saws, slides, and recreational activities similar to the foregoing, when made an integral part of the project design and shown on the development plan reviewed by the Planning Commission and approved by the Council.

**§9-1.4** Uses Accessory to Public Park.

Customary recreational, refreshment and service uses and buildings in any public park, and playground or other recreational area.

**§9-1.5** Uses Accessory to Commercial Activities.

In all commercial Districts there shall not be outdoor warehousing, and only such merchandise which can be returned indoors may be displayed during business hours in an area not exceeding twenty (20) percent of the indoor display area, provided that automobiles, farm machinery and implements, busses and the like may remain out of doors at all times.

**§9-1.6** Uses Accessory to Industrial Activities.

Caretaker quarters, and customary storage of raw materials and the warehousing of finished products within a principal or accessory building, lunchroom facilities for the exclusive use of employees, and outdoor storage.

**§9-1.7** Radio Towers and Microwave Antennas.

**§9-1.7.1** Radio Towers - The following regulations shall apply:

**§9-1.7.1A** Radio towers shall be permitted in any district by special exception. Said permission shall be made on a temporary basis and shall apply to the individual or company holding a valid operator's license. The temporary permit shall be effective so long as

such license remains active and the tower is maintained in good repair.

Within sixty (60) days of the expiration of such license, the applicant shall dismantle the structure covered by the temporary permit.

**§9-1.7.1B** The tower and foundation shall be designed and its construction supervised by a Registered Engineer. The applicant shall file a location plan and details for the tower prepared by the same Registered Engineer, as well as manufacturer's specifications.

**§9-1.7.1C** Radio towers must conform to applicable Federal Communications Commission (FCC) Regulations.

**§9-1.7.1D** The tower shall meet all yard requirements of the zoning district in which it is located and no portion of the base of the tower shall be located closer to any lot line than the height of the tower.

**§9-1.7.1E** Radio towers shall be separated from each other for a distance equal to their combined heights.

**§9-1.7.1F** Radio towers shall be located only within the side or rear yards of a lot, but not within the prescribed setback of an applicable district.

**§9-1.7.2** Microwave Antennas - The following regulations shall apply:

**§9-1.7.2A** Limitation in Number

Only one (1) microwave antenna shall be permitted per lot; except retail sales of microwave antennas for permanent display purposes, and provided further that such display shall be in accordance with the required setback provisions of the applicable commercial district. The microwave antenna shall be considered as a permissible accessory use, subject to the rules and regulations of this Section, in all zoning districts.

**§9-1.7.2B** Size Permitted

**§9-1.7.2B .1** The maximum diameter of the microwave antenna shall not exceed ten (10) feet if ground-mounted.

**§9-1.7.2B .2** When separately supported, the total height of the microwave antenna shall not exceed twelve (12) feet.

**§9-1.7.2B .3** When roof-mounted, the maximum diameter of the microwave antenna shall not exceed four (4) feet.

**§9-1.7.2C** Location and Mountings

**§9-1.7.2C .1** Ground microwave antennas shall be located only in the rear yard or in the side yard not extending beyond the building setback, and adhere to all setback requirements of the applicable district.

**§9-1.7.2C .2** Ground-mounted microwave antennas shall be secured by a foundation approved by the Borough Engineer.

**§9-1.7.2C .3** When roof-mounted, the microwave antenna shall be located on a portion of the roof sloping away from the front of the lot, and no part thereof shall project above the roof ridge line.



**§9-1.7.2D General Regulations.**

- §9-1.7.2D .1** No microwave antenna may be erected in any district or in location within a district which is prohibited by regulations of the Federal Communication Commission or other regulatory agency having jurisdiction. The burden to show compliance shall be on the applicant and shall be stated in the permit application.
- §9-1.7.2D .2** Microwave antennas shall be properly enclosed and installed to resist a minimum wind load of thirty (30) pounds per square foot of projected horizontal area. Supports, anchors and foundations shall force into account overturning improvements and forces created by wind loading.
- §9-1.7.2D .3** This Section shall in no event be construed to permit as a permissible accessory use a microwave antenna for satellite communication used or intended to be used for the propagation of radio, micro or electromagnetic waves. The use of a microwave antenna for transmission shall be permitted only by special exception within the I District, subject to the provisions of Section 14-7.10
- §9-1.7.2D .4** No microwave antenna installation shall be permitted in any parking lot or parking area.

**§9-2. Conversion of Dwellings**

The following provisions shall apply to the conversion of a single-family dwelling to a dwelling containing a greater number of dwelling units, when permitted by special exception:

- §9-2.1** Site and architectural plans for the conversion of said dwelling shall be submitted to the Zoning Hearing Board, together with an application for a special exception. If two (2) or more families are to be housed above the ground floor, such plans shall bear the approval of the Pennsylvania Department of Labor and Industry as required by law.
- §9-2.2** Such plans shall provide adequate and suitable parking or storage space for at least two (2) automobiles per dwelling unit.
- §9-2.3** The yard and building area requirements for the district in which the dwelling is located shall continue to apply to each dwelling unit. There shall be no increase in density than that permitted by the applicable zoning district for the conversion of dwellings.
- §9-2.4** There shall be no external alterations of the building except as may be necessary for reason of safety; fire escape and outside stairways shall, where practical, be located to the side or rear of the building.
- §9-2.5** Each resulting dwelling unit shall have a minimum floor area of eight hundred (800) square feet.
- §9-2.6** Where public sewage disposal is not utilized, the applicant shall submit to the Borough a permit for an on-site sewage disposal system issued by the Sewage Enforcement Officer, certifying the sewage disposal facilities are adequate for the projected number of residents.

**§9-3. Day Care Centers**

The following standards shall apply to all day care centers, whether permitted by right or by special exception:

**§9-3.1** The minimum lot area for each child shall be one thousand (1,000) square feet, but no lot containing a day care center shall be less than thirty thousand (30,000) square feet.

**§9-3.2** There shall be an indoor play area of fifty (50) square feet per child and an outdoor play area of seventy-five (75) square feet per child provided.

**§9-3.3** The outdoor play area shall be fenced on all sides and shall not include driveways, parking areas or land unsuited by other uses or natural features for children's active play area. Fencing shall be a minimum height of four (4) feet.

**§9-3.4** Off-street parking spaces in accordance with Section 10-1. An area for the discharge and pick-up of children shall be provided which is removed from both the parking and ingress/egress for the site.

**§9-4. Group Homes**

**§9-4.1** In order to prevent the creation of a de facto social service district or concentration of group home facilities and to avoid impacting a neighborhood by a higher concentration of these facilities, the following regulations shall apply:

**§9-4.1.1** No more than one (1) group home and a total of three (3) persons residing in these facilities shall be permitted within a one-half (1/2) mile radius from another group home.

**§9-4.1.2** No additional group home shall be established which would increase the number of persons living in such facilities beyond three (3) percent of the total number of persons living within the square mile surrounding the applicant facility.

**§9-4.2** Group homes may have no more than six (6) residents per facility.

**§9-4.3** The minimum lot size for a group home shall remain the same as that permitted by the zoning district.

**§9-4.4** There shall be a minimum habitable floor area of two thousand (2,000) square feet for the residents of a group home.

**§9-4.5** Each group home must receive all pertinent approvals and/or licenses from the appropriate State of County agencies prior to special exception approval.

**§9-4.6** There shall be a minimum of four (4) off-street parking spaces per group home. All parking areas for more than five (5) vehicles shall be screened in accordance with Section 10-5.2 of this Ordinance.

**§9-5. Agricultural Uses**

The following regulations shall apply in all districts in which agriculture is permitted:

**§9-5.1 Standards**

**§9-5.1.1** Gardening, incidental to residential uses, shall be permitted without restriction.

**§9-5.1.2** To qualify as an agricultural use, the minimum lot size shall be ten (10) acres.

**§9-5.1.3** Except for a dwelling, no farm building or structure shall be constructed closer than seventy-five (75) feet to a front property line nor closer than one hundred (100) feet to a side or rear property line.

**§9-5.1.4** No dwelling shall be constructed closer to any abutting property than permitted by the

setbacks of the applicable zoning district.

- §9-5.1.5** Silos and bulk bins shall be exempted from area and bulk regulations when attached to an existing building.
- §9-5.1.6** The storage or stockpiling of manure or other odor- or dust-producing substance shall not be permitted within one hundred (100) feet of any lot boundary or watercourse.
- §9-5.1.7** All grazing and pasture areas shall be fenced.
- §9-5.1.8** The keeping of animals, exclusive of customary household pets, shall not be permitted except on property qualifying for agricultural use in accordance with the provisions of this Section, with the following exception: the keeping of not more than four (4) horses shall be permitted on lots of three (3) acres or more. An additional one (1) acre per horse shall be required for each additional horse over four (4).
- §9-5.1.9** Slaughtering operations for commercial purposes, when authorized by the Zoning Hearing Board as a special exception, shall be permitted only within commercial and industrial districts on lots of not less than five (5) acres.

## **§9-5.2 Sale of Farm Products.**

The display and sale of farm products shall be permitted provided that:

- §9-5.2.1** All such products displayed for sale shall be produced on the agricultural land contiguous to said building.
- §9-5.2.2** Sale of farm products shall be conducted from a portable stand, dismantled at the end of the growing season, under the following conditions:
  - §9-5.2.2A** Such stand shall be located at least seventy-five (75) feet from the street line.
  - §9-5.2.2B** Parking spaces shall be located behind the street line at a rate of one (1) parking space for every one hundred (100) square feet of sales space, but not less than three (3) spaces shall be provided.

## **§9-6. Recreational Land Use**

### **§9-6.1 Permitted Uses**

- §9-6.1.1** Nonprofit facilities, including but not limited to parks, playfield, playground, arboretum, conservation area, wildlife sanctuary, winter sport, swimming pool, boating, horseback riding, fishing, foot, bicycle and bridle path, picnic area, tennis and other racquet game court or any similar use characteristically identified with open space areas, and of a noncommercial nature, but in accordance with the following development standards:
  - §9-6.1.1A** Impervious cover for the use shall not exceed fifteen (15) percent of the lot area, including pedestrian or bicycle paths.
  - §9-6.1.1B** Any improvements such as a building or structure, excluding impervious cover, foot or bicycle paths and unnecessary accessways, shall be no closer than one (100) feet to any lot boundary.
- §9-6.1.2** Any of the following uses when permitted by the Zoning Hearing Board as a special exception as provided in Article XIV.

**§9-6.1.2A** Golf Course

**§9-6.1.2B** Auxiliary uses customarily incidental to operation of the uses in A, including a snack bar without table service, locker room, management headquarters, residence, nursery and day care center, excluding restaurant.

**§9-6.2** Development Standards

Any use permitted in Section 9-6 shall comply with the following:

- §9-6.2.1** Development plans for any use under this Section shall be subject to review and approval by the Borough.
- §9-6.2.2** Minimum lot size shall be one (1) acre.
- §9-6.2.3** Any structure, building, parking, storage, loading or paved areas, excluding foot and bicycle paths, and other than necessary accessways to a public street, shall not be located closer than one hundred (100) feet to any lot line, and shall be screened from dwellings in accordance with Section 10-5.2 if located within or abutting a residential district.
- §9-6.2.4** If practical, vehicular access for the use shall not be from any local street in a residential district or residential development.
- §9-6.2.5** Auxiliary uses shall be restricted in their use to employees, patrons, members and guests of the principal use. Such establishments shall present no visible evidence from any public street of their commercial character, which would attract persons other than employees, patrons, members and guests.

**§9-7. Mixed Use Development**

The following standards and criteria shall govern the design and review procedures for the combination of two (2) or more permitted uses, as authorized as a special exception in Section 5-2.11 of this Ordinance.

**§9-7.1** General Regulations

- §9-7.1.1** Ownership. The tract of land to be developed shall be in one (1) ownership, or shall be the subject of application, filed jointly by the owners of the entire tract, and shall be under unified control. If ownership of the entire tract is held by more than one (1) person or entity, the application shall identify and be filed on behalf of all the said owners. Approval of the plan shall be conditioned upon agreement by the applicant or applicants, that the tract shall be developed under single and separate ownership directly in accordance with the approved plan. If ownership of all, or any portion of the tract changes subject to approval of the plan, no site preparation or construction by such new owner or owners shall preview the terms and obligations of the approved plan and agree in writing to be bound thereby with respect to development of the tract.
- §9-7.1.2** Sewer and Water Facilities. The tract of land shall be served by water and sanitary sewer facilities deemed applicable by the Council. Such facilities shall be designed and constructed in compliance with those sections regulating sewage disposal and water supply of the Stockertown Borough Subdivision and Land Development Ordinance and/or this Ordinance.
- §9-7.1.3** Applications. The application for development shall be accompanied by a plan or plans showing in detail the proposed uses, including but not limited to, the type of uses, location

and square footage of buildings, parking and access, loading facilities, landscaping, screening, and lighting. The plan(s) shall cover the entire tract, regardless of any intended phasing of development.

**§9-7.1.4** Development Stages and Permits. 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 Ordinance to assure the binding nature thereof on the overall tract and its development, with agreement shall be recorded with the final development plan.

**§9-7.1.5** Storm water Management. The control of erosion and sediment during construction, and the ongoing management of storm water on the tract shall be accomplished in accordance with the applicable section of the Stockertown Borough Subdivision and Land Development Ordinance.

**§9-7.1.6** Covenants and Restrictions. The language, terms and conditions of any proposed covenants or restrictions shall be subject to review and recommendation by the Borough Solicitor.

## **§9-7.2** Area and Bulk Regulations

The combined uses, buildings, structures and other improvements shall collectively comply with the Area and Bulk Regulations Under Section 5-3 for mixed use development in the District.

## **§9-7.3** Design Standards

**§9-7.3.1** Parking. Shall be in accordance with Section 10-1 of this Ordinance.

**§9-7.3.2** Loading and unloading. Shall be in accordance with Section 10-2 of this Ordinance.

**§9-7.3.3** Access and Traffic Control. Shall be in accordance with Section 10-3 of this Ordinance

**§9-7.3.4** Interior Circulation. Shall be in accordance with Section 10-4 of this Ordinance.

**§9-7.3.5** Screening. Shall be in accordance with Section 10-5 of this Ordinance.

**§9-7.3.6** Landscaping. Shall be in accordance with Section 10-5 of this Ordinance.

**§9-7.3.7** Lighting. Shall be in accordance with Section 10-6 of this Ordinance.

**§9-7.3.8** Outdoor Display and Storage. All uses, excepting parking lots and gasoline sales, shall be completely enclosed within a building. No merchandise, goods, articles, or equipment shall be stored, displayed, or offered for sale outside any building except seasonal articles which are too large or otherwise infeasible to be stored indoors. Such articles shall be stored adjacent to the building housing the tenant selling the articles, and shall be enclosed by either walls or opaque fencing designed to be architecturally compatible with the building. Such enclosure shall be at least six (6) feet high. Any such outdoor display area shall be considered sales floor area for purposes of computing building coverage and parking requirements.

**§9-7.3.9** Architectural Integrity. Any planned business center constructed to this Section shall be designed as an architecturally integrated unit.

**§9-7.3.9A** Street furniture, lighting standards, signs, and other accessory items installed as part of a planned business center shall be of compatible materials, scale and design.

**§9-7.3.9B** Any building facade which faces a patron parking area, street or other space used or viewed by the public shall be provided with decorative facade treatment, architecturally integrated with all other building facades.

**§9-7.3.9C** Where requested by the Council, site models and/or three-dimensional graphic portrayals, providing a clear perspective of the relationship of the proposed development to the site and its visual impact on adjacent properties, shall be submitted as part of the conditional use application.

**§9-7.3.10** Signs

**§9-7.3.10A** Only one (1) free-standing sign shall be erected along each arterial or collector street fronting the property. Such sign shall serve as a directory of uses on the lot.

**§9-7.3.10B** The total display area of a free-standing sign shall be in accordance with Section 11-4.10 of this Ordinance.

**§9-7.3.10C** Free-standing business signs may be located no closer than that distance prescribed in Section 11-2.

**§9-7.3.10D** No free-standing sign shall exceed that height prescribed in Section 11-4.10.

**§9-7.3.10E** Wall-mounted signs shall comply with the requirements of Section 11-4.10 of this Ordinance.

**§9-7.4** Submission Requirements Associated with Shopping Center Applications.

**§9-7.4.1** Application procedure required by Section 14-10.10.

**§9-8. School/Educational Facility**

Schools when permitted as a conditional use shall comply with the following:

**§9-8.1** The minimum lot area shall be two (2) acres.

**§9-8.2** Minimum lot width

**§9-8.3.1** Three hundred (300) feet at building setback line.

**§9-8.3.2** One hundred fifty (150) feet at street line.

**§9-8.3** Maximum Coverage

**§9-8.3.1** Twenty-five (25) percent by all buildings

**§9-8.3.2** Thirty-five (35) percent by total impervious cover.

**§9-8.4** Maximum building height shall be three (3) stories or thirty-five (35) feet.

**§9-8.5** Minimum front yard shall be eighty (80) feet from street right-of-way.

**§9-8.6** Minimum side yards shall be fifty (50) feet for either side yard and one hundred twenty-five (125) feet aggregate.

**§9-8.7** Minimum rear yards shall be seventy-five (75) feet.

**§9-8.8** Off-street parking in accordance with Section 10-1.

**§9-8.9** Landscaping in accordance with Section 10-5.

**§9-8.10** Screening and buffering in accordance with Section 10-5.

**§9-8.11** Lighting in accordance with Section 10-6.

## **§9-9. Church and Religious Institutions**

Churches and Religious Institutions when permitted as a conditional use shall comply with the following:

**§9-9.1** The minimum lot area shall be two (2) acres.

**§9-9.2** Uses permitted under Church and Religious Institutions shall include:

**§9-9.2.1** Church, Synagogue, or other places of worship

**§9-9.2.2** Religious schools

**§9-9.2.3** Accessory uses, including the following:

**§9-9.2.3A** Institutional classrooms

**§9-9.2.3B** Kitchen

**§9-9.2.3C** Gymnasium

**§9-9.2.3D** Day care facilities in accordance with Section 9-5

**§9-9.2.3E** Rectory or other lodging for minister or priest

**§9-9.2.3F** Cemetery when in accordance with Section 9-19 of this Ordinance

**§9-9.3** Minimum side yards shall be fifty (50) feet for either side yard and one hundred twenty-five (125) feet aggregate.

