

ZONING ORDINANCE

of

DUBLIN BOROUGH

Bucks County, Pennsylvania

ADOPTED
November 26, 2007

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Part 1

Title, Purpose and Jurisdiction

§27-101. Title.

An Ordinance regulating the location, height, bulk, erection, construction, alteration, razing, removal and size of structures; the percentage of lot which may be occupied; the size of yards, courts and other open spaces; the density and distribution of population; the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for agriculture, water supply, conservation, or other purposes, in all portions of Dublin Borough.

§27-102. Short Title.

This Chapter shall be known as and may be cited as the "Dublin Borough Zoning Ordinance of 1985."

§27-103. Purpose.

1. Constitutional Construction. The provisions of this Chapter shall be severable, and if any of its provisions shall be held to be unconstitutional, the validity of any of the remaining provisions of this Chapter shall not be affected. It is hereby declared as the legislative intention that this Chapter would have been adopted had such unconstitutional provisions not been included therein.

2. Purpose of Ordinance ; General. Pursuant to §105,604, 605, 606 and 607 of the Act, it is the intent, purpose and scope of this Chapter to protect and promote safety, health and morals; to accomplish coordinated development; to provide for the general welfare by guiding and protecting amenity, convenience, future governmental, economic, practical, and social and cultural facilities, development and growth, as well as the improvement of governmental processes and functions; to guide uses of land and structures, type and location of streets, public grounds and other facilities; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; and to minimize such problems as may presently exist or which may be foreseen.

3. Providing standards to control the amount of open space and impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.

4. Providing methods to implement Article 1, §27 of the Constitution of the Commonwealth of Pennsylvania, which decrees that the people have a right to clean air, adequate supplies of pure water, and to the preservation of the natural, scenic, historic, and aesthetic values of the environment and to protect natural resources which are a part of the ecological system to which we are all bound, and therefore are the common property of all the people, including generations yet to come, and must be protected to insure the health, safety and welfare of all the people.

5. Providing standards for all types of dwelling units so that all the people may have access to decent, sound and sanitary housing; to meet the goals of the Federal Housing Act of 1949, to provide adequate zoning to meet a fair share of the region's housing needs.

6. Giving effect to policies and proposals of the Dublin Borough Comprehensive Plan, duly adopted by the Borough Council of Dublin Borough.

7. Controlling and regulating the growth of the Borough, concentrating development in areas where adequate sewage facilities, roads and schools can be provided, and limiting development in areas where these facilities are not provided.

8. Lessening the danger and congestion of traffic on the roads and highways and reducing excessive numbers of roads.

9. Securing safety from fire, panic, flood and other damages.

10. Protecting the tax base and preventing blight.

11. Securing economy in local government expenditures.

§27-104. Interpretation.

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

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

3. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by any regulations made under authority of this Chapter, the provisions of such statute shall govern.

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

5. Those provisions in the Dublin Borough Subdivision and Land Development Ordinance [Chapter 22] concerned with varying design standards shall not be considered to be in conflict with the provisions of this Chapter.

6. This Chapter shall be interpreted to provide for the reasonable development of minerals in the Borough in accordance with §603 (i) of the Municipalities Planning Code, 53 P.S. §10603 (i).

§27-105. Separability.

It is hereby declared to be the intent of the Borough Council that:

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

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

§27-106. Municipal Authorities and Water Companies.

1. The municipal authority, water company or any other municipality that plans to expand water, sanitary sewer or storm sewer service via a new main extension to a proposed development that has not received any municipal approval shall the notify the Borough by certified mail, return receipt requested, of its intention and shall provide the Borough an opportunity to provide written comment on whether the proposed expansion of service within the Borough is generally consistent with this Chapter.

2. The purpose of the requirement of this Section is to provide the municipal authority, water company or any other municipality with information regarding how its decision to expand service may potentially enhance and support or conflict with or negatively impact of the land use planning of the Borough.

3. Nothing in this Section shall be construed as limiting the right as a municipal authority, water company or any other municipality to expand service as otherwise permitted by law.

4. Except as provided in Section 619.2 of the Municipalities Planning Code, 53 P.S. §10619.2, nothing in this Chapter shall be construed as limiting the authority of the Pennsylvania Public Utility Commission over the implementation, location, construction or maintenance of public utility facilities. The requirements of this Section shall not apply to an expansion of service by a municipal authority, water company or other municipality that is ordered by a court or a Federal or State agency.