**§9-9.4** Other yard requirements shall be in accordance with the requirements of the applicable district.

**§9-9.5** Off-street parking in accordance with Section 10-1.

**§9-9.6** Landscaping in accordance with Section 10-5.

**§9-9.7** Screening and buffering in accordance with Section 10-5.

**§9-9.8** Lighting in accordance with Section 10-6.

## **§9-10. Multi-Family**

**§9-10.1** The maximum length of such a building shall be one hundred twenty (120) feet.

**§9-10.2** Garden apartments shall be arranged in groups or clusters and not in long rows parallel to street lines.

**§9-10.3** To create architectural interest in the layout and character of housing fronting streets, variations in setbacks, materials, and design shall be used.

**§9-10.4** The distance between any two buildings either of which faces or backs upon the other in whole or in part shall not be less than seventy-five (75) feet.

**§9-10.5** The distance between the ends of two buildings, similarly oriented and without openings or windows in the end walls, shall not be less than twenty-four (24) feet.

**§9-10.6** The distance between any building face and a parking area shall not be less than twenty (20) feet.

**§9-10.7** All multifamily developments shall be served by public water and public centralized sewage disposal facilities.

### **§9-11. Sanitary Landfill**

The following provisions shall comply to sanitary landfills:

**§9-11.1** The tract serving as a sanitary landfill shall contain a minimum of one hundred (100) contiguous acres, undivided by streets, streams or rights-of-way. All operations, including buildings, structures and grading shall be setback a minimum of two hundred (200) feet from any property line or floodplain district boundary.

**§9-11.2** All sanitary landfills shall be completely enclosed by fencing to deter trespassing and to prevent debris from blowing onto adjoining properties and shall provide for a rodent-proof barrier.

**§9-11.3** All sanitary landfills shall be designed and operated in accordance with the requirements of the Pennsylvania Department of Environmental Resources.

**§9-11.4** Access to a sanitary landfill facility shall be from an arterial or collector road to limit traffic congestion and excessive wear on collector and local roads. The applicant must show structural capacity of roads and levels of service on all roads used by trucks entering and leaving the landfill.

**§9-11.5** All trucks entering and leaving the landfill shall be covered. Roads used for access within or adjacent to the tract shall be patrolled daily to pick up and dispose of scattered and blowing refuse.

**§9-11.6** All sanitary landfills shall annually submit a traffic plan for all trucks entering and leaving the landfill.

**§9-11.7** The sanitary landfills shall provide road maintenance and upgrade any and all roads used by trucks entering and leaving the landfill to provide for adequate infrastructure and maintenance of the road surface.

**§9-11.8** A performance bond shall be posted by the applicant prior to the issuance of a permit by the Borough. The amount of the performance bond shall be established by the Borough Engineer, and shall be an amount which will adequately cover the transportation of refuse and the removal of all facilities in the event the applicant cannot complete the refuse program. Such performance bond shall not be used by the Borough for any other purpose.

### **§9-12. Junkyard**

Such use shall be limited to an area of land, with or without buildings, that is used for the storage of used or discarded materials, including but not limited to waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, and parts thereof, provided:

**§9-12.1** The proposed use of an area shall not be detrimental to adjacent land uses.



**§9-12.2** There shall be maximum lot size of five (5) acres.

**§9-12.3** Such use shall be a minimum of two hundred (200) feet from any public road as measured from the street line.

**§9-12.4** The land area used for such purposes shall not be exposed to public view from any residence or public street or road.

**§9-12.5** Such uses shall be entirely enclosed by a solid fence or wall, at least six (6) feet high and constructed of plank boards, brick, cinder block, or concrete, with access only through solid gates. Such fence or wall shall be kept in good repair and neatly painted in uniform color.

**§9-12.6** A dense evergreen buffer shall be provided on the outside perimeter of the fenced area. Evergreens shall be four to five feet in height above ground at the time of planting and planted on ten (10) foot staggered centers.

**§9-12.7** The contents of such use shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

**§9-12.8** The storage of paper shall be within a building.

**§9-12.9** The storage of toxic chemicals shall be prohibited.

**§9-12.10** Dumping of trash or land fill operations and burning of any materials shall specifically be prohibited.

**§9-12.11** All such uses shall be sealed from groundwater contamination and shall provide groundwater monitoring wells.

### **§9-13. Recycling Facility**

Such use shall be limited to an area of land, with or without buildings, that is used for the storage of used or discarded materials, administered by the municipality for the purpose of recycling, including but not limited to waste paper, metal, and glass, provided:

**§9-13.1** The proposed use of an area shall not be detrimental to adjacent land uses.

**§9-13.2** There shall be maximum lot size of five (5) acres.

**§9-13.3** Such use shall be a minimum of two hundred (200) feet from any public road as measured from the street line.

**§9-13.4** The land area used for such purposes shall be hidden from public view by an evergreen buffer so that it is not visible from neighboring streets, residences, or other structures.

**§9-13.5** There shall be no compacting of automobiles and no storage of auto chassis from which usable parts have been removed.

**§9-13.6** The storage of paper shall be within a building.

**§9-13.7** The storage of toxic chemicals shall be prohibited.

**§9-13.8** Dumping of trash or landfill operations and burning of any materials shall specifically be prohibited.

**§9-13.9** All such uses shall be sealed from groundwater contamination.

#### **§9-14. Automotive Body Repair and Paint Shop**

Such use shall be limited to paint spraying, body and fender work, and custom body work, provided:

**§9-14.1** All such work is performed within a building.

**§9-14.2** All related automotive parts, refuse, and similar articles shall be stored within a building or enclosed area.

#### **§9-15. Automotive Sales**

Automotive sales shall be limited to the sale and lease of automobiles by a duly franchised new car, truck, boat, or motorcycle dealership; used car, truck, boat, or motorcycle sales; or car, truck, trailer, motorcycle and/or boat rentals; farm machinery, or travel campers; provided:

**§9-15.1** Lighting: All outside lighting shall be directed in such a way as not to create a nuisance to any adjacent property, and all lighting shall be arranged and shielded so as to protect the Street or highway and adjoining property from direct glare or hazardous interference of any kind.

**§9-15.2** All facilities shall be located and all services be conducted within the confines of the lot.

**§9-15.3** All preparation, lubrication, repair or similar activities shall be accessory and done within the building.

#### **§9-16. Drive-Through Restaurant**

Such use shall be limited to cafeterias and eating establishments in which the principal business is the sale of foods and/or beverages in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, provided:

**§9-16.1** The use must have direct access to a collector or arterial street.

**§9-16.2** There shall be only one point of ingress and only one point of egress per collector or arterial street.

**§9-16.3** Where a drive-in window is proposed, a stacking lane shall be provided to serve a minimum of ten (10) cars. The stacking lane shall not be used for parking lot circulation aisles, nor shall in it any way conflict with through circulation of parking.

**§9-16.4** A pedestrian walkway shall be provided between an existing sidewalk and the entrance to the restaurant. If there is no sidewalk, one shall be provided along the street frontage.

**§9-16.5** All such restaurants shall provide a trash storage area which shall be screened from the street and adjacent properties, in accordance with this Ordinance, to prevent trash from blowing from the area, and to permit safe and easy removal of the trash.

**§9-16.6** Trash receptacles shall be provided outside the restaurant for patron use.

#### **§9-17. Service Station**

A service station shall be limited to a building or group of buildings for the sale of petroleum products, tires, and automotive service, provided:

**§9-17.1** Minimum lot width of not less than one hundred (100) feet shall be provided along each street on which the lot abuts.

- §9-17.2** The minimum lot area shall be one (1) acre.
- §9-17.3** Such use shall be located on an arterial or a higher order road.
- §9-17.4** All fuel tanks shall be placed underground.
- §9-17.5** All pumps, lifts, and other service facilities shall be located no closer than 35 feet to any lot or street line.
- §9-17.6** No vehicle shall be stored in the open, except those awaiting minor repairs, for a period not to exceed seven (7) consecutive days, unless screened from adjacent roads or residential properties.
- §9-17.7** All lubricating, making of minor repairs, or similar activities shall be performed in an enclosed building.
- §9-17.8** Separate access ways shall be provided for the safe and convenient egress and ingress of motor vehicles. No access way shall exceed 35 feet in width nor be less than 15 feet in width.
- §9-17.9** Access to the street shall be physically controlled by a concrete curbing at least 8 inches in height.
- §9-17.10** All parking, access, and outdoor service areas shall be graded, surfaced, drained and suitably maintained to the satisfaction of the Borough Engineer to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across streets.
- §9-17.11** All automobile parts and similar articles shall be stored within a building.
- §9-17.12** All refuse shall be stored within a building or enclosed area.
- §9-17.13** Paint-spraying or body and fender work shall not be permitted.
- §9-17.14** Junk vehicles shall not be stored in the open at any time.
- §9-17.15** The sale or rental of automobiles, trucks, trailers, or other vehicles shall be prohibited.
- §9-17.16** Convenience shopping shall be permitted as an accessory use to the sale of petroleum products, provided:
- §9-17.16.1** It shall be in lieu of the sale of tires and automotive service.
- §9-17.16.2** The use shall occupy no more than fifty (50) percent of the service station building.
- §9-17.17** Service stations designed to offer to the public self-service facilities for dispensing of gasoline and other motor vehicle fuels shall meet the following conditions:
- §9-17.17.1** At least one (1) qualified attendant shall be on duty while the station is open to the public, whose primary function shall be to supervise, observe and control dispensing of flammable or combustible liquids.
- §9-17.17.2** The attendants shall be situated so as to have a clear view of the dispensing operations.
- §9-17.17.3** A voice communication system such as but not limited to an intercom system shall be provided so as to allow direct voice communications at all times between the person dispensing flammable or combustible liquids and the attendant.
- §9-17.17.4** Emergency controls, including the main power shut-off shall be conspicuously posted in the immediate vicinity of the principal control or the dispenser island.

- §9-17.17.5 Instructions for the operation of the dispensers shall be conspicuously posted on either the dispenser or the dispenser island.
- §9-17.17.6 A list of emergency procedures and instructions shall be conspicuously posted in the immediate vicinity of the principal control location of the attendant.
- §9-17.17.7 Fire extinguishing and flammable liquids dispensing equipment shall be approved through National Standards Testing.
- §9-17.17.8 At least one fire extinguisher shall be located within twenty-five (25) feet of each gasoline pump.
- §9-17.17.9 Warning signs shall be placed in a conspicuous place with each sign indicating “Warning: (a) it is unlawful to dispense gasoline into any portable container unless the container is constructed of metal or is approved by the Fire Marshall; (b) No smoking; (c) Stop Motor.”

**§9-18. Mobile Home Park Regulations**

**§9-18.1 Application Procedure**

**§9-18.1.1 Permits Required.**

- §9-18.1.1A All applications for a certificate of registration shall be made by the landowner or his authorized representative in accordance with the Rules and Regulations, Commonwealth of Pennsylvania, Department of Environmental Resources, Chapter 4, Article 415, Regulations for Mobile Home Parks, Adopted October 30, 1959, as amended.
- §9-18.1.1B It shall be unlawful for any person to maintain, construct, alter, or extend any mobile home park within the limits of the Borough, unless he holds a valid certificate of registration issued by the Pennsylvania Department of Environmental Resources in the name of such person and also a permit issued by the Borough.
- §9-18.1.1C All mobile homes shall bear the Commonwealth of Pennsylvania’s seal of approval.

**§9-18.1.2 Application for Initial Mobile Home Park Permit**

- §9-18.1.2A Application for development of a lot or parcel of land for mobile home park purposes shall be made and approved or approved as modified before any Zoning Permit for such use shall be issued.
- §9-18.1.2B Application for a mobile home park permit shall follow the requirements and procedures of the Stockertown Borough Subdivision Ordinance.
- §9-18.1.2C In addition to the requirements contained in the Stockertown Ordinance, an application for preliminary or final approval of a mobile home park shall indicate by drawings, diagrams, maps, tests, affidavit or other legal instrument, the following:
  - §9-18.1.2C.1 The placement, location, and number of mobile home lots and mobile home pads on a layout map of the parcel at a scale of one (1) inch equals not more than forty (40) feet.

- §9-18.1.2C.2** The location and dimension of all driveways, pedestrian ways, sidewalks, and access roads with notation as to type of impervious cover.
- §9-18.1.2C.3** The location and dimension of all parking facilities.
- §9-18.1.2C.4** The location, dimension, and arrangement of all areas to be devoted to lawns, buffer strips, screen planting, and recreation.
- §9-18.1.2C.5** Location and dimension of all buildings existing or proposed to be built and all existing tree masses and trees of over six (6) inch caliper.
- §9-18.1.2C.6** Proposed provisions for handling of stormwater drainage, street and on-site lighting, water supply, and electrical supply in the form of written and diagrammatic analysis with calculations and conclusions prepared by a registered professional engineer.
- §9-18.1.2C.7** Three (3) copies of the application submitted to and approved by the Department of Environmental Resources.

**§9-18.1.3** Permitting

- §9-18.1.3A** Upon receipt of the final plan with the recommendations of the Planning Commission attached thereto, the Borough Council shall review the final plan for compliance with the provisions of the Subdivision Ordinance.
- §9-18.1.3B** Upon approval of the final plan and payment of the required fees, the Borough Council shall issue a mobile home park permit to the owner which shall be valid for a period of one (1) year thereafter.
- §9-18.1.3C** Renewal permits shall be issued annually by the Borough Council upon the furnishing of proof by the applicant that his park continues to meet the standards prescribed by the Pennsylvania Department of Environmental Resources and this Subdivision Ordinance.
- §9-18.1.3D** A building inspector or other Borough officer may inspect a mobile park at reasonable intervals and at reasonable times to determine compliance with the Subdivision Ordinance.
- §9-18.1.3E** The permit shall be conspicuously posted in the office or on the premises of the mobile home park at all times.

**§9-18.1.4** Compliance of Preexisting Mobile Home Parks

- §9-18.1.4A** Mobile home parks in existence at the date of the adoption of this Ordinance and being duly authorized to operate as same by the Department of Environmental Resources may be continued so long as they otherwise remain lawful.
- §9-18.1.4B** Pre-existing mobile home parks shall be required to submit an existing lot plan, drawn to scale, when applying for a mobile home park permit as required under this Ordinance.
- §9-18.1.4C** Any subsequent new construction, alteration or extension of a preexisting mobile home park shall comply with the provisions of this Ordinance.

**§9-18.1.4D** Any preexisting mobile home park which in the opinion of the Borough Council creates a fire, safety, or health hazard shall be required to comply with the applicable provisions of this Ordinance, within a reasonable period of time as determined by the same body.

**§9-18.1.5 Individual Mobile Homes**

**§9-18.1.5A** Individual mobile homes not located in a mobile home park shall not be required to obtain a mobile home permit; however, they shall be required to obtain a building permit.

**§9-18.1.5B** Individual mobile homes shall comply with all other applicable Borough ordinances and regulations that govern single-family home.

**§9-18.2 Development Standards**

**§9-18.2.1 Site Requirements**

**§9-18.2.1A** The minimum area requirement for mobile home parks shall be five (5) acres.

**§9-18.2.1B** The location of all mobile home parks shall comply with the following minimum requirements:

**§9-18.2.1B.1** Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas, or other potential breeding places for insects or rodents.

**§9-18.2.1B.2** Not subject to flooding.

**§9-18.2.1B.3** Not subject to hazards or nuisance such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor, or glare.

**§9-18.2.2 Soil and Ground Cover Requirements**

**§9-18.2.2A** Unpaved and exposed ground surfaces in all parts of every park shall be covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

**§9-18.2.2B** Park grounds shall be maintained free of vegetative growth which is a nuisance or poisonous or which may harbor rodents, insects, or other pests in sufficient quantities as to be harmful to man.

**§9-18.2.3 Areas for Nonresidential Use**

**§9-18.2.3A** No part of any park shall be used for nonresidential purposes except such uses that are required for direct servicing or recreation for the residents of the park and for the management and maintenance of the park.

**§9-18.2.3B** In the event the landowner shall be in the business of selling or renting mobile homes, such business shall be conducted in the interior of and not at the edge of the mobile home park.

**§9-18.2.4 Mobile Home Lots or Sites**

**§9-18.2.4A** Mobile home lots or sites within the park shall have a minimum gross area of five thousand (5,000) square feet exclusive of walkways and streets or roads and shall be no less than fifty (50) feet wide, the corners of each such space to be indicated by markers, flush with the ground.

**§9-18.2.4B** The area of the mobile home lots or sites shall be improved to provide an adequate foundation for the placement of the mobile home. The mobile home lot or site shall be designed so as not to heave, shift or settle unevenly under the weight of the mobile home because of frost action, inadequate drainage, vibration, or other forces acting on the superstructures.

#### **§9-18.2.5** Required Setbacks, Buffer Strips and Screening

**§9-18.2.5A** All mobile homes shall be located at least fifty (50) feet from any park property boundary line abutting upon a public street or highway right-of-way, and at least forty (40) feet from any other park property boundary lines.

**§9-18.2.5B** All mobile home parks shall be required to provide an attractive visual screen along the boundary of the mobile home park, as follows:

**§9-18.2.5B.1** Such screening shall consist of mixed evergreen plant material of varying species.

**§9-18.2.5B.2** At the time of planting, a sufficient amount of evergreen material to visually screen the property shall be at least six (6) feet in height (after planting). The remainder of plantings may be of varying lesser heights.

**§9-18.2.5B.3** The plantings shall be maintained permanently and replaced within six (6) months in the event of death of any plant material. The plantings shall not be placed closer than three (3) feet from any property line.

**§9-18.2.5B.4** All existing deciduous and evergreen trees above two (2) inches in caliper and/or six (6) feet in height shall be preserved in the buffer areas, except where clearance is required to insure sight distance.

**§9-18.2.5B.5** Generally, a minimum of thirty-five (35) percent of plant material shall be evergreen and ten (10) percent flowering material.

#### **§9-18.2.6** Erection and Placement of Mobile Homes

**§9-18.2.6A** Mobile homes shall be separated from each other and from service buildings and other structures by at least thirty (30) feet.

**§9-18.2.6B** An accessory structure, which has a horizontal area exceeding twenty-five (25) square feet, is attached to a mobile home or located within ten (10) feet of its window, and has an opaque or translucent top or roof that is higher than such window shall, for purposes of this Section be considered to be part of the mobile home.