5. As used in this Section:

A. A “decision to expand service within the Borough” shall mean a decision to expand the number of its individual service connections for distribution within the Borough as a result of a main extension; but, if the number of individual service connections are not being increased, locating or requiring transmission lines or interceptors, or wells, reservoirs, aquifers, pump stations, water storage tanks or facilities by a municipal authority or water company in a new area of the Borough shall not be deemed an expansion of service.

B. A “water company” shall include any person or corporation, including a municipal corporation operating beyond its corporate limits, which furnishes water to or for the public for compensation.

6. Nothing in this Section shall be construed to authorize the Borough to regulate the allocation or withdrawal of water resources by any person, municipal authority or water company that is otherwise regulated by the Pennsylvania Public Utility Commission or other Federal or State agencies or statutes.

§27-107. Authority.

Pursuant to the authority granted to boroughs to prohibit nuisances, to promote the health, cleanliness, comfort and safety of the citizens of the Borough of Dublin and the authority of the Borough to enact local provisions to regulate the sale, distribution and display and exhibition of activities concerning obscene and other sexual material as provided in 18 P. S. Section 5903(k), the Borough enacts this Adult Use Ordinance. In so doing, the Borough makes the following findings and statements:

A. The Borough does not intend this Ordinance to suppress any speech activities protected by the First Amendment but to enact a content neutral Ordinance which addresses the secondary effects of adult uses.

B. Sexually oriented businesses lend themselves to ancillary, unlawful and unhealthful activities that may go uncontrolled by the operators of the establishments such as violence, sexual harassment, public intoxication, prostitution and other deleterious effects. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

C. Communicable diseases may be spread by activities occurring in adult use businesses including but not limited to the AIDS virus as well as hepatitis.

Part 2

Definitions

§27-201. General.

1. Unless a contrary intention clearly appears, the following words and phrases shall have for the purposes of this Chapter the meanings given in the following subsections.

2. For the purpose of this Chapter, words and terms used herein shall be interpreted as follows:

- A. Words used in the present tense include the future.
- B. The singular includes the plural.
- C. The word "person" includes a corporation, partnership, and association as well as the individual.
- D. The word "lot" includes the word "plot" or "parcel."
- E. The term "shall" is mandatory.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."
- G. The word "Commission" and the words "Planning Commission" always mean the Dublin Borough Planning Commission. The word "Board" or the words "Zoning Hearing Board" always mean the Dublin Borough Zoning Hearing Board.

3. Any word or term not defined herein shall be used with a meaning of standard usage.

§27-202. Definitions.

Accessory -

Accessory Building - see "building, accessory."

Accessory Use - see "use, accessory."

Act - the Pennsylvania Municipalities Planning Code, as amended.

Adult Bookstore/Hobby Store - a store, or video rental store, retail or wholesale, which deals in Pornographic Materials - Class B.

Adult Cabaret - a cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, wherein such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any child under 17 years of age, since admission of such child would violate the criminal laws of the Commonwealth of Pennsylvania in effect at the time thereof, and which is not under the exclusive jurisdiction of the liquor control laws.

Adult Live Entertainment Use or Facility - a use including live entertainment involving persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, contractors or others) displaying uncovered male or female genitals or nude or nearly nude female breasts (including but not limited to the wearing of only "pasties") or engaging in simulated or actual "specified sexual activities" related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

(1) A use including live entertainment involving persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, contractors or others), which regularly features:

(a) Persons who appear in a state of semi-nudity.

(b) Live performances which are characterized by specified sexual activities.

(2) Provided, however, that it shall be unlawful to appear in a state of nudity in any such facility, except where: the appearance is made by an employee of the facility, paid by the facility to appear in such a state; the appearance is limited to the hours of 8:00 p.m. to midnight Mondays through Saturdays; the employee appearing for that purpose remains a minimum distance of at least 5 feet from all spectators or patrons of the facility while in a state of nudity; the act constitutes part of a bona-fide live communication, demonstration or performance by such person where the same is expressive conduct to a group of patrons in a public area of that facility, not in a private area of any such facility; the facility is in compliance with all Pennsylvania Laws, including the banning of nude dancing at establishments possessing liquor licenses. "Nudity" means the showing of the human male or female genital, pubic area or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola.

(3) The prohibition against nudity set forth herein shall not apply to:

(a) Any child under 10 years of age.

(b) Any individual exposing a breast in the process of breast-feeding an infant under two years of age.