**§9-18.2.6C** An enclosure of compatible design and materials shall be erected around the base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

**§9-18.2.6D** The park management shall supervise the placement of each mobile home on its pad, placement to include securing the mobile home and the installation of all utility connections. All utility connections shall be within easy access of the pad and close enough to the mobile home to avoid splicing. In making connections, rubber gaskets shall be used and, under no circumstances, shall utility lines be taped together.

**§9-18.2.7 Park, Street or Road System**

**§9-18.2.7A** All park streets or roads shall be constructed to the standards specified for local access streets as described in the Borough's Subdivision Ordinance.

**§9-18.2.7B** At intervals of no more than one hundred fifty (150) feet on all such streets, the entire width thereof shall be raised by a bump of no less than three (3) inches.

**§9-18.2.7C** Storm drainage shall be provided in accordance with the Borough's Subdivision Ordinance.

**§9-18.2.7D** No structure, fence, tree, shrub, or other planting shall be maintained between a plane two (2) feet above the street level and a plane seven (7) feet above the street level so as to interfere with traffic visibility across the corner within the triangle bounded by the intersecting street lines and a straight line drawn between points on each street twenty-five (25) feet from the intersection of said street lines.

**§9-18.2.7E** No street light shall shine directly upon any mobile home unit or upon any adjacent property.

**§9-18.2.8 Off-Street Parking Areas and Walks**

**§9-18.2.8A** Off-street parking for at least two (2) motor vehicles shall be provided at each mobile home site. Each parking stall shall be at least ten (10) feet by twenty (20) feet and shall be of either gravel or macadam construction, which shall be specified in the plan. Off-site common parking areas may be provided in lieu of parking stalls at each mobile home site; but, in such case, parking stalls shall be provided at the ratio of two (2) stalls for each mobile home site. The parking stalls shall be within one hundred (100) feet of the home site which they will serve.

**§9-18.2.8B** Additional off-street parking spaces for vehicles of nonresidents shall be provided at the rate of one (1) space for each two (2) units. On-street parking shall be prohibited on internal roads and it shall be the duty of the owner or operator of the mobile home park to enforce this provision.

**§9-18.2.8C** All mobile home parks shall provide safe, convenient, asphalt or concrete pedestrian walkways of at least four (4) feet in width between the park streets and all community facilities provided for park residents.

**§9-18.2.8D** All mobile home sites shall be connected to common walks, and to streets, driveways or parking spaces connecting to a paved street.

**§9-18.2.9 Open Space Requirement**

**§9-18.2.9A** At least twenty (20) percent of the total land area of the mobile home park, exclusive of setback and buffer areas, shall be set aside for recreation and open space areas.



- §9-18.2.9B** At least fifty (50) percent of the open space and recreation area shall be located in one (1) place and at least twenty-five (25) percent thereof shall be in an area not subject to flooding and shall be usable for active recreational purposes.
- §9-18.2.9C** Selection of the area shall preserve in its natural state any watercourse or hilly or wooded area.
- §9-18.2.9D** Areas shall provide recreation accessible to all residents of the mobile home park.
- §9-18.2.9E** Areas shall be landscaped with a water absorbent surface except for recreational facilities and walkways which shall utilize a hard surface.
- §9-18.2.9F** Areas shall be maintained by the mobile home park operator.

**§9-18.2.10** Service Building and Other Community Service Facilities.

- §9-18.2.10A** All buildings shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
- §9-18.2.10B** All structures containing laundry or toilet facilities shall have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatory and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material to prevent entrance or penetration of moisture and weather. All structures shall have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10) percent of the floor area served by them. For purposes of ventilation, at least one window must be capable of being easily opened; if not, a mechanical device shall be required which will adequately ventilate the room.

**§9-18.2.11** Water Supply and Distribution

**§9-18.2.11A** Source of Supply

- §9-18.2.11A.1** The water supply shall be capable of supplying a quantity of potable water meeting or exceeding the standards specified by the Pennsylvania Department of Environmental Resources at the time of construction. Public water supply shall be preferred.
- §9-18.2.11A.2** The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
- §9-18.2.11A.3** No well casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
- §9-18.2.11A.4** Water supply treatment, if necessary, shall be in accordance with the requirements of the Pennsylvania Department of Environmental

Resources.

**§9-18.2.11B** All water storage facilities shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated materials. Reservoir overflow pipes shall discharge through an acceptable air gap.

**§9-18.2.11C** Water Distribution System

**§9-18.2.11C.1** All water piping, fixtures and other equipment shall be constructed and maintained in accordance with State and local regulations.

**§9-18.2.11C.2** The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or back-siphonage.

**§9-18.2.11C.3** The system shall be so designed and maintained as to provide a pressure not less than twenty (20) pounds per square inch, under normal operating conditions, at service buildings and other locations requiring potable water supply.

**§9-18.2.11C.4** Where a public supply of water is provided, fire hydrants shall be installed.

**§9-18.2.11D** Individual Water-Riser Pipes and Connections

**§9-18.2.11D.1** Individual water-riser pipes shall be located within the confined area of the mobile home and stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.

**§9-18.2.11D.2** The water-riser pipe shall have a minimum inside diameter of three-quarter (3/4) inch and terminate at least four (4) inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.

**§9-18.2.11D.3** Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

**§9-18.2.11D.4** A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop-and-waste valves are prohibited unless their types of manufacture and their method of installation are approved by the Borough Council.

**§9-18.2.12** Sewage Disposal

**§9-18.2.12A** An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings, and other accessory facilities. Such system shall be connected to a public sewerage system if possible and shall be designed, constructed, and maintained in accordance with the health regulations of the Pennsylvania Department of Environmental Resources.

**§9-18.2.12B Individual Sewer Connections**

**§9-18.2.12B .1** Each mobile home shall be provided with at least a four (4) inch diameter sewer riser pipe. The sewer riser pipe will be located on each stand so that the sewer connection to the mobile home drain outlet will approximate a vertical position.

**§9-18.2.12B.2** The sewer connection shall have a nominal inside diameter of not less than three (3) inches, and the slope of any portion thereof shall be at least one-quarter (1/4) inch per foot. All joints shall be watertight.

**§9-18.2.12B.3** All materials used for sewer connections shall be semi-rigid, corrosive-resistant, nonabsorbent, and durable. The inner surface shall be smooth.

**§9-18.2.12B.4** Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least one-half (1/2) inch above ground elevation.

**§9-18.2.12C Sewer and Water Lines.** Sewer and water lines shall be laid in separate trenches with a horizontal distance of at least ten (10) feet from each other, except that these lines may be laid in the same trench by placing the water pipe on a shelf of undisturbed earth above and to one side of the caulked tight sewer line. All sewer lines shall be constructed of approved materials by the Pennsylvania Department of Environmental Resources and shall have watertight joints and shall conform to the Borough's Basic Plumbing Code.

**§9-18.2.12D Sewage Treatment and Discharge.** Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Pennsylvania Department of Environmental Resources and the Borough Council prior to construction.

**§9-18.2.12E** Wherever a mobile home park shall contain twenty-five (25) or more mobile home units, a package sewage treatment plant shall be required.

**§9-18.2.13 Refuse Disposal**

**§9-18.2.13A** The storage, collection and disposal of refuse in the mobile home park shall be so managed as to minimize health hazards and air pollution.

**§9-18.2.13B** All refuse shall be stored in fly tight, watertight, rodent proof containers, which shall be located not more than one hundred fifty (150) feet away from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Resources. Rubbish shall be collected and disposed of as frequently as may be necessary to insure that the containers shall not overflow.

**§9-18.2.14 Fuel Supply and Storage**

**§9-18.2.14A Liquefied Petroleum Gas Systems**

**§9-18.2.14A.1** The design, installation, construction, and maintenance of containers and pertinent equipment for the storage and handling of liquefied petroleum gases shall conform to the provisions of the Act of December

27, 1951, P.L. 1793, as amended, and the regulations promulgated pursuant thereto by the Pennsylvania Department of Labor and Industry, its successors, or other governmental agency having jurisdiction thereof.

**§9-18.2.14A.2** Liquefied petroleum gas systems provided for mobile homes, service buildings, or other structures when installed shall be maintained in conformity with the rules and regulations of the Pennsylvania Department of Labor and Industry and shall include the following:

**§9-18.2.14A.2a** Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe locations.

**§9-18.2.14A.2b** Systems shall have at least one (1) accessible means for shutting off gas at each mobile home site. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

**§9-18.2.14A.2c** All liquefied petroleum gas piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment or systems in mobile homes.

**§9-18.2.14A.2d** Liquefied petroleum gas vessels shall be no more than sixty (60) U.S. gallons gross capacity and shall be maintained in a vertical position and shall be securely, but not — permanently, fastened to prevent accidental overturning. No vessel shall be placed any closer to a mobile home exit than five (5) feet and no closer to any window than three (3) feet.

**§9-18.2.14A.2e** No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure.

**§9-18.2.14A.2f** All pipe connections shall be of a flare type.

**§9-18.2.14B** Fuel Oil Supply Systems

**§9-18.2.14B .1** All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the Borough Building Code.

**§9-18.2.14B.2** All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.

**§9-18.2.14B.3** All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shut-off valves located within five (5) inches of storage tank.

**§9-18.2.14B.4** All fuel storage tanks or cylinders shall be securely placed and shall not be less than five (5) feet from any mobile home exit, and not less than three (3) feet from any window.

**§9-18.2.14B.5** Storage tanks located in areas subject to traffic shall be protected

against physical damage and screened from the street.

**§9-18.2.15 Utility Distribution System**

**§9-18.2.15A** All utilities shall be installed and maintained in accordance with utility company specifications regulating such systems, and shall be underground.

**§9-18.2.15B** Power Distribution Lines. All direct conductors or cables shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specifically designed for the purpose. Such conductors shall be located not less than one (1) foot radial distance from water, sewer, gas or communications lines.

**§9-18.2.15C Individual Electrical Connections**

**§9-18.2.15C.1** Each mobile home lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service outlet shall be one hundred twenty/two hundred forty (120/240) volts, one hundred (100) amperes.

**§9-18.2.15C.2** The mobile home shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.

**§9-18.2.15C.3** Where the calculated load of the mobile home is more than sixty (60) amperes either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.

**§9-18.2.15D** Required Grounding. All exposed non current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductors shall not be used as an equipment ground for mobile homes or other equipment.

**§9-18.2.16 Fire Protection**

**§9-18.2.16A** All mobile home parks shall be provided with fire hydrants to meet the specifications of the Insurance Services Office of Pennsylvania or successors, but in any case, in sufficient numbers to be within six hundred (600) feet of all existing and proposed structures and mobile homes, measured by way of accessible streets.

**§9-18.2.16B** Portable hand-operated fire extinguishers of a type suitable for use on oil fires and approved by the local fire prevention authority shall be kept in each service building under park control and shall be required by the mobile home park operator to be placed in each mobile home in the park, located inside the mobile home in a fixed location preferably near a door, but not in close proximity to cooking facilities.

**§9-18.2.17 Landscaping**

**§9-18.2.17A** No portions of tree masses or trees with caliper of four (4) inches or greater shall be cleared unless obviously necessary for the proposed mobile home park development. Operator shall make all reasonable efforts to preserve existing trees.

**§9-18.2.17B** In addition to plantings for buffered setbacks, a mobile home park shall be subject to the following landscaping requirements:

**§9-18.2.17.1** Disturbed topsoil shall be stockpiled and replaced after construction.

**§9-18.2.17.2** Deciduous trees of varying species shall be planted in the mobile home park at the ratio of two (2) per mobile home. In the event that a substantial portion of the tract is wooded and a substantial number of trees remain after development, the governing body may modify this requirement. Shade trees shall be preferred in the interest of moderating unit temperature.

**§9-18.2.17.3** Deciduous or evergreen shrubs of varying species shall also be planted within the mobile home park at a ratio of at least four (4) per mobile home.

**§9-18.2.17.4** Planting of landscape material shall be in accordance with a plan prepared by a registered landscape architect, and shall be completed within six (6) months of approval of final plan. Failure to carry out the landscaping plan within such time shall warrant denial of the park's annual license under Section 9-18 hereof.

### **§9-18.3** Permits, Licenses and Inspections

#### **§9-18.3.1** Permits Required

It shall be unlawful for any person, firm, corporation, or other entity to construct, maintain, alter, extend, or operate a mobile home park within Stockertown Borough unless and until the following are obtained:

**§9-18.3.1A** A valid permit issued by the Pennsylvania Department of Environmental Resources in the name of the landowner, for the specified construction, alteration or extension proposed.

**§9-18.3.1B** A license by Stockertown Borough.

#### **§9-18.3.2** Annual Licenses

In addition to the initial permit and license, the owner or operator of the mobile home park shall apply to the Secretary of Stockertown Borough on or no more than thirty (30) days prior to February 1 of each year for an annual license to continue operation of the mobile home park. The Secretary shall issue the annual license upon satisfactory proof that:

**§9-18.3.2A** The park continues to meet the standards prescribed by the Pennsylvania Department of Environmental Resources and any other State or County agency having jurisdiction.

**§9-18.3.2B** The park is in compliance with the standards and provisions of this Ordinance.

**§9-18.3.2C** The owner or operator holds a current and valid certificate of registration issued annually by the Pennsylvania Department of Environmental Resources for operation of the mobile home park.

#### **§9-18.3.3** Fees

**§9-18.3.3A** Fees for the initial application and preliminary and final approvals shall be set by

resolutions of the Borough Council.

**§9-18.3.3B** The fee for the annual license shall be set by resolution of the Council and shall be submitted to the Borough Secretary with the application for the annual license.

**§9-18.3.4** Inspection

**§9-18.3.4A** Upon notification to the licensee, manager, or person in charge of a mobile home park, a representative of Stockertown Borough may inspect a mobile home park at any reasonable time to determine compliance with this Ordinance.

**§9-18.3.4B** Upon receipt of the application for annual license and before issuing such annual license, the Borough Secretary or other designated representative of Stockertown Borough shall make an inspection of the mobile home park to determine compliance with this Ordinance. The Borough Secretary or designated representative shall thereafter notify the licensee of any instances of noncompliance with the Ordinance and shall not issue the annual license until the licensee has corrected all such violations.

**§9-18.4** Maintenance

**§9-18.4.1** Responsibilities of Operator or Owner

**§9-18.4.1A** The operator or owner shall have the following responsibilities:

**§9-18.4.1A.1** To maintain all common facilities including, but not limited to, roads, parking areas, sidewalks, pathways, common open space, water supply and sewage disposal systems, and service buildings, in a condition of proper repair, maintenance, and cleanliness in compliance with all applicable Borough ordinances, codes, and regulations.

**§9-18.4.1A.2** To notify the local office of the Pennsylvania Department of Environmental Resources immediately of any suspected communicable or contagious disease within the park.

**§9-18.4.1B** If upon inspection by the Borough Secretary or his representative, it is determined that the mobile home park is not in compliance with the provisions of this Section, the licensee shall be considered to be in violation of this Ordinance and the Borough Secretary shall notify the operator or licensee of the particulars of any such violation. The operator or licensee shall thereafter have thirty (30) days in which to correct any such violations, except that if the violation is determined by the Borough Secretary or his representative to constitute a hazard to the health or safety of the residents of the mobile home park, he shall order that the violation be corrected forthwith.

**§9-18.4.2** Maintenance Bond

**§9-18.4.2A** The licensee of a mobile home park shall, prior to issuance of any certificate of occupancy pursuant to final approval of an application, post with the Borough a maintenance bond as described in the Borough Subdivision Ordinance in an amount sufficient to cover for a period of two (2) years, the cost of maintenance of all common facilities as defined in Section 918, as determined by the Borough Secretary or designated representative. The bond shall remain in effect for the duration of the operation of the mobile home park.

**§9-18.4.2B** In the event of noncompliance with an order pursuant to Section 918, whether a thirty (30) day order or an order to correct violations forthwith, the Borough may forfeit the maintenance bond and use the proceeds thereof to effect corrections of the violations.

**§9-18.4.3** Registration of Occupants

The operator shall maintain a register of all occupants and notify the governing body of the Borough of the names and address of all new occupants and of occupants who have departed. All mobile home sites or lots shall be individually numbered so as to facilitate the identification and location of each such site or lot.

**§9-18.4.4** Moving Mobile Home

No mobile home may be installed in or removed from a mobile home park unless the Borough Secretary has issued a building permit therefore. No such permit may be issued until the Borough Secretary receives a removal permit issued by the local tax collector demonstrating compliance with the Act of December 15, 1969, P.L. 362, S1.

**§9-18.4.5** Construction Performance Bond

Before final approval is given for the construction of a mobile home park, the landowner must furnish a performance bond to the Borough in the amount of one hundred ten (110) percent of the estimated construction costs for the construction of all common facilities and improvements, as determined by the Borough Engineer.

**§9-18.5** Penalties

**§9-18.5.1** Violation and Penalties

**§9-18.5.1A** Any person, firm, or corporation who violates any provision of this article or any agreement entered into pursuant to the provisions of this article, or any person or knowingly commits, takes part in, or assists in any such violation or who maintains any lot, tract, or parcel in violation of this article, shall be liable, upon conviction thereof in a summary proceeding before a District Justice of the Peace, to a fine or penalty not exceeding Three Hundred Dollars (\$300) for each and every offense, together with costs thereof, and, in default of payment thereof, such person, firm, or corporation so convicted may be sentenced, at the discretion of the District Justice of the Peace, to a period of incarceration in the County prison not to exceed thirty (30) days for each and every offense. Each day during which any violation of this Ordinance continues, shall constitute a separate offense.

**§9-18.5.1B** Upon repeated violations by the same licensee (or holder), the licensee's right to the issuance of a permit, or to continue operation of the mobile home park under such a permit, may be suspended for a fixed term or permanently revoked, after hearing and notice, subject to the right of appeal to a Court of competent jurisdiction as by law provided.

**§9-18.5.2** Violation Notices, Hearings and Orders

Notice of violations of the provisions of this Ordinance, or of any regulations adopted pursuant hereto, are subject to the following procedures:



- §9-18.5.2A** Notice of the violation shall be given in writing and shall specify the violations.
- §9-18.5.2B** Notice may be served by Certified Mail or by personal service, either of which shall be directed to the license holder.
- §9-18.5.2C** Notice shall contain the specific remedial action necessary to correct the violations so as to effect compliance with the provisions of this Ordinance and with the regulations adopted pursuant hereto.
- §9-18.5.2D** Notice shall specify a period of time within the provisions of Section 9-18.5.1.

**§9-18.5.3 Appeals**

**§9-18.5.3A** Subject to the provisions of Section 918, any licensee issued a notice of violation of the provisions of this Article shall have a right of appeal to the Stockertown Borough Council, provided such appeal is filed within ten (10) days from the date of service of such notice setting forth with particularity the ground for such appeal.

**§9-18.5.3B** Upon submission of any appeal pursuant to the provisions hereof, the appellant shall deposit with the Borough Secretary such sum as is designated by resolution of the Borough Council. All costs, fees, and expenses incurred in connection with the appeal shall be charged against the appellant including the cost of preparation and mailing of notices of hearings and decisions, cost of legal publication, cost of appearance fees of court reporters, and cost of an original of the transcript of Notes of Testimony. If at any time the charge as then made against the appellant's deposit shall render the balance insufficient to ensure the payment of all costs, expenses, charges, and fees that may accrue in the disposition of the appeal, the Council may require additional deposits to be made to assure adequate funds to pay for the appeal costs and expenses. The Council's failure to demand additional deposits shall not relieve the applicant of liability for such costs and charges.

**§9-18.5.3C** Upon the appellant's failure to pay the deposits additionally required within ten (10) days or prior to the next scheduled hearing, whichever be the earlier date, the Council may:

- §9-18.5.3C.1** Continue the matter generally until such deposits are paid, in which event the time within which a decision must be rendered shall cease to run, or
- §9-18.5.3C.2** Dismiss the appeal, or
- §9-18.5.3C.3** Determine the appeal upon the record as it then stands, or
- §9-18.5.3C.4** Take such further action as it deems proper under the circumstances.

**§9-18.5.3D** Hearing upon an appeal shall be held within thirty (30) days of the filing of such appeal.

**§9-18.5.3E** The proceedings at such hearing, including the finding and decision of the Council, together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the Borough Secretary. The Notes of Testimony of the hearings held pursuant to such notice need not be transcribed unless required by the Council or in the event of appeal.

**§9-18.5.3F** Notice of the decision of the Council shall be rendered and notice sent to the licensee within thirty (30) days of the conclusion of such hearing or hearings, or where a transcript of the proceedings is taken, within thirty (30) days of the Council's receipt of such transcript. Upon failure of the licensee to comply with any order sustaining or modifying the notice of violation, the permit of the mobile home park affected by the order shall be revoked.

**§9-18.5.3G** Appeal from the Council's decision shall be as provided by law.

## **§9-19. Cemetery**

The following standards shall apply to cemetery use where permitted by this Ordinance:

**§9-19.1** The minimum lot area for a cemetery shall be five (5) acres.

**§9-19.2** Individual plots shall be set back a minimum of fifty (50) feet from all tract boundaries and public rights-of-way.

**§9-19.3** An application for cemetery use shall include the following:

**§9-19.3.1** A master plan identifying the overall layout of plots, internal road network, buildings and other improvements.

**§9-19.3.2** A valid permit issued from the Pennsylvania Department of Health.

**§9-19.3.3** A narrative of how the cemetery will be developed and maintained.

## **§9-20. Standards for Communications Towers as Special Exceptions (Added by Ord. 2000-6)**

**§9-20.1** The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

**§9-20.2** The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

**§9-20.3** Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport zoning regulations.

**§9-20.4** Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

**§9-20.4.1** The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

**§9-20.4.2** The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

**§9-20.4.3** Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

**§9-20.4.4** Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

**§9-20.5** Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.

**§9-20.6** A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.

**§9-20.7** Recording of a plan of subdivision or land development shall not be required for a lease parcel on which communications tower is proposed to be constructed, provided the communications equipment building is unmanned.

**§9-20.8** The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

**§9-20.9** The maximum height of any communications tower shall be one hundred eighty (180) feet.

**§9-20.10** The foundation and base of any communications tower shall be set back from a property line (not lease line) located in any residential district at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.

**§9-20.11** The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.

**§9-20.12** The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.

**§9-20.13** The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current structural standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Borough's building code.

**§9-20.14** The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas.

**§9-20.15** All communications towers shall be clearly marked.

**§9-20.16** The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.

**§9-20.17** No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

**§9-20.18** Communications towers shall be protected and maintained in accordance with the requirements of the Borough's building code.

**§9-20.19** If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.

**§9-20.20** One off-street parking space shall be provided within the fenced area.

**§9-21. No-Impact Home-Based Business (Added by Ordinance No. 248)**

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. A no-impact home-based business shall be subject to requirements and regulations set forth in Section 2-2 of the Zoning Ordinance.

## ARTICLE X GENERAL PROVISIONS

### §10-1. Parking

No building or structure shall hereafter be constructed, enlarged or modified and no use or activity shall be conducted or expanded unless provision is made on the same or adjacent lot for off-street parking facilities, either within a structure or in the open, and with proper and safe access from a street, to adequately serve the uses within the district according to the provisions of this Section.

#### §10-1.1 Location.

- §10-1.1.1 In no case shall any portion of a public or private street be utilized in complying with the parking requirements of this Section.
- §10-1.1.2 All parking spaces shall be on the same lot as the principal buildings except when permitted by the Borough Council.
- §10-1.1.3 The parking spaces required in Subsection 10-1.1.2 may be located elsewhere than on the same lot when authorized by the Council subject to the following conditions:
  - §10-1.1.3A The owners of two (2) or more establishments shall submit with their applications for special exception, a site plan showing joint use, agreement and location of a common off-street parking area.
  - §10-1.1.3B Some portion of the common off-street parking area shall lie within two hundred (200) feet of an entrance regularly used by patrons, into the buildings served thereby.
  - §10-1.1.3C The total number of parking spaces provided equals or exceeds the sum of the individual requirements.
- §10-1.1.4 In any commercial or industrial district, no parking, loading or service area shall be located within twenty-five (25) feet of the ultimate right-of-way line.
- §10-1.1.5 For residential dwellings, the spaces shall be within one hundred (100) feet of the dwelling unit they serve.

#### §10-1.2 Size.

- §10-1.2.1 Parking spaces for each vehicle shall be at least ten (10) feet by twenty (20) feet in size and shall have a paved surface, except for parking spaces serving single-family detached dwellings, which may be an improved all-weather surface, providing safe and convenient access in all seasons.
- §10-1.2.2 The required parking area shall be measured exclusive of interior drives or maneuvering areas.

#### §10-1.3 Design.

- §10-1.3.1 Any parking for five (5) or more vehicles on a lot which abuts a residential district or a lot for residential purposes, whether single-family or multifamily, shall be screened from the adjacent property by an effective screen the entire length of the parking lot, according to the requirements of Section 10-5.

- §10-1.3.2** Interior circulation within parking areas shall be in accordance with the provisions of Section 10-4.
- §10-1.3.3** Parking areas shall be landscaped in accordance with Section 10-5.
- §10-1.3.4** Parking spaces shall be clearly delineated by suitable markings. Special use spaces such as short-term visitor parking, handicapped parking and pick-up/drop-off zones shall be differentiated from long-term employee parking by suitable markings.
- §10-1.3.5** Handicapped Parking. The following shall apply to commercial, industrial, professional office, institutional, religious and educational uses:
  - §10-1.3.5A** If the total number of parking spaces exceeds twenty (20), a minimum of two (2) percent of the total number of parking spaces but not less than two (2) parking spaces shall be designed and designated for physically handicapped persons.
  - §10-1.3.5B** Said spaces shall be most accessible and approximate to the building or buildings which the parking spaces shall serve.
  - §10-1.3.5C** Each space or group of spaces shall be identified with a clearly visible sign displaying the international symbol of access.
  - §10-1.3.5D** Each space shall be twelve (12) feet wide to allow room for persons in wheelchairs or on braces or crutches to get in and out of either side of an automobile onto level, paved surface suitable for wheeling and walking.
  - §10-1.3.5E** Where possible, such spaces shall be located so that persons in wheelchairs or using braces or crutches are not compelled to wheel or walk behind parked cars.
  - §10-1.3.5F** Where applicable, curb ramps shall be provided to permit handicapped people access from the parking lot to the sidewalk or building entrance.

**§10-1.4 Residential Parking Requirements**

Two (2) spaces per dwelling unit.

**§10-1.5 Nonresidential Parking Requirements**

There shall be sufficient parking spaces provided for each use by the application of the appropriate formula for each use as listed in this Subsection. The Borough Council may authorize a reduction in the number of off-street parking spaces in cases where the applicant can justify the reduction and still provide adequate facilities. The number of required parking spaces may be increased based on the intensity of the use, with the burden of proof on the applicant. In the case of mixed uses, excluding shopping centers, the total number of required parking spaces shall be the sum of the required spaces for the various uses computed separately.

- §10-1.5.1** Throughout this section “s.f.” shall be interpreted as “square feet” and “GFA” shall be interpreted as “gross floor area”. Minimum off-street parking requirements shall be as follows:

Commercial Uses, Industrial Uses and Services

Manufacturing	
Less than 100,000 s.f. GFA	2.5 spaces/1,000 s.f. GFA
Equal to or greater than 100,000 s.f. GFA	2.0 spaces/1,000 s.f. GFA
Office buildings, research and development facilities, laboratories, business services	3.0 spaces/1,000 s.f. GFA
Office parking	3.5 spaces/11,000 s.f. GFA
Personal and professional services	5.0 spaces/1,000 s.f. GFA
Bank, other financial services	4.0 spaces/1,000 s.f. GFA
Car wash – non-automated	2.0 spaces/bay plus 3 stacking spaces per bay
Car wash - automated/tunnel	6.0 spaces, plus 6.0 dry-off spaces, plus 15.0 stacking places
Commercial services	3.5 spaces/1,000 s.f. GFA
Funeral home	20.0 spaces/1,000 s.f. occupied by viewing rooms
Laundromat	20.0 spaces/1,000 s.f. GFA
Eating and drinking establishment	15.0 spaces/1,000 s.f. GFA
Gas station (in addition to service station requirement if applicable)	1 space/pump island, plus 6 stacking spaces for each pump island
Hotel/motel	1 space/unit, plus 4 spaces/5 units, plus spaces as required for ancillary uses.
Junkyard	0.1 space/1,000 s.f. gross lot area
Lumberyard	1.0 space/1,000 s.f. gross lot area
Personal storage, mini storage	1 space/rentable unit
Retail sales of consumed or Non perishable items, often seasonal variation in demand. Includes shopping centers, department stores, auto dealers apparel and personal accessory	3.5 spaces/1,000 s.f. GFA

stores, jewelers, nurseries, bookstores, computer stores, and all similar uses.

Service station, auto body repair shop service (in addition to gas station and auto dealer requirements, where applicable). 2.0 spaces/garage bay

Wholesale sales, commercial sales, freight terminal 1.0 space/1,000 s.f. GFA

### Institutional and Public Uses

Community center, social club 12.0 spaces/1,000 s.f. in main assembly room

Day care center 3.0 spaces/1,000 s.f. GFA, plus 8 stacking spaces

Elementary school, middle school, including boarding schools 12.0 spaces/1,000 s.f. in main assembly room, 25% may be in a reserve lot

High School (including boarding schools) 10.0 spaces/1,000 s.f. of classroom area, or 12.0 spaces per 1,000 s.f. in main assembly room, whichever is greater

Hospital 2.0 spaces/bed

Library 3.0 spaces/1,000 s.f. GFA

Museum or similar institution 3.0 spaces/1,000 s.f. GFA

Church 12.0 spaces/1,000 s.f. in main assembly room. 25% may be in reserve lot

Utility installation 2.0 spaces/installation

### Recreation Uses

Bowling alley 5.0 spaces/lane

Cinema 12.0 spaces/1,000 s.f. GFA

Country club, golf club 5.0 spaces/tee, plus any spaces required for ancillary uses

Health club, spa 5.0 spaces/1,000 s.f. GFA

Indoor amusement arcade 5.0 spaces/1,000 s.f. GFA



Miniature golf course	3.0 spaces/tee
Stadium, theater, gymnasium	3.0 spaces/seat
Swim club, public pool	10.0 spaces/1,000 s.f. of Swimming pool floor

**§10-2. Loading and Unloading**

In connection with any building or structure which is erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided a sufficient number of off-street loading and unloading berths not less than the minimum requirements specified in this Section:

**§10-2.1 Location**

**§10-2.1.1** All loading and unloading areas shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane. No loading area for vehicles of more than two (2) ton capacity shall be located closer than one hundred (100) feet from any residential district. No permitted or required loading area shall be located within fifty (50) feet of a property line.

**§10-2.1.2** No loading facilities shall be constructed within any required yard-areas. Loading facilities shall be located either on the side or rear of the building and properly screened according to Section 10-5.

**§10-2.2 Size**

Off-street loading and unloading areas shall be at least fifteen (15) feet wide, sixteen (16) feet vertical clearance, sixty (60) feet deep and shall have an adequate maneuvering apron.

**§10-2.3 Access**

Each off-street loading and unloading area shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements, and shall be subject to the approval of the Borough. Such access shall have paved surfaces to provide safe and convenient access during all seasons.

**§10-2.4 Surfacing**

Loading and unloading spaces shall have paved all-weather, dustless surfaces of sufficient load-bearing properties consistent with the intended uses.

**§10-2.5 Space Allowed**

Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof. Required off-street parking spaces shall not be used for loading and unloading purposes except during hours when business operations are suspended.

**§10-3. Access and Traffic Control**

To minimize traffic congestion and hazard, control street access and encourage orderly development of street highway frontage, the following regulations shall apply:

**§10-3.1** Unless clearly impractical or inappropriate, lots which abut two (2) or more streets shall have direct

access only to a street of lesser functional classification.

**§10-3.2** Where lots are created having frontage on expressway, arterial, major collector and minor collector streets, as classified by the Comprehensive Plan, any proposed development street pattern shall provide reverse frontage to local streets within the subdivision, unless clearly impractical due to lot configuration or topography. Residential developments which propose streets with reverse frontage lots shall buffer the reverse frontage lot along the rear yard lot line from the major street, in accordance with Section 10-4.

**§10-3.3** Each use with less than four hundred (400) feet of street frontage shall not have more than one (1) ingress and egress land to such street, and no use with four hundred (400) or more of street frontage shall have more than two (2) access ways to any one (1) street for each eight hundred (800) feet of street frontage. A common access point for two (2) or more uses is required where practical, to minimize vehicular access points along streets other than local streets.

**§10-3.4** Every building and lot shall have access to a public street or an approved private street. Unless clearly impractical, all residential lots shall have direct access only to a local access street.

**§10-3.5** All vehicular access ways to any public street shall be located at least one hundred (100) feet from any intersection of a street, measured from the intersection of the street lines.

**§10-3.6** Provisions shall be made for safe and efficient ingress and egress to and from public streets, without undue congestion or interference with normal traffic flow within the Borough. The developer shall be responsible for the design and construction, and the costs thereof, of any necessary traffic control device and/or highway modifications required by the Borough and/or the Pennsylvania Department of Transportation (PennDOT).

**§10-3.7** Obstructions to Vision

**§10-3.7.1** On any lot, no wall, fence or other obstruction shall be erected, allowed or maintained; and no hedge, tree, shrub or other growth shall be planted or exist which dangerously obscures the view of approaching traffic along streets or at intersections.

**§10-3.7.2** On a corner lot, nothing shall be erected, placed or allowed to grow which dangerously obscures the view within a clear sight triangle defined by the following:

**§10-3.7.2A** Above the height of two and one-half (2 1/2) feet and below the height of twelve (12) feet measured from the center line grades of the intersecting streets.

**§10-3.7.2B** Within the area bounded by the center line of intersecting streets and a line joining points on these center lines seventy-five (75) feet from an intersection of center lines of such streets.

**§10-3.7.3** Driveway and street entrances onto public streets shall be maintained in such a manner that a clear view is obtained in both directions according to the following standards:

<u>Posted Speed of Public Road. MPH</u>	<u>Minimum Sight Distance In Feet*</u>
20	200
25	250
30	300
35	350
40	400
45	450
50	500
55	550

\*Measured ten (10) feet from the edge of the cartway of the public street.

## **§10-4. Interior Circulation**

### **§10-4.1 Design of Access Aisles and Drives**

**§10-4.1.1** Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site and shall be clearly marked by signs, curbing or lines. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel delivery and other service vehicles, shall be separate and arranged so as to prevent blocking or interfering with access ways, the use of automobile parking facilities or pedestrian ways, and shall have adequate turn-around surface so egress to the street is in a forward direction.

**§10-4.1.2** Access ways, parking areas and loading areas shall have clearly defined parking bays and traffic circulation lanes designated by markings, curbs, barriers and/or landscaped islands, so that operators of vehicles intending to patronize such parking areas shall not impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.

**§10-4.1.3** All interior drives and access ways shall be paved with an approved all-weather surface, and shall be graded, properly drained and maintained in a good condition. Interior drives shall have a maximum grade of four (4) percent, measured along the center line, for a distance of not less than twenty-five (25) feet from the street right-of-way line. Beyond that point, interior roads and drives shall have a maximum grade of ten (10) percent.

**§10-4.2** Common or shared access driveways to parking and loading areas are permitted and encouraged provided landowners shall submit a site plan and agreement indicating the extent of joint use and maintenance responsibility.

### **§10-4.3 Fire Lane Easements**

**§10-4.3.1** No multifamily residential or institutional building shall be located more than one hundred fifty (150) feet from a duly dedicated, improved or accessible fire lane easement as defined herein, nor more than six hundred (600) feet from a duly dedicated, accessible and improved public or private street. Fire lane easements shall be located adjacent to commercial or industrial building(s).

**§10-4.3.2** Fire lane easements shall have a minimum obstructed right-of-way width of forty (40) feet, and there shall be constructed within this right-of-way an all-weather and well drained surfaced cartway with a minimum width of twenty (20) feet. The extension of fire lane easements shall begin from one (1) or more existing and improved public streets.

**§10-4.3.3** Fire lane easements which curve, turn or change directions shall have a minimum radius of fifty-five (55) feet of pavement. Fire lane easements containing reverse curves shall have a minimum center line tangent length of fifty (50) feet between curves.

**§10-4.3.4** Dead-end fire lane easements shall not exceed four hundred (400) feet in length and shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum surface radius of thirty-five (35) feet.