Adult Mini-Movie Theater - an enclosed building with a capacity for less than 50 persons used for presenting Pornographic Materials - Class B.

Adult Movie Theater - an enclosed building with a capacity of 50 or more persons used for presenting Pornographic Materials - Class B.

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

Alterations - as applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement or diminution, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

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

Appointing Authority - Dublin Borough Council.

Authority - a body politic and corporate created pursuant the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945.

Area -

Floor Area - the sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use, and basements, as defined herein, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, as defined herein, unenclosed porches, attics not used for human occupancy, nor any floor space in an accessory building nor in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this Chapter, nor any such floor space intended and designed for accessory heating and ventilating equipment.

Lot Area - the area contained within the property lines of the individual parcels of land, shown on a subdivision plan, or required by this Chapter, excluding any area within an existing or designated future street right-of-way, or the area of any easement which would interfere with the proposed use. In addition, the minimum lot area does not include any area designated as open space. Adjoining lots not held in single and separate ownership at the enactment of this Chapter shall be considered a single lot.

A - Weighted Sound Level - the level so read is designated dB(A) or dBA as measured on the slow weight scale. All sound levels referred to in this Chapter shall be measured in dBA.

Antenna - a device used to collect or transmit telecommunications or radio signals. Examples are: panels, microwave dishes, and single poles known as whips.

Basement - a space with less than ½ its floor to ceiling height below the average level of the adjoining ground and with a floor to ceiling height of not less than 6½ feet.

Bed and Breakfast (B & B) – Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

Board - any body granted jurisdiction under a land use ordinance or under the Act to render final adjudications.

Boarding House - any dwelling with fewer than ten (10) sleeping rooms in which more than two (2) persons and less than five (5) persons, either individually or as families, are housed or lodged, for hire or otherwise, with or without meals. A structure with more than ten (10) sleeping rooms and/or in which more than five (5) non-family members are lodged shall be deemed a motel/hotel.

Building - a structure under roof, used for the shelter or enclosure of persons, animals, or property. The word "building" shall include any part thereof.

Building, Accessory - a subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building Height - a vertical distance measured from the elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building, Principal - a building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

Building Setback Line - a line, parallel to the right-of-way line, measured from side yard to side yard, on which a principal building is actually placed. See “minimum building setback line.”

Building Spacing - the minimum distance between two (2) buildings. The minimum building spacing shall be measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters. These exceptions may encroach no more than two (2) feet.

Cellar - a space which has less than one-half of its floor to ceiling height above the average finished grade of the adjoining ground or with a floor to ceiling height of less than 6½ feet.

Cellular Telecommunications Facility - a cellular telecommunications facility consists of the equipment and structures involved in receiving telecommunication or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with other mobile units or land based telephone lines.

Common Open Space - a parcel or parcels of land, or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

Condominium -

(1) A condominium is an ownership arrangement and not a land use, therefore it is allowed in any district and under the same restrictions of the residential land use that comprises it.

(2) A condominium is a dwelling unit which has all of the following characteristics:

(a) The unit (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.

(b) The unit may be any permitted dwelling type.

(c) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Pennsylvania Unit Property Act of July 3, 1963, P.L. 196, and in accordance with the provisions for open space, roads, or other development features in this Chapter and Subdivision and Land Development regulations [Chapter 22].

County - Bucks County, Pennsylvania.

Conversion - a residential conversion is the transformation of a single-family unit into apartments without disturbing the architectural character of the house.

Decibel - a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals or 20 micronewtons per square meter.

Decision - final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Bucks County.

Density - a measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre.

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

- (1) Dublin Borough Council.
- (2) The Zoning Hearing Board.
- (3) The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance [Chapter 22] or planned residential development provisions.

(a) Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Development - any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

Development Plan - the provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this Chapter, shall mean the written and graphic materials referred to in this definition.

Dormitory - a building occupied by and maintained exclusively for faculty, students or other such persons affiliated with a school, church, recreational or educational facility or other recognized institution, and when regulated by such institution.

Dwelling -

Dwelling - a structure or portion thereof which is used exclusively for human habitation.

Dwelling Unit - one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Extraction of Minerals - the removal of any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Family - one or more persons related by blood, foster relationship, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof; or a group of not more than five persons who need not be so related, and in addition, domestic

servants or gratuitous guests thereof, who are living together in a single, non-profit dwelling unit and maintaining a common household with single cooking facilities.

Floor Area - see