## **§10-5. Landscaping and Screening**

### **§10-5.1 Landscaping**

- §10-5.1.1** Except for single-family and two-family dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of the Development Plan. A replacement program for nonsurviving plants should be included.
- §10-5.1.2** All mechanical equipment not enclosed in a structure shall be fully and completely screened in a manner compatible with the architectural and landscaping style of the remainder of the lot. Such screening shall be subject to site plan and architectural review by the Borough.
- §10-5.1.3** Landscaping within any parking area which provides more than five (5) parking spaces shall be subject to the following provisions:
- §10-5.1.3A** Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to reduce the level of carbon dioxide; to provide shade; to improve stormwater drainage problems; to replenish the groundwater table; and to provide for a more attractive setting.
  - §10-5.1.3B** The interior of each parking lot shall have at least one (1) three (3) inch caliper deciduous shade tree for every five (5) parking spaces, if there are no existing shade trees to satisfy this requirement. Shrubs and other plant materials are encouraged to be used to complement the trees, but shall not be the sole contribution to the landscaping. These trees shall be in addition to those required as an effective screen.
  - §10-5.1.3C** The landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except where there are more than twenty (20) spaces in which the following shall apply:
    - §10-5.1.3C.1** Landscaped areas at least ten (10) feet wide shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length and width of the parking areas, except for-necessary access ways, to prevent the encroachment of moving vehicles into parking areas.
    - §10-5.1.3C.2** Landscaped islands between every ten (10) parking spaces or at the end of each parking row, whichever is less, shall be provided and shall be the length of the parking spaces in the row and at least ten (10) feet in width.
    - §10-5.1.3C.3** There shall be a planting strip incorporated for every four (4) rows of parking spaces. Such planting strip shall run parallel to parking rows and shall have a minimum width of ten (10) feet if double loaded or seven (7) feet if single loaded.
- §10-5.1.4** Existing plant material and trees with a caliper of six (6) inches or more shall be preserved wherever possible during construction. Such existing plants may be credited toward the amount of required plantings.
- §10-5.1.5** Any development proposing the creation of a public road(s) shall provide shade trees along its entire length. The design of such landscaping shall be as follows:
- §10-5.1.5A** All shade trees shall be a minimum of fifteen (15) feet in height from good nursery stock when planted. Species selected shall be indigenous to the area and shall have deep root systems.

**§10-5.1.5B** Shade trees shall be selected and planted so that at maturity they will provide adequate shade during the summer along the public road.

**§10-5.1.5C** Shade trees shall be planted between the cartway edge and the right-of-way line, as long as clear sight distances at intersections are not obstructed. Existing trees with a caliper of six (6) inches or more and located between the cartway and the right-of-way line shall be preserved wherever possible and used in the shade calculation.

## **§10-5.2 Screening**

**§10-5.2.1** Screening requirements shall be applicable under the following circumstances:

**§10-5.2.1A** Where a proposed commercial, industrial, or institutional use abuts an existing residential use or residential district.

**§10-5.2.1B** Where any proposed multifamily residential use abuts an existing single-family or two-family dwelling.

**§10-5.2.1C** Any other instance where screening is required by this Ordinance or by the Borough.

**§10-5.2.2** Screening shall comply with the following requirements:

**§10-5.2.2A** The entire perimeter of the tract undergoing development shall be provided with a minimum of thirty (30) foot planting strip, fifty (50) foot if adjacent to a residential use or district, which will act as an effective screen separating uses. The planting strip may be included in private yard space and shall be based upon the following criteria:

**§10-5.2.2A.1** Vegetative screening shall include a variety of deciduous and evergreen species which are indigenous to the area so as to provide a year round visual buffer, but shall include no less than fifty (50) percent evergreens.

**§10-5.2.2A.2** Vegetative screening shall incorporate earthen mounds or berms, wherever possible, to improve sound as well as visual buffering, and shall be broken at points of vehicular or pedestrian access.

**§10-5.2.2A.3** Plant materials used in the screen planting shall be at least six (6) feet in height when planted and be of a species which will produce within two (2) years a complete visual screen of at least eight (8) feet in height.

**§10-5.2.2A.4** No plantings shall be placed with their center closer than five (5) feet from the property line of the tract.

**§10-5.2.2A.5** All existing trees within the required planting strip above three (3) inches in caliper and/or eight (8) feet in height shall be preserved wherever possible.

**§10-5.2.2A.6** Screening shall be designed so as to not obstruct sight distances at intersections.

**§10-5.2.2A.7** Screening design, including the type of plant materials to be used, spacing of plant materials, and the use and location of earthen berms, shall be subject to review and approval by the Borough Council upon the

recommendation of the Planning Commission.

**§10-5.2.2A.8** Vegetative screens shall be perpetually maintained during the period the principal use causing the need for screening is in operation. Any plant material which does not survive shall be replaced within six (6) months.

**§10-5.2.2B** Water towers, storage tanks, processing equipment, fans, skylights, cooling towers, vents and any other structures or equipment which rise above the roof line shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method which shall be approved, in writing, by the Borough before construction or erection of said structures or equipment.

**§10-5.2.2C** Shade trees shall be planted between the cartway edge and the right-of-way line, as long as clear sight distances at intersections are not obstructed. Existing trees with a caliper of six (6) inches or more and located between the cartway and right-of-way line shall be preserved wherever possible and used in the shade tree calculations.

## **§10-6. Lighting**

### **§10-6.1 Applicability**

Lighting facilities shall be required for loading, ingress and egress, and parking areas for multiple family, commercial, industrial and institutional uses. The Borough Council may require lighting to be incorporated for other uses of locations where warranted. All lighting facilities shall have underground wiring.

### **§10-6.2 Design**

**§10-6.2.1** Lighting facilities shall provide an illumination level within the following range of values:

<b>§10-6.2.1A</b>	Pedestrian walkways	0.2 - 0.4 footcandles
<b>§10-6.2.1B</b>	Street intersections	0.6 - 0.8 footcandles
<b>§10-6.2.1C</b>	Multiple family common areas	0.6 - 0.8 footcandles
<b>§10-6.2.1D</b>	Recreational/Institutional activities	1.0 - 1.2 footcandles
<b>§10-6.2.1F</b>	Indirect illuminated signs	1.0 - 1.2 footcandles
<b>§10-6.2.1G</b>	Industrial parking areas	1.0 - 1.2 footcandles
<b>§10-6.2.1H</b>	Commercial parking areas	1.0 - 1.2 footcandles

**§10-6.2.2** Lighting standards in parking areas shall not be located farther than one hundred (100) feet apart.

**§10-6.2.3** No lighting shall be permitted which shines directly into residential units, or results in glare beyond an angle of thirty (30) degrees from a vertical plane.

**§10-6.2.4** All lighting shall be completely shielded from any public right-of-way.

### **§10-6.3 Installation Responsibilities**

Where required by this Ordinance, the applicant shall install or cause to be installed, all lighting fixtures. Fixtures shall be at the expense of the applicant, and shall be in accordance with a utility plan prepared by the applicant and approved by the Borough Council and the appropriate utility company.

The applicant shall be responsible for all costs involved in the lighting of streets and street intersections from the date the first dwelling is occupied until the date the street is accepted for dedication.

#### **§10-6.4 Residential Lighting**

Lighting facilities on individual single-family and other residential lots to illuminate private walkways, driveways, parking areas, patios, tennis courts, swimming pools or other areas shall be permitted under the following conditions:

- §10-6.4.1** In no case shall the level of illumination be more than one (1.0) footcandle.
- §10-6.4.2** No lighting shall be permitted which shines directly onto adjacent properties or any public right-of-way.
- §10-6.4.3** Where possible, indirect lighting and short post lighting along walkways or driveways should be incorporated to reduce glare.

#### **§10-7. Storage**

**§10-7.1** Outdoor storage shall be completely screened from view of any public right-of-way and any adjacent residential use. Screening shall consist of evergreen plantings, architectural screen or approved safety fence.

**§10-7.2** No storage shall be permitted within the front yard of any lot.

**§10-7.3** Outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot behind the front building line of the principal building, and shall not exceed ten (10) feet in height.

**§10-7.4** Outdoor storage facilities for fuel, raw materials and products shall be enclosed with an approved safety fence compatible with the architectural and landscaping style employed on the lot. In addition to a fence, bulk storage tanks shall be enclosed by a moat or berm to contain potential spillage.

**§10-7.5** All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multiple family, commercial and industrial developments, garbage storage shall be centralized to expedite collection and enclosed on three (3) sides by an architectural screen or plantings.

#### **§10-8. Utilities**

All utilities shall be placed underground in residential subdivisions and commercial districts. They shall be permitted above ground in "I" Industrial Districts only by special exception.

#### **§10-9. Physical Performance Standards**

The following regulations shall apply to all Districts:

##### **§10-9.1 Air Quality**

There shall be no emission of smoke, ash, dust, fumes, vapors, gases or other matter toxic or noxious to air which violate the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants), and Chapter 131 (Ambient Air Quality Standards), Article III, Title 25, Pennsylvania Department of Environmental Resources, Rules and Regulations.

##### **§10-9.2 Fire and Explosive Hazards**

All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression

equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the Building Code, the Fire Prevention Code, and other applicable Borough Ordinances. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Resources, for storing, handling and use of explosive.

**§10-9.3 Glare and Heat**

No direct or sky-reflected glare, whether from floodlights or high-temperature processes, such as combustion or welding or otherwise, so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Ordinance. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

**§10-9.4 Liquid and Solid Waste**

There shall be no discharge at any point into any public or private sewerage system, or watercourses or into the ground, of any materials in such a way or such a nature, as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of Stockertown Borough and the Commonwealth of Pennsylvania, and specifically to Chapters 73, 75, 95 and 97, Title 25, Pennsylvania Department of Environmental Resources, Rules and Regulations.

**§10-9.5 Noise**

No person shall operate, or cause to be operated on private or public property, any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following table when measured at or within the property boundary of the receiving land use.

<u>Receiving Land Use Category</u>	<u>Time</u>	<u>Sound Level Limit</u>
Residential, Public	7:00 a.m.-10:00 p.m.	60 dBA
Space, Open space, Agricultural or Institutional	10:00 p.m.-7:00 a.m. plus Sundays and legal holidays	50 dBA
Commercial or Business	7:00 a.m.-10:00 p.m. 10:00 p.m.-7:00 a.m. plus Sundays and legal holidays	65 dBA 60 dBA
Industrial	At all times	70 dBA

**§10-9.5.1** For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five (5) dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen (15) second interval) the excursions of sound pressure level shall not exceed twenty (20) dBA over the ambient sound level, regardless of time of day or night of receiving land use, using the “fast” meter characteristic of a Type II meter, meeting the ANSI specifications S1.4-1971.

**§10-9.5.2** The maximum permissible sound levels as listed in the previous table shall not apply to any of the following noise sources.



- §10-9.5.2A** The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills.
- §10-9.5.2B** Emergency work to provide electricity, water or other public utilities when public health or safety is involved.
- §10-9.5.2C** Domestic power tools
- §10-9.5.2D** Agriculture
- §10-9.5.2E** Public celebrations, specifically authorized by Borough.

**§10-9.5.3** Motor vehicle operations shall not exceed the noise levels established in Chapter 157 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.

**§10-9.6 Odors**

No uses, except agricultural operations, shall emit odorous gases or other odorous matter in such quantities to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Table 1 (Odor Thresholds in Air), "Research of Chemical Odors; Part I - Odor Thresholds for 53 Commercial Chemicals," October, 1986, Manufacturing Chemists Association, Inc., Washington, D.C.

**§10-9.7 Vibration**

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line.

**§10-9.8 Radioactivity or Electrical Disturbances**

There shall be no activities which emit dangerous radioactivity at any point. There shall be no radio or electrical disturbances adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of any radioactive material, equipment or supplies, such use shall be in strict conformity with Chapters 221, 223, 225, 227 and 229, Title 25, Article V, Pennsylvania Department of Environmental Resources, Rules and Regulations.

**§10-9.9 Public Health and Safety**

No use shall create any other objectionable condition in an adjoining area, which will endanger public health and safety or be detrimental to the proper use of the surrounding area.

**§10-10. Public Utility Corporations and Authorities**

In accordance with Article VI, Section 619 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended: this Section shall not apply to any existing or proposed building, or extension thereof, or to any land, used or to be used by a public utility corporation, or public utility authority, if upon petition of the corporation, or authority, the Public Utility Commission shall, after public hearing, decide that the present or proposed situation or use of the building or land in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Public Utilities Commission to ensure that both the corporation and Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

**§10-11. Modification of Single-Family Residential Front Yard Requirements**

**§10-11.1** Where an unimproved lot is situated between two (2) improved lots having on each a principal

building within twenty-five (25) feet of the side boundary line of such unimproved lot, which extends into the required front yard of each such improved lot and has been so maintained prior to the effective date of this Ordinance, the front yard depth of such unimproved lot may be the average depth of the front yards of such two (2) adjacent improved lots, notwithstanding the yard requirements of the district in which it is located.

**§10-11.2** Where an unimproved lot adjoins only one (1) improved lot having a principal building thereon within twenty-five (25) feet of the common side lot line which extends into the required front yard of such improved lot and has been so maintained prior to the effective date of this Ordinance; the front yard depth of such unimproved lot may be the average depth of the front yard of such adjacent improved lot and the front yard required in the district in which such unimproved lot is located, notwithstanding the yard requirements of such district.

### **§10-12. Projections into Required Yards.**

**§10-12.1** All required yard areas shall be unobstructed except as follows:

**§10-12.1.1** An arbor, open trellis, flagpole, unroofed steps and terraces, and accessory buildings or structures providing such a projection shall be no closer than the setback required for accessory buildings or structures in the district in which the lot is located.

**§10-12.1.2** Roofed terraces, patios, canopies or awnings not included in the area calculation of a building may project into any yard a maximum of fifteen (15) feet, provided such a projection shall be no closer than the setback required for accessory structures or buildings in the district in which the lot is located.

**§10-12.1.3** Radio towers and microwave antennas in accordance with the provisions of Section 9-1.7 of this Ordinance.

### **§10-13. Fences and Walls**

The following regulations shall apply to all districts:

**§10-13.1** No fence or wall, except a retaining wall, or a wall of a building permitted under the terms of this Ordinance, shall be erected within two (2) feet of a property boundary line, unless a written agreement waiving the specific provisions of the Ordinance has been executed by the adjoining property owner and filed in the Office of the Borough Zoning Officer. **(Amended by Ord. 2000-5)**

**§10-13.2** No fence or wall shall obstruct vision at street intersections or along streets, in accordance with Section 10-13.1.

**§10-13.3** All swimming pools shall be required to have a fence or wall no less than four (4) feet in height, measured from the highest grade to the pool wall. All pools shall have locked gates or access. **(Amended by Ord. 2000-5)**

### **§10-14. Special Setback Provisions (Amended by Ord. 2000-4)**

Notwithstanding any other provision contained in this Ordinance, rear yard setbacks for sheds and swimming pools shall be ten (10) feet.

### **§10-15. Federal and State Owned Property**

Wherever Federal or State owned land is located in the Borough, it shall be subject to provisions of this Ordinance, only insofar as permitted by the Constitution and laws of the United States and the Commonwealth of Pennsylvania.

# ARTICLE XI SIGNS

## **§11-1. Purpose**

In order that the legitimate demands for signage are met without the unsightly intrusion of an unlimited type and quantity of signs in Stockertown Borough, any sign erected or maintained after the effective date of this Ordinance shall conform to the following regulations.

## **§11-2. General Regulations**

The following regulations shall be observed in all districts:

- §11-2.1** No sign shall be erected within a street line, except traffic signs and similar regulatory notices of a duly constituted governmental body.
- §11-2.2** No moving or flashing signs which may distract motorists on adjacent streets shall be permitted, also Flashing, blinking, mechanically moving, twinkling or animated signs of any type are prohibited. Signs which indicate the time, temperature, date or other similar information shall not be considered flashing signs.
- §11-2.3** No sign which emits smoke, visible vapors, particles, sound, or odor shall be permitted.
- §11-2.4** No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for a traffic signal.
- §11-2.5** Flood lighting shall be arranged so that the source of light is not visible from any point off the lot and that only the sign is directly illuminated.
- §11-2.6** No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted in the Zoning District in which the property is located.
- §11-2.7** Every sign shall be constructed of a durable material kept in good condition, repair, and safe from collapse. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises, or the general public, written notice shall be given to the owner of the sign or the owner of the premises on which such sign is located, that such sign shall be made safe or removed within five (5) days.
- §11-2.8** All distances provided for in this article shall be measured along straight lines between signs, and from the near edge of a sign or sign structure. This paragraph shall apply in all cases, including locating new signs in relationship to current existing nonconforming signs.
- §11-2.9** No sign, other than official street signs shall be erected or maintained nearer to a street line than a distance equaling the height of the sign, unless attached flatly to a building.
- §11-2.10** No sign shall be erected in any district without a permit, unless so stated in Section 11-3.
- §11-2.11** No sign shall be spaced closer to another sign than the distance equal to ten times the largest dimension (height or width) of the sign having the largest dimension.

- §11-2.12 The gross sign area shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between adjacent elements of the same. Such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. In the case of an open sign, made up of individual letters, figures or designs, the space between such letters, figures or designs shall be included. In computing the area of a double-face sign, only one side shall be considered provided that both faces are identical. In "V"-type structures, the interior angle of which exceeds forty-five (45) degrees, both sides shall be considered in computing the sign area.
- §11-2.13 No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No signs shall be attached to a standpipe or fire escape.
- §11-2.14 Any sign existing prior to the effective date of this Ordinance and which does not conform to these provisions shall not be altered or changed in over-all dimensions, except in conformance to the provisions contained in Section 11-5 of this Ordinance.

**§11-3. Exempt Signs**

No permit shall be required for the following signs. These signs shall conform to all other regulations set forth in Section 13-2 and 13-4.

- §11-3.1 Directional, information or public services signs such as those advertising the availability of restrooms, telephone or similar public conveniences, and signs advertising meeting times and places of nonprofit service or charitable clubs and organizations, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods, or service, excepting public utilities
- §11-3.2 Trespassing Signs.
- §11-3.3 Real Estate Signs.
- §11-3.4 Home Occupation Signs.
- §11-3.5 Signs advertising the sale of farm products grown or produced on the premises.

**§11-4. Sign Classification, Size and District Applicability.**

Signs shall be classified, regulated, and permitted as follows:

- §11-4.1 Real Estate Signs - Signs which advertise the sale, rental, or lease of the property on which they are placed.
  - §11-4.1.1 Permitted in all districts.
  - §11-4.1.2 Dimensional Requirements - Not to exceed six (6) square feet.
- §11-4.2 Traffic Signs. Signs regulating traffic, naming streets, or describing conditions, which are officially erected by the Commonwealth of Pennsylvania or the Borough of Stockertown.
  - §11-4.2.1 Permitted in all districts.
  - §11-4.2.2 Dimensional Requirements - As deemed appropriate by the Commonwealth of Pennsylvania or the Borough of Stockertown.

- §11-4.3** Identification Signs. Signs which display the name of a particular non-commercial or non-industrial building or use, such as a church or school or development.
- §11-4.3.1** Permitted in all districts.
- §11-4.3.2** Dimensional Requirements - Not to exceed nine (9) square feet.
- §11-4.4** Noncommercial Directional Signs. As part of 11-3.1
- §11-4.4.1** Permitted in all districts.
- §11-4.4.2** Dimensional Requirements - Not to exceed two (2) square feet.
- §11-4.5** Trespassing Signs. Any sign indicating the private nature of property, a street, or driveway, or a sign restricting or prohibiting some particular activity.
- §11-4.5.1** Permitted in all districts.
- §11-4.5.2** Dimensional Requirements - Not to exceed two (2) square feet.
- §11-4.6** Agricultural Signs. Signs advertising the sale of farm products grown on the premises.
- §11-4.6.1** Permitted in all districts.
- §11-4.6.2** Dimensional Requirements - Not to exceed five (5) square feet.
- §11-4.7** Temporary Professional Signs. Signs of contractors, architects, mechanics, or artisans displayed on a temporary basis on the premises at which the services are being performed.
- §11-4.7.1** Permitted in all districts.
- §11-4.7.2** Dimensional Requirements - Not to exceed twelve (12) square feet.
- §11-4.8** Temporary Nonprofessional Signs. Signs noting a special event such as a fair, circus, yard sale, bingo party, or political activity, or a seasonal activity such as the sale of Christmas Trees.
- §11-4.8.1** Permitted in all districts.
- §11-4.8.2** Dimensional Requirements - Not to exceed twelve (12) square feet.
- §11-4.9** Home Occupation and Professional Signs. Signs used to indicate a home occupation or a profession such as a dentist, lawyer, mason, contractor, plumber, doctor or veterinarian.
- §11-4.9.1** Permitted in all districts.
- §11-4.9.2** Dimensional Requirements - Not to exceed two (2) square feet.
- §11-4.10** Business, Commercial, or Industrial Signs. Signs used to attract attention to a permitted use on the same premises. Such signs normally include the identifying name, type of business, and trademark of the establishment.
- §11-4.10.1** Signs permitted in the (I) Industrial and (O/I) Office/Industrial District only.

**§11-4.10.2** Dimensional Requirements:

**§11-4.10.2A** Mounted Signs. Signs mounted on a building shall not exceed fifty (50) square feet and shall in no case exceed ten (10) feet in width or five (5) feet in height. Mounted signs shall be installed parallel to the supporting wall and project not more than twelve (12) inches from the face of such wall.

**§11-4.10.2B** Projecting Signs. Signs projected from the face of a building shall extend no more than forty-two (42) inches; with a minimum height of ten (10) feet from ground level, and have a maximum area of twelve (12) square feet.

**§11-4.10.2C** Free standing signs shall be erected only within the limits of the front yard of the property to which they pertain.

**§11-4.10.3** Signs permitted in the (MU) Mixed Use District:

**§11-4.10.3A** The maximum area for any sign shall not exceed twelve (12) square feet.

**§11-4.10.3B** A free standing signs shall not exceed twelve (12) feet in height.

**§11-4.10.3C** Projecting signs shall not exceed six (6) square feet in area with a maximum projection from a building wall of six (6) feet.

**§11-4.11** Commercial or Industrial Directional Signs. Signs which advertise directions to a particular business or commercial or industrial activity.

**§11-4.11.1** Permitted in (MU) Mixed Use, (I) Industrial and (O/I) Office/Industrial Districts.

**§11-4.11.2** Dimensional Requirements - Not to exceed twelve (12) square feet.

**§11-5. Temporary Sign Regulations**

Temporary signs noted in Sections 11-4.7 and 11-4.8 shall be subject to the following:

**§11-5.1** Permits shall run for a period of up to six (6) months, as is the choice of the applicant.

**§11-5.2** Any free standing sign shall be located at least five (5) feet from any lot line.

**§11-5.3** Signs shall be removed immediately upon expiration of the permit.

**§11-5.4** The site or building on which the sign was erected shall be restored to its original condition upon removal of the sign.

**§11-5.5** A permit may be re-issued for not more than one (1) successive six (6) month period.

**§11-6. Sign Permits, Bond and License**

**§11-6.1** Applications for sign permits shall be filed in duplicate and on forms furnished by the Borough and shall be accompanied by detailed plans and specifications and other such information deemed necessary by the Zoning Officer to determine the location and details of sign construction.

**§11-6.2** Permit fees shall be collected prior to the issuance of a permit. Permit fees shall be as designated by the Borough Council.

**§11-6.3** No permit shall be issued until a license and a bond or liability insurance policy as herein provided, and the owners consent and signature have been filed.

**§11-6.4** Before any permit will be issued for any sign requiring a permit or any sign projecting over public property, a liability insurance policy or an indemnity bond in the amount set by resolution and payable to the Borough, in a form satisfactory to the Borough Solicitor, shall be posted and maintained for the life of the sign. Only one such bond or liability policy need be posted for the sign erector regardless of the number of signs he may erect within the Borough during the year.

## **§11-7. Off-Premise Signs (Including Billboards) (Amendment by Ordinance No. 1999-1)**

**§11-7.1** Off-premise signs are controlled by this ordinance to serve the following purposes:

**§11-7.1.1** To ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks.

**§11-7.1.2** To prevent visual pollution in the Borough and protect property values, especially in consideration of the fact that most commercial areas of the Borough are within close proximity to existing residences.

**§11-7.1.3** To prevent glare on adjacent property and streets.

**§11-7.1.4** To protect the open space and natural character of areas of the Borough planned to remain agricultural or as conservation areas.

**§11-7.1.5** To avoid the creation of additional visual distractions to motorists, especially along the high speed Route 33 which is defined as an expressway and along busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards.

**§11-7.1.6** To recognize the numerous alternative forms of free speech available in the Borough, including existing non-conforming off-premise signs, in -premise signs and temporary signs and printed and electronic media.

**§11-7.1.7** To recognize that this Ordinance allows every landowner a reasonable use for their land.

**§11-7.1.8** To avoid off-premise signs that would have an unfair advantage over on-premise signs in the competition for attention, because off-premise signs typically are higher and larger than in-premise signs.

### **§11-7.2 Non-Conforming Off-Premise Signs**

This Ordinance is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.

### **§11-7.3 Commercial and Non-commercial**

This section applies to both commercial and non-commercial off-premise signs except as may be specifically provided for elsewhere in this Ordinance.

### **§11-7.4 State Sign**

Signs erected and maintained by the Pennsylvania Department of Transportation are permitted by right in all Districts. Such signs that identify business services available at an interchange are specifically encouraged as an

appropriate and orderly means of providing information without causing visual pollution or traffic hazards.

#### **§11-7.5 Permitted Off-Premise Signs**

Based directly on the intent statements within this Ordinance, only the following off-premise signs are permitted, except for exempt signs under Section 11-3.

- §11-7.5.1** District – An off-premise sign is only permitted in the O/I – Office Industrial District.
  
- §11-7.5.2** Location – An off-premise sign is only permitted within 500 feet of existing right-of-way of an expressway, and setback requirements of the Office Industrial (O/I) district shall not apply, but instead signs permitted herein shall observe a front yard setback of 25 feet, side yards of 50 feet each and a rear yard of 100 feet.
  
- §11-7.5.3** Size – No off-premise sign may have a sign area greater than 672 square feet.
  
- §11-7.5.4** Spacing – Any off-premise sign shall be separated by a minimum of 1,500 feet from any other off-premise sign, including signs on either side of an expressway. No lot shall include more than 1 (one) off-premise sign.
  
- §11-7.5.5** Maximum Height – 80 feet. Height of sign shall be the vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure.
  
- §11-7.5.6** Attached – No off-premise sign or sign face shall be attached in any way to any other off-premise sign. Off-premise signs shall have a maximum of two (2) sign faces.
  
- §11-7.5.7** Lighting and Glare – See standards in Section 10-6.
  
- §11-7.5.8** Residences – No off-premise sign shall be located within 1,000 feet of an existing dwelling or land zoned residential by the Borough of Stockertown if such dwelling or residentially zoned land is located on the same side of Route 33 as the sign.

#### **§11-7.6 Allowance for Peculiar Circumstances**

- §11-7.6.1** This section recognizes that peculiar and exceptional circumstances may cause a need for an off-premise sign other than those that are permitted.
  
- §11-7.6.2** The Zoning Hearing Board may as a special exception allow 1 (one) off-premise sign related toward 1 (one) individual use. Such a sign shall be limited to 10 (ten) square feet in sign area on one face and with a maximum height of 10 (ten) feet.
  
- §11-7.6.3** No approval shall be granted for such a sign unless the applicant proves to the satisfaction of the Zoning Hearing Board that peculiar and exceptional characteristics of both the individual use and the site overwhelmingly require a need for such a sign in order for that use to exist. The applicant shall also provide that the location of such a sign would be completely compatible with adjacent uses.



## ARTICLE XII NONCONFORMING USES, STRUCTURES, LOTS AND SIGNS

### **§12-1. Applicability**

All uses, structures, lots and signs that do not conform to regulations of the district in which they are located, but were in lawful existence prior to the effective date of this Ordinance, shall be known and regarded as nonconforming and the following regulations shall apply to them.

### **§12-2. Continuation**

Any lawful building or other structure, or any lawful use of a building, land or sign legally existing at the time of adoption of this Ordinance, or authorized by a building permit issued prior thereto, may be continued in the form evident at the time of adoption of this Ordinance although such use does not conform to the provisions of this Ordinance.

### **§12-3. Nonconforming Uses**

#### **§12-3.1 Extension or Enlargement**

The nonconforming use of a building or of a lot shall not be extended or enlarged, so as to use other portions of the building or lot and a nonconforming building housing a nonconforming or permitted use shall not be extended or structurally altered, except insofar as is permitted by law to assure the structural safety of the building; unless the Zoning Hearing Board shall by special exception as hereinafter provided, authorize the extension or enlargement of such use or building. The Zoning Hearing Board, upon proper application may grant such special exception provided that:

- §12-3.1.1** It is clear that such extension is not materially detrimental to the character of the surrounding area or the interest of the municipality.
- §12-3.1.2** The area devoted to the nonconforming use shall not be increased by more than a total of twenty-five (25) percent.
- §12-3.1.3** Any extension or enlargement of the building or of a lot having a nonconforming use shall conform to all area and bulk regulations of the district in which it is situated and to all regulations applicable to such a use in the district or districts in which the nonconforming use shall be limited to the lot which was in existence at the time of adoption of this Ordinance.
- §12-3.1.4** Any extension or enlargement of a nonconforming use must meet the off-street parking and buffering requirements of Article X herein.

#### **§12-3.2 Change of Use.**

A nonconforming use may be changed to another nonconforming use by the grant of a special exception only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be similar to or less detrimental to its neighborhood and abutting properties than is the use it is to replace. In evaluating relative detriment, the Zoning Hearing Board shall take into consideration, among other things: potential traffic generation; nuisance characteristics (such as emission of noise, dust, odor, glare and smoke); fire hazards; and hours and manner of operation.

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

#### **§12-3.3 Restoration**

A structure containing a nonconforming use involuntarily destroyed by seventy-five (75) percent or less of its

value by fire, explosion, flood or other phenomena, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that:

**§12-3.3.1** Reconstruction of the structure shall commence within one (1) year from the date the structure was destroyed or condemned and shall be completed within one (1) year of the date commenced.

**§12-3.3.2** The reconstructed structure shall not exceed area and bulk of the damaged or destroyed structure, except as provided by Section 12-3 above.

#### **§12-3.4 Discontinuance**

If a nonconforming use of a building or land is discontinued or otherwise totally ceases for a continuous period of one (1) year or more, subsequent use of such building or land shall conform to the provisions of this Ordinance.

#### **§12-3.5 Abandonment**

If a conforming use of a structure or land is raised, removed or abandoned for twelve (12) consecutive months, subsequent use of such building or land shall conform with the regulations of the district in which it is located. However, the same or another nonconforming use shall be allowed provided the request for the nonconforming use is filed and approved by the Zoning Hearing Board within the twelve (12) month period. The permit application for such approval shall be filed within thirty (30) days after the decision of the Zoning Hearing Board with regard to the nonconforming use.

### **§12-4. Nonconforming Structures**

#### **§12-4.1 Extension or Enlargement**

**§12-4.1.1** Nonconforming structures may be altered, renovated, or enlarged provided that such alteration, renovation or enlargement does not increase the floor area of the nonconforming structure by more than twenty-five (25) percent of the floor area of the structure as it existed on the date when the structure became nonconforming. Such alteration, renovation or enlargement shall be authorized as a special exception by the Zoning Hearing Board and shall not increase any existing nonconformity and shall comply with all area and bulk regulations. In the case of a nonconforming structure, which is occupied by a nonconforming use, such alteration, renovation or enlargement shall also meet the requirements of Section 12-3.1 of this Article. In the case of a nonconforming structure, which is located on a nonconforming lot, such alteration, renovation or enlargement shall also meet the requirements of Section 12-3.3 of this Article.

**§12-4.1.2** Any structural alteration, extension or addition to existing buildings shall conform with all area, height, width, yard and coverage requirements for the district in which it is located as well as building code regulations currently in effect.

**§12-4.1.3** Any extension or enlargement of a nonconforming structure must meet the off-street parking and buffering requirements of Article X herein.

#### **§12-4.2 Restoration**

Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by seventy-five (75) percent or less of its value by fire, explosion, windstorm, other active cause or legally condemned may be reconstructed in the same location provided that:

**§12-4.2.1** The reconstructed building or structure shall not exceed the height, area or bulk permitted by Section 12-3.1 or the original building, whichever shall be the more limited, except as specified by Section 12-3.1.

**§12-4.2.2** Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be completed without interruption.

**§12-4.3 Change of Use**

The use of a nonconforming structure may be changed to another nonconforming use if such currently exists, or to a conforming use when authorized as a conditional use by the Borough Council and subject to Section 13-8 of this Ordinance.

**§12-5. Nonconforming Lots**

**§12-5.1** A building may be constructed on a nonconforming lot of record in existence at the effective date of this Ordinance. If the side, rear or front yard setback requirements cannot be met, a special exception may be authorized by the Zoning Hearing Board. Contiguous nonconforming lots under common ownership shall be considered one (1) lot.

**§12-5.2** No lot area shall be reduced so that the area or width of the lot or the applicable setback dimensions shall be smaller than herein prescribed.

**§12-5.3** An existing structure located on a lot nonconforming as to area may be used for the use permitted in the district in which it is located, provided the structure complies within all bulk requirements of that district. If a nonconforming structure is located on a nonconforming lot, such structure may be used for a use permitted in the district in which it is located when it is determined by the Zoning Hearing Board on appeal, that the proposed use is not injurious to health, safety, morals, and general welfare of the Borough in general and the surrounding property owners in general and the surrounding property owners in particular, and provided that the requirements of Section 12-3.3 are met.

**§12-6. Nonconforming Signs**

Any existing nonconforming signs, signboards, billboards or advertising device shall either be discontinued and removed, or changed to a conforming sign within the period of five (5) years from the effective date of this Ordinance, subject to the following:

**§12-6.1 Area**

The total area of all such signs relating to a single use at the effective date of this Ordinance, or at the effective date of any amendment of this Ordinance by which any sign shall be made nonconforming, shall not be increased.

**§12-6.2 Replacement**

No such sign shall be physically altered or replaced except for re-lettering. Nonconforming signs, once removed, may be replaced only by conforming signs unless authorized by the Zoning Hearing Board.

**§12-6.3 Discontinuance**

Whenever any nonconforming use of building, structure, or land, or of a combination of buildings, structures, and land ceases as prescribed in 12-3.3, all signs accessory to such use shall be deemed to become nonconforming and shall be removed within three (3) calendar months from the date such use terminates.

**§12-6.4** Every sign for a nonconforming building, structure or use shall either be discontinued and removed, or changed to conform to the specific regulations of the district in which it is located and comply with Article XI herein.

## ARTICLE XIII ADMINISTRATION

### §13-1. Applicability. Administration And Enforcement

#### §13-1.1 Application

**§13-1.1.1** Hereafter no land shall be used or occupied, and no building or structure shall be created, altered, used or occupied except in conformity with the regulations herein established for the districts in which such land, building or structure is located, as well as all other applicable statutes.

**§13-1.1.2** In case of mixed occupancy, the regulations for each use shall apply to that portion of the building or land so used.

#### §13-1.2 Administration and Enforcement

**§13-1.2.1** There shall be a Zoning Administrative Officer who shall be appointed by the Borough Council and whose duty shall be and is hereby given the power and authority to enforce the provisions of this Ordinance.

**§13-1.2.2** Duties - The duties of the Zoning Administrative Officer shall be:

**§13-1.2.2A** To examine all applications for permits required by this Ordinance.

**§13-1.2.2B** To issue permits only for construction and uses which are in accordance with the regulations of this Ordinance and as may be subsequently amended.

**§13-1.2.2C** To record and file all applications for permits and accompanying plans and documents and keep them for public record.

**§13-1.2.2D** To issue permits for uses by special exception and variance only after such uses and buildings are ordered by the Zoning Hearing Board in accordance with the regulations of this Ordinance, or Court of Appeals, subject to any stipulations contained in such order.

**§13-1.2.2E** To inspect nonconforming uses, buildings and lots and to keep a filed record of such nonconforming uses and buildings as a public record and to examine them periodically.

**§13-1.2.2F** Upon the request of the Borough Council or the Zoning Hearing Board, present to such bodies, facts, records, and any similar information on specific requests to assist such bodies in reaching its decision.

**§13-1.2.2G** To be responsible for the keeping up-to-date of this Ordinance and the Zoning Map, filed with the Borough Secretary and to include any amendments thereto.

**§13-1.2.2H** To be responsible for the administration of the National Flood Insurance Program in Stockertown Borough and specifically in those areas where records must be maintained relative to the types of land use permitted and occurring within the floodplain district, variances issues, base flood elevations, elevation of lowest floor, including basement, the elevation to which the structure is floodproofed and other administrative functions necessary for participation in the National Flood Insurance Program.

- §13-1.2.2I** To notify in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator.
- §13-1.2.2J** To assure the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- §13-1.2.2K** To be responsible for applicable provisions included in all other codes, ordinances and regulations that are applied insofar as they are consistent with the Borough's needs to minimize the hazard and damage which may result from flooding.
- §13-1.2.2L** To process all applications for special exceptions and variances before the Zoning Hearing Board.

### **§13-1.3 Violations**

Failure to secure a permit prior to the change in use of land or building(s) or the erection, enlargement or alteration, demolition of a building or failure to secure a use and occupancy permit shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of this Ordinance or other existing statutes.

- §13-1.3.1** Notice of Violation. If the Zoning Administrative Officer shall find that any of the provisions of this Ordinance is being violated, he shall notify in writing the person responsible for such violation. Such notice shall indicate the nature of the violation and order the action necessary to correct. He shall order discontinuance of illegal use of land, building or structure; removal of illegal building or structures or additions, alterations or structural changes thereto; discontinuance of any illegal work being done or shall take any other action authorized by this Ordinance to insure compliance with or prevent violation of its provisions. Such orders shall be delivered in person by the Zoning Administrative Officer or shall be mailed by certified mail to the person or entity responsible. Orders of the Zoning Administrative Officer shall become effective within the time provided in the order, but in no event less than one (1) nor more than thirty (30) days from receipt of notice. The Zoning Administrative Officer shall allow reasonable time for compliance with orders.
- §13-1.3.2** Repeat violation of an initial notification as to violation of an Ordinance provision shall constitute forfeiture of subsequent notices and result in the fines as provided in Section 13-1.4.
- §13-1.3.3** Complaints Regarding Violations. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrative Officer. He shall record properly such complaint, investigate, and take action thereon as provided by this Ordinance.

### **§13-1.4 Fines and Penalties**

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance enacted, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not less than One Hundred Dollars (\$100), nor more than Five Hundred Dollars (\$500), plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that

there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth 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. All judgments, costs and reasonable attorney fees collected for the violation of the zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

**§13-1.4.1** The court of common pleas, upon petition, may grant an order to stay, upon cause shown, toiling the per diem fine pending a final adjudication of the violation and judgment.

**§13-1.4.2** 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.

### **§13-1.5 Enforcement Remedies**

In case any building, structure or landscaping is erected, constructed, reconstructed, altered, repaired, demolished, 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 Ordinance or of any regulations made pursuant thereto, the Borough, nor any aggrieved owner or tenant of real property who shows that his property will be substantially affected by the alleged violations, 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, restrain or rejoin such unlawful erection, construction, reconstruction, alteration, repair conversion, demolition, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct business or use in or about such premises.

## **§13-2. Common Permit Regulations**

### **§13-2.1 General Requirements**

**§13-2.1.1** Application for permits shall be made in writing on an appropriate form to the Zoning Administrative Officer and shall contain all information necessary for such officer to ascertain whether the proposed use of land or improvement under the application shall comply with the provisions of this Ordinance and all other existing statutes.

**§13-2.1.2** Applications for permits required under this Ordinance may be submitted by an owner or a designated representative thereof; however, responsibility for obtaining any required permit and compliance with existing statutes, shall rest with the property owner.

**§13-2.1.3** No permit shall be issued except in conformity with the regulations of this Ordinance, and other existing statutes, except after written order from the Zoning Hearing Board or the Courts. Any permits issued on written order of the Zoning Hearing Board or the Courts shall be subject to any stipulation contained in that order.

**§13-2.1.4** In all instances in which the Zoning Administrative Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of this application. If such evidence is not presented, the zoning permit will be denied.

**§13-2.1.5** The parcel or parcels of land or buildings or parts of buildings for which an application is being submitted shall be in full ownership or proof of equitable ownership shall be furnished at the time of application.

**§13-2.1.6** No application is complete until all the necessary documents have been filed and fees have been paid.

### **§13-2.2 Fees**

All permit fees under this Ordinance shall be determined by the Council and a schedule of such shall be made available to the general public. The Council shall be empowered to re-evaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Council by resolution.

### **§13-2.3 Issuance of Refusal of Permits**

If the Zoning Administrative Officer determines that an application is in compliance with the provisions of this Ordinance, it shall be his duty to issue the appropriate permit. If he determines that an application is not in compliance with the provisions of this Ordinance, it shall be his duty to refuse the permit, in which case he shall instruct the applicant in the method of appeal or application to the Zoning Hearing Board.

### **§13-2.4 Notification to Applicant**

All applicants for permits or certificates shall be given written notice of the status of the application within thirty (30) days, unless otherwise specified. When an application is refused, the Zoning Administrative Officer shall specify the reasons for the refusal.

## **§13-3. Zoning Permits**

**§13-3.1** A zoning permit shall be required prior to: a change in use of land or buildings; a change in use or extension or enlargement of a nonconforming use; or development within the Floodplain District. The placing of vacant land under cultivation shall not require a zoning permit. It shall be unlawful to commence any site work or other work requiring a zoning permit until a permit has been properly issued therefor.

### **§13-3.2 Application for Zoning Permits**

Application for permits under this Section, along with accompanying plans and data, may be submitted by the Zoning Administrative Officer to any appropriate governmental agency, authority or representative for review and comment relative to compliance with existing statutes and the Zoning Administrative Officer shall consider those comments in action on the application. All applications shall be accompanied by:

- §13-3.2.1** Three (3) copies of the approved land development and/or plot plan together with any other data and information required by the Zoning Administrative Officer to evaluate compliance with this Ordinance and other existing statutes.
- §13-3.2.2** Three (3) copies of detailed architectural plans for any proposed building or structure under the application.
- §13-3.2.3** Wherein the disturbance or movement of earth is contemplated, a soil and erosion control plan with an accompanying narrative prepared by a qualified person for review and approval by the Borough Engineer; or, when applicable, a copy of the permit issued by the Pennsylvania Department of Environmental Resources approving earth moving operations.
- §13-3.2.4** Permits or certification from the appropriate agency for the provision of a healthful water supply, disposal of sewage and other wastes, and control or objectionable effects, as well as any other appropriate, lawful permits as may be required by statute.
- §13-3.2.5** Additional copies of any information may be required by the Zoning Administrative Officer.

**§13-3.2.6** Permits shall be granted or refused within thirty (30) days upon satisfaction of the Borough that all supplemental information has been supplied.

### **§13-3.3 Temporary Zoning Permits**

A temporary zoning permit may be authorized by the Zoning Administrative Officer for a nonconforming structure or use which it deems beneficial to the public health or general welfare, or which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Borough. Such a permit shall be issued for a specified period of time, not exceeding one (1) year.

### **§13-4. Sign Permits**

**§13-4.1** A sign permit shall be required prior to the erection or modification of any sign, sign structure or change in location of an existing sign, with the exception of those signs exempted in Section §10-15.

#### **§13-4.2 Application for a Permit**

Application shall be made in writing on an appropriate form to the Zoning Administrative Officer and shall contain all information necessary for such officer to determine whether the proposed sign, or the proposed alteration, conforms to all the requirements of this Ordinance.

**§13-4.2.1** Permits shall be granted or refused within thirty (30) days from date of application.

**§13-4.2.2** No sign permit shall be issued except in conformity with the regulations of this Ordinance, or except after written order from the Zoning Hearing Board, or the Courts.

**§13-4.2.3** All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:

**§13-4.2.3A** Dimensions of the lot (including any right-of-way lines) and/or building upon which the sign is proposed to be erected.

**§13-4.2.3B** Size, dimensions and location of the said sign on lot or building together with its type, construction, materials to be used, and the manner of installation.

**§13-4.2.3C** Any other lawful information which may be required of applicant by the Zoning Administrative Officer. One (1) copy of said plan or diagram shall be returned to applicant, after the Zoning Administrative Officer shall have marked such copy either approved or disapproved, and attested to same.

### **§13-5. Building Permits**

#### **§13-5.1 Requirements of Building Permits**

A building permit shall be required prior to the erection or alteration of or addition to, any building or other structure or portion thereof. It shall be unlawful for any person to commence work for the erection or alteration of, or addition to, any building or other structure or portion thereof until a building permit has been duly issued therefor, except as provided by special exception.

#### **§13-5.2 Application for Building Permits**

All applications for building permits shall be made in writing on forms furnished by the Borough and shall be accompanied by a plot plan drawn To scale and accurately showing the exact size and location of any buildings



or other structures existing on the lot in question or upon abutting land within fifty (50) feet of the side and rear lot lines of such lot, and the lines within which the proposed building or other structure shall be erected or altered. There shall, in addition, be included with all applications, such other plans, documents and information as may be necessary to enable the Zoning Administrative Officer to ascertain compliance with this Ordinance and all other pertinent ordinances. The Zoning Administrative Officer shall reply to all building permit applications within thirty (30) days of receipt.

### **§13-5.3 Issuance of Building Permits**

No building permit shall be issued until the Zoning Administrative Officer has certified that the proposed building, structure or alteration complies with the provisions of this Ordinance and applicable ordinances. Upon completion of the erection, addition to, or alteration of any building, structure or portion thereof authorized by any building permit obtained in compliance with this Ordinance, and prior to use of occupancy, the holder of such permit shall notify the Zoning Administrative Officer of such completion. Use and occupancy shall not be authorized until the Zoning Administrative Officer has certified that the work has been inspected and approved as being in conformity with this and other applicable ordinances, and has issued a use and occupancy permit as provided in Section §13-4.

### **§13-6. Permit Procedure For Microwave Antenna For Satellite Communication.**

**§13-6.1** A permit shall be required prior to the erection or installation of any microwave antenna for satellite communication, provided a temporary installation of a portable unit, not to exceed seven (7) days, shall be permitted without a permit for the purpose of determining the suitability of the site for a permanent antenna installation.

**§13-6.2** All applications for a microwave antenna permit shall be made to the Zoning Administrative Officer in writing on a form furnished by the Borough and shall be accompanied by plans, in duplicate and to scale, showing:

**§13-6.2.1** For residential and nonresidential installations:

**§13-6.2.1A** The dimensions of the lot and location of the buildings thereon.

**§13-6.2.1B** Details of all microwave antenna anchors, supports and foundations, the exact size of the antenna, including dish, and the exact proposed location of the microwave antenna on the lot.

**§13-6.2.1C** When microwave antennas are attached to an existing structure, details of how microwave antenna loads will be distributed to the existing structure.

**§13-6.2.2** For roof-mounted nonresidential installations:

**§13-6.2.2A** Design wind load on each anchor and allowable wind load on each anchor.

**§13-6.2.2B** Forces on foundation, including live load and dead load.

**§13-6.2.2C** Strength and allowable stresses of cables, rods or braces and the actual force and allowable force for each cable, rod or brace.

**§13-6.3** If the manufacturer's specifications submitted with the application specify the installation criteria for §13-6.2.2, they shall be made part of the plan and separate calculations shall not be required. The Zoning Administrative Officer may waive §13-6.2.2 if he determines them not applicable to the installation.

**§13-6.4** Issuance or refusal of permits and notification to the applicant shall be in conformance with Section 13-7.

**§13-6.5** The permit fee shall be in such amount as established from time to time by resolution of the Borough Council.

## **§13-7. Occupancy Permits**

### **§13-7.1 General Requirements**

It shall be unlawful for the applicant, person or other entity to sell, occupy any building or other structure or parcel of land until an occupancy permit, if required, has been duly issued therefor. Occupancy permit shall be required prior to any of the following:

**§13-7.1.1** Occupancy of any parcel of land, building or other structure hereinafter erected, altered or enlarged for which a zoning permit or sign permit is required.

**§13-7.1.2** For all commercial and industrial uses, a change of ownership or use of any parcel of land, building, or other structure for which a zoning permit has been or should have been issued under this or previous Zoning Ordinance.

**§13-7.1.3** For new construction in all zoning districts prior to sale.

### **§13-7.2 Application Procedures**

All applications for use and occupancy permits shall be made in writing on forms furnished by the Borough and shall include all information necessary to enable the Zoning Administrative Officer to ascertain compliance with this Ordinance.

### **§13-7.3 Issuance**

**§13-7.3.1** Use and occupancy permits shall be granted or refused with ten (10) days from the date of application. No application shall be granted or refused until the Zoning Administrative Officer has inspected the premises. Issuance of this permit by the Borough Official or employee designated by the Zoning Administrative Officer shall be based in conformity of the work to the requirements of this Ordinance and any other pertinent ordinance.

**§13-7.3.2** Pending completion of a building or of alterations thereto, temporary use and occupancy of the building, provided that such temporary occupancy will not adversely affect the health, safety, and welfare of the public or property, and providing further that a time limit for temporary permits not exceeding six (6) months shall be established.

**§13-7.3.3** In commercial and industrial districts in which performance standards are imposed or when required by the Zoning Administrative Officer, no use and occupancy permit shall become permanent until sixty (60) days after the facility is fully operating, when upon re-inspection by the Zoning Administrative Officer it is determined that the facility is in compliance with all performance standards.

## **§13-8. Conditional Uses**

**§13-8.1** An application for a conditional use shall be filed with the Borough Council and shall include:

**§13-8.1.1** The name and address of the applicant.

**§13-8.1.2** The name and address of the owner of the real estate to be affected by the proposed

conditional use application.

**§13-8.1.3** A description and location of the real estate on which the conditional use is proposed.

**§13-8.1.4** A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

**§13-8.1.5** A statement of the section of this Ordinance which authorizes the conditional use.

**§13-8.1.6** An accurate description of the present improvements and the additions intended to be made under the application for conditional use, including the size or proposed improvements, material and general construction features. The application shall be accompanied by a proposed plan showing the size and location of the proposed use, the location of all proposed buildings, all proposed facilities, including access drives and parking areas, and dimensional features demonstrating compliance with the applicable area, width, coverage, yard and design standards.

**§13-8.2** The application for a conditional use shall be filed with the Secretary of the Borough on such forms as may be prescribed for that purpose, and shall be accompanied by the application fee, prescribed from time to time, by the Borough Council. No application shall be received for filing unless accompanied by the required filing fee. The Secretary shall submit the application to the Borough Planning Commission within five (5) days of receipt, and the Planning Commission shall review the application and make a recommendation to the Borough Council within thirty (30) days thereafter.

**§13-8.3** The Borough Council shall hold a public hearing on the conditional use application in accordance with the following procedures:

**§13-8.3.1** Notice of the hearing shall be given to the public by publication in newspaper of general circulation in the Borough at least twice, the first such notice to be not less than ten (10) days prior to the date of the scheduled hearing. Additionally, like notice thereof shall be given to the applicant, the Zoning Administrative Officer, and to any person who has made timely written request for same. Notice of the hearing shall be conspicuously posted on the affected tract of land. The Borough Council shall conduct its first hearing on the application within sixty (60) days from the date the application is filed with the Borough Secretary.

**§13-8.3.2** The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Borough Council and any other person, including civic or community organizations, permitted to appear by the Council. The Council shall have the power to require that all persons who wish to be considered parties enter written appearances on forms provided by the Council for that purpose.

**§13-8.3.3** The President or Acting President of the Council shall have power to administer oaths and issue subpoenas or compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

**§13-8.3.4** Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

**§13-8.3.5** The Borough Council shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of the graphic or written material received in evidence shall be made available to any party at cost.

**§13-8.3.6** The procedures set forth in Sections 14-6.9 and 14-6.10 relating to initiation of hearings and decision/findings of the Zoning Hearing Board shall apply to the governing body in consideration of conditional use applications. Where the governing body fails to render the decision within the period required therein or fails to commence, conduct or complete the required hearing as provided in Sections

14-6.9 and 14-6.10 of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten (10) days from the last date it could have met to render a decision in the same manner as required by the public notice requirements of the Municipalities Planning Code. If the governing body shall fail to provide such notice, the applicant may do so. **(Added by Ordinance No. 248)**

**§13-8.3.7** A copy of the final decision shall be delivered to the applicant and the parties before the Council personally or mailed to them not later than the day following the date of the decision.

**§13-8.3.8** The Planning Commission shall be given an opportunity to review the proposed conditional use and may submit an advisory recommendation to the governing body. The governing body may rule on the case without receiving a review by the Planning Commission if forty-five (45) days has passed since the complete application was submitted to the Borough or when a decision must be made to comply with time restrictions of this Ordinance or the Municipalities Planning Code. **(Added by Ordinance No. 248)**

**§13-8.4** In granting or denying a conditional use or establishing conditions with reference to such grants, the Borough Council shall use as a guide in evaluating a proposed conditional use, and may determine to be mandatory, those standards established for review of special exception applications by Section §14-4.10 of this Ordinance. The burden of establishing compliance with those enumerated standards shall be upon the applicant by a fair preponderance of the credible evidence. The standards required by this Subsection shall be deemed a part of the definitional aspect under which a conditional use may be granted, and the failure of the applicant to establish his compliance with all of the standards shall, in the discretion of the board, be deemed either a basis for the establishing of conditions or limitations on an approval or the basis for a determination that the applicant has not met the requirements for which a conditional use may be granted.

**§13-8.5** Nothing in this Section shall be construed to relieve the applicant for a conditional use approval from obtaining other required approvals mandated by the Borough's Subdivision and Land Development Ordinance, or other applicable ordinances.

**§13-8.6** Appeals from a determination of the Board pursuant to any application for conditional use shall be only as prescribed within such times permitted by the applicable provisions of the Pennsylvania Municipalities Planning Code.

**§13-8.7** In granting an application for conditional use, the Zoning Hearing Board may attach such additional reasonable conditions and safeguards as it deems necessary and appropriate to insure compliance with the provisions of this Ordinance and to protect the health, safety and general welfare of the community.

### **§13-9. Liability**

The granting of any permit under this Ordinance by the Borough or any of its designated officials or the use of land or structures or the erection, alteration or extension of any structure or the approval of any subdivision or land development plan, shall not constitute a representation, guarantee, or warranty of any kind by the Borough or any of its officials or employees as to any manner of injury resulting from such use, erection, alterations or extension, and shall create no liability upon, or a cause of action against such public body, officials or employees for any damages or injury that may result pursuant thereto.

### **§13-10. Exemption**

The provisions of this Ordinance shall not apply to Stockertown Borough nor to any building or land of the Borough or extension thereof, or to the use of any premises by the Borough, nor shall its provisions be construed to apply in any way to any building, lands or premises owned or operated by the Borough.

THE PROVISIONS OF THIS ARTICLE OF THE ORDINANCE ARE INTENDED TO PARALLEL THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AND SAID PROVISIONS ARE AMENDED AS THE MPC

IS AMENDED.

## ARTICLE XIV ZONING HEARING BOARD

### **§14-1. Establishment And Membership**

There shall be a Zoning Hearing Board, which shall consist of three (3) members who shall be appointed by resolution of the Borough Council and who shall be residents of the municipality. The Borough Council shall designate one (1) such member to serve until the first day of January following the effective date of this Ordinance, one (1) until the first day of the second January thereafter, and one (1) until the first day of the third January thereafter; shall appoint their successors on the expiration of their respective terms to serve three (3) years, and shall fill any vacancy for the unexpired term of any member whose term becomes vacant. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by majority vote of the governing body which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing will be held in connection with the vote if the member shall request it in writing.

When used hereafter in this Article, the word "Board" shall mean the Zoning Hearing Board.

### **§14-2. Organization**

The Board shall elect, from its members, its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Board, but the Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section §15-1. The Board may make, alter and rescind rules and forms for its procedure consistent with the provisions of this Ordinance and the laws of the Commonwealth. The Board shall keep full public record of its business, which records shall be the property of the Borough, and shall submit a report of its activities to the Borough Council as requested.

### **§14-3. Applications For Hearings**

**§14-3.1** Applications for hearings before the Board shall be filed with the Board together with the proper fee.

**§14-3.2** An application for a special exception or variance from the terms of this Ordinance shall state:

- §14-3.2.1** The name and address of the applicant.
- §14-3.2.2** The name and address of the owner of the real estate to be affected by the proposed exception or variance.
- §14-3.2.3** A brief description and location of the real estate to be affected by such proposed change.
- §14-3.2.4** A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- §14-3.2.5** A statement of the section of this Ordinance under or from which the exception or variance requested may be authorized, and reasons why it should be granted.
- §14-3.2.6** A reasonably accurate description of the present improvements and the additions intended to be made under the application or appeal, if any, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan to scale of the real estate to be affected, indicating the location and size of the lot and size of improvements now erected and proposed to be erected thereon.

**§14-3.3** Applications for other than special exception or variance from terms of this Ordinance shall contain

sufficient written information to fully describe the intended use. Where, in the sole discretion of the Zoning Officer, it is appropriate for the applicant to furnish plans and/or specifications or any other relevant information incident to intended use, such information shall be required to be submitted with the application.

**§14-3.4** In the event that any required information is not furnished, the application shall be refused and the fee returned to the applicant.

**§14-3.5** The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

#### **§14-4. Notice Of Hearings**

The board shall give notice as follows:

**§14-4.1** By publishing a notice thereof in a newspaper of general circulation within the Borough once a week for two (2) successive weeks prior to the date fixed for the hearing.

**§14-4.2** By mailing notice thereof to the applicant and to any person who has made timely request for same. In addition, notice of said hearing shall be conspicuously posted on the affected tract of land.

**§14-4.3** By mailing notice thereof to the Borough's Zoning Officer, to the President of the Borough Council and to the Chairman of the Borough Planning Commission.

**§14-4.4** The Board may mail notice thereof to the owner of every lot on the same street within five hundred (500) feet of the lot or building in question or every lot not on the same street within two hundred (200) feet of said lot or building. But failure to give notice, either in part or in full, as stated by this paragraph shall not invalidate any action taken by the Board.

**§14-4.5** The notice herein required shall state the name of the applicant, the location of the lot or building and the general nature of the question involved, and the date, time and location of the hearing. In addition thereto, when a hearing is required under Section §14-4.2, the notice shall state that the validity of the landowners request, including plans and proposed amendments, may be examined by the public at the Borough Building during regular business hours.

#### **§14-5. Expenditures For Service - Fees**

**§14-5.1** Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council.

**§14-5.2** The applicant before the Board shall deposit with the Treasurer of the Borough, such a sum of money as set forth in the fee schedule adopted by the Borough Council to pay the cost of the hearing.

**§14-5.3** The following administrative costs incurred by the Borough relative to hearing before the Board shall be paid from the application filing fee:

**§14-5.3.1** Cost of preparation of required notices.

**§14-5.3.2** Cost of mailing notices, including postage.

**§14-5.3.3** Cost of advertising.

**§14-5.3.4** Cost of posting notice or verification.

**§14-5.3.5** Duplication or copying costs.

**§14-5.3.6** An equal share of the Court Reporter's attendance fee.

**§14-5.3.7** Cost of stenographic record, if such record is requested by the Board or the applicant.

**§14-5.3.8** Other costs related to the application.

#### **§14-5.4** Continued Hearings and Collection of Fees.

**§14-5.4.1** In the event more than one (1) hearing is necessary on any application, as promptly as may be possible following the initial hearing, the Board Secretary shall determine the total amount of all taxable costs incurred, and shall deduct same from the application fee. In the event the application fee is, at any time, insufficient to cover the costs incurred or reasonably anticipated to be incurred, the Board Secretary shall notify the applicant, provide the applicant with a written copy of each item of taxable cost, and shall require the applicant to pay, within ten (10) days of such notification, any balance then due together with a further minimum deposit of one-half (1/2) of the initial filing fee. In the event of multiple hearings, all taxable costs shall be reported and collected in accordance with this procedure.

**§14-5.4.2** The failure of the Board Secretary to demand additional deposits from time to time shall not relieve the applicant of liability for costs, charges, expenses and fees in excess of deposit; and in the event of default, such shall be recovered by such action as is by law provided.

**§14-5.4.3** All funds deposited by the applicant in excess of the actual cost of the hearing or hearings shall be returned to the applicant upon completion of the proceeding.

#### **§14-6. Hearings**

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

**§14-6.1** Hearings of the Board shall be held at the call of the Chairman and at a reasonable time and place for public hearings and notification of said hearing shall be as provided by Section §14-1.

**§14-6.2** The hearings shall be conducted by the Board or the Board may appoint any member as the Hearing Officer. The decision or, where no decision is called for, the findings, shall be made by the Board, however, the applicant or appellant, as the case may be, in addition to the Borough, may, prior to the decisions of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

**§14-6.3** The parties to the hearings shall be any person who is entitled to notice under §14-1, without special request therefore, who has made timely appearance of record before the Board and any other person permitted to appear by the Board.

**§14-6.4** The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

**§14-6.5** The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

**§14-6.6** Formal rules of evidence shall not apply, but irrelevant, immaterial, unduly repetitious and hearsay evidence shall be excluded and other inadmissible evidence may be excluded at the discretion of the



Board.

**§14-6.7** The Board or Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

**§14-6.8** The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative after the commencement of the hearing unless all parties are given an opportunity to be present. At any time prior to rendering its written decision, the Board may consult with the Planning Commission, Borough Engineer, or any other body for the purpose of resolving technical consideration relative to an application before it, and may at its discretion include the recommendation of said consultants in its final decision.

**§14-6.9** The first hearing before the Board shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal. **(Added by Ordinance No. 248)**

**§14-6.10** The Board shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Municipalities Planning Code or any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. Except for challenges filed pursuant to Section 916.1 of the Municipalities Planning Code where the Board fails to render the decision within the time required by this subsection or fails to commence, conduct or complete the required hearing as provided herein, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 14-6.9 of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a Court of competent jurisdiction. **(Added by Ordinance No. 248)**

## **§14-7. Functions**

The Board shall have the following functions:

**§14-7.1** Substantive challenges to the validity of this Ordinance, except those brought before the Board pursuant to Sections 609.1 and 916.1(a)(2) of Act 247, as amended by Act 170.

**§14-7.2** Challenges to the validity of this Ordinance raising procedural questions or alleged defects in the process

of enactment or adoption which challenges shall be raised by an appeal take within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the municipality and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

**§14-7.3** Appeals from the determination of the Zoning Administrative Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

**§14-7.4** Appeals from a determination by the Borough Engineer or the Zoning Administrative Officer with reference to administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

**§14-7.5** Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.

**§14-7.6** Appeals from the Zoning Administrative Officer's determination under Section §14-10.

**§14-7.7** Appeals from the determination of the Zoning Administrative Officer or Borough Engineer in the administration of this Ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development.

**§14-7.8** Challenge the Validity of the Zoning Ordinance or Zoning Map.

The Zoning Hearing Board shall hear challenges to the validity of a zoning ordinance or map as follows:

**§14-7.8.1** A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use of development of land in which he has an interest shall submit the challenge to either the Zoning Hearing Board of the Borough Council.

**§14-7.8.2** Persons aggrieved by a use or development permitted on the land of another by an ordinance or map or any provision thereof, who desires to challenge its validity shall submit their challenge pursuant to the Sections 909.1. and 609.1. of Act 247, as amended by Act 170.

**§14-7.8.3** In all such challenges, the Zoning Hearing Board shall decide all contested questions and shall make findings on all relevant issues of fact and of interpretation, and submit such findings as part of the record on appeal to the court.

**§14-7.9** Variances

The Board shall hear and decide requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant. The Board may by rule prescribe the form of application as provided by Section 14-3. The Board may grant a variance provided the following findings are made where relevant in a given case.

**§14-7.9.1** That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or-conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located. -

**§14-7.9.2** That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance

and that the authorization of a variance is therefore necessary to enable the reasonable use of property.

**§14-7.9.3** That such unnecessary hardship has not been created by the applicant.

**§14-7.9.4** That the variance, if authorized, will neither 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.

**§14-7.9.5** That in the case where the property in part or totally is located within the regulatory floodway the granting of a variance will not increase the base flood elevation:

**§14-7.9.5A** Where the issuing of a variance will permit the construction of a structure or portion thereof below the base flood elevation in the Floodplain District, the applicant shall be notified in writing over the signature of the Borough Zoning Officer that the construction or location of a structure below the base flood elevation will increase the risk to life and property and that flood insurance premium rates for the affected structure will increase. A record of all variance actions including the reasons and justification for the issuance of the variance shall be maintained.

**§14-7.9.6** That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

#### **§14-7.10** Special Exceptions

The Board shall hear and decide requests for special exceptions where the Ordinance has stated special exceptions are to be granted by the Board pursuant to the following express standards and criteria, in addition to such other considerations and determinations as may be required by law and other provisions of this Ordinance. The Board shall:

**§14-7.10.1** Give full consideration to the size, scope, extent, and character of the exception desired and sure itself that such request is consistent with the plan for future land use in Stockertown and with the spirit, purpose and intent of the Zoning Ordinance.

**§14-7.10.2** Take into consideration the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, if permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.

**§14-7.10.3** Consider the public interest in, or the need for, the proposed use or change, to determine that the proposal will serve the best interest of the Borough, the convenience of the community (where applicable) and the public health, safety, morals and general welfare.

**§14-7.10.4** Make certain that the proposed change is reasonable in terms of the logical, efficient, and economical extension of public services and facilities, including, but not limited to, public water, sewers, police and fire protection, transportation and public schools.

**§14-7.10.5** Be guided in its study, review and recommendations by sound standards or subdivision practice where applicable.

**§14-7.10.6** Review the recommendations of the Planning Commission on the proposed development plan, where such plan is required. The Board shall not be bound by such recommendations nor shall the Board be bound by the action of the Borough Council in relation to the development plan.

**§14-7.10.7** Guide the development of highway frontage insofar as possible to limit the total number of access points, reduce the need for on-street parking, and encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the highway.

**§14-7.10.8** Consider, where pertinent, the effects of the proposal with respect to congestion on the roads or highway, the most appropriate use of land, conserving the value of buildings, safety from fire, panic, and other dangers, adequacy of light and air, the prevention of overcrowding of land, congestion of population and adequacy of public and community services and determine that approval of the application will not have a substantially adverse effect thereon.

**§14-7.10.9** Be assured that the natural features and processes characterizing the proposed site and its surroundings shall not suffer unmitigated degradation, that the management of stormwater, the provision of water or sewer service, and any other alterations to the site's pre-development condition shall be consistent with the Borough goals, practices, and plans in these regards, and that demand for water and energy by the proposed use shall be minimized to the optimal extent.

**§14-7.10.10** Impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Ordinance 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. Conditions may include, but are not limited to, harmonious design of buildings, aesthetics, hours of operation, lighting, numbers of persons involved, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.

**§14-7.10.11** Special Conditions. In addition to conforming with the general standards, above, and all other applicable regulations contained in this Ordinance, the proposed special exception must conform with all conditions for that use as follows:

**§14-7.10.11A** Require that all commercial or industrial parking, loading, access or service areas shall be adequately illuminated at night while in use, and that such lighting, including sign lighting, shall be arranged so as to protect the highway and neighboring properties from discomfort or hazardous interference of any kind.

#### **§14-7.11 Unified Appeals**

Where the Board has jurisdiction over a zoning matter, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Court.

#### **§14-8. Expiration of Special Exceptions, Variances and Conditional Uses.**

Unless otherwise specified by the Board, a special exception, variance or conditional use shall expire if the applicant fails to obtain a building permit or a use and occupancy permit, as the case may be, within six (6) months from the date of authorization thereof.

#### **§14-9. Parties Appellant Before The Board**

An appeal to the Board under Section 14-7.1 and proceedings to challenge an ordinance under Section §14-7.2 may be filed with the Board in writing by the landowner affected, any officer of the Borough or any person aggrieved. Requests for a variance under Section 14-7.3 and for a special exception under Section §14-7.10 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

#### **§14-10. Time Limitations**

No aggrieved person shall be allowed to file any proceedings with the Board later than thirty (30) days after (a) any permit has been issued or refused or any other decision made by the Zoning Officer, and (b) any application for development, preliminary or final, has been approved by the Borough Council if such proceeding is designed to secure reversal or to limit approval in any matter.

#### **§14-11. Parties to the Hearing**

The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations, permitted to appear by the Board. The Board shall enter appearances in writing on forms provided by the Board for that purpose. The aforementioned parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

#### **§14-12. Stay of Proceedings**

Upon filing of any proceeding referred to in Section §14-6, and during its pendency before the Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property. In such case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by person other than the applicant, the applicant may petition the Court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

#### **§14-13. Appeals**

The conditions and proceedings set forth in Article X of Act 247, as amended, shall constitute the exclusive mode for securing review of any ordinance, decision, determination or order of the governing body, its agencies or officers adopted or issued pursuant to Act 247, as amended by Act 170 of 1988.

THE PROVISIONS OF THIS ARTICLE OF THE ORDINANCE ARE INTENDED TO PARALLEL THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AND SAID PROVISIONS ARE AMENDED AS THE MPC IS AMENDED.

## ARTICLE XV AMENDMENT

### **§15-1. Power Of Amendment**

The Borough Council may from time to time amend, supplement, change, modify or repeal this Ordinance including the Zoning Map. The Borough Council, by resolution adopted at a stated or special meeting, shall fix the time and place of a public hearing on the proposed change, amendment, or repeal and cause notice thereof to be given as follows:

**§15-1.1** By publishing a notice of the time and place of the hearing not more than thirty (30) days and not less than seven (7) days in advance of the date fixed for the hearing in a newspaper of general circulation in the Borough. Such notice shall be published once each week for two (2) successive weeks.

**§15-1.2** In addition to the content requirements of Section 610 of the Pennsylvania Municipalities Planning Code, as amended, the notice shall also set forth the principal provisions of the proposed change, amendment or repeal in reasonable detail and a reference to a place in the Borough where copies of the proposed change, amendment or repeal may be examined or purchased at a charge not exceeding the cost thereof. Full opportunity to be heard will be given to any citizen and all interested parties attending such hearing. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

### **§15-2. Landowner's Petition**

A landowner or group of landowners in a district may present to the Borough Council, a petition, duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of any of the regulations or restrictions prescribed by this Ordinance for their district; or a change or modification of the zoning map with reference to 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 Section 15-1.1 above.

### **§15-3. Planning Commission Referral**

The Borough Council shall refer each petition or proposal for change or amendment to the Borough Planning Commission, and County Planning Commission at least thirty (30) days prior to the hearing, which shall consider whether or not such proposed change or amendment would be, in the view of the Commission, consistent with and desirable in furtherance of the Comprehensive Plan upon which this Ordinance is based, as the same may be modified from time to time. The Commission shall transmit its conclusion thereon, together with its reasons therefor, to the Borough Council within thirty (30) days. The Borough Council shall take such conclusion and reasons into consideration in reaching its decision, but shall not be bound thereby.

### **§15-4. Curative Amendment Procedures**

A landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or Zoning Map, or any provision thereof in which he has an interest, may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in 609.1 of the Pennsylvania Municipalities Planning Code, as amended.

### **§15-5. Hearings**

At any public hearing on a proposed change or amendment, opportunity to be heard shall be given to any citizen. The Borough Council shall take the recommendations of the Borough and County Planning Commission into consideration in reaching its decision, but shall not be bound thereby. The Borough Council shall have the power

to adopt general or special rules of procedure for the conduct of any such hearing provided that under Section 15-1, 15-2 and 15-4, the hearings shall be conducted in accordance with the following procedures:

**§15-5.1** The Borough Council shall conduct a hearing thereon within sixty (60) days of the receipt of written request.

**§15-5.2** The President, or in his absence, the Acting President, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

**§15-5.3** The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses.

**§15-5.4** Even though formal rules of evidence shall not apply, irrelevant, immaterial or unduly repetitious evidence may be excluded.

**§15-5.5** The Borough Council shall keep a stenographic record of the proceedings and copies of graphic or written material received in evidence shall be made available at cost to any party.

**§15-6. Decisions of the Borough Council**

All enactments of amendments to the Ordinance or map shall be read at public meetings of the Borough Council and copies can be examined at the Borough building during regular hours. The Borough Council shall make a decision within a reasonable amount of time after the close of the last hearing on the request unless the time is extended by mutual consent by the landowner and the Borough's Council. Should the Council fail to act on the landowner's request within the designated time, the request is denied. When a decision has been made by the Borough Council, a written copy of the decision shall be delivered to the landowner personally or mailed to him not later than the day following its date. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the County Planning Commission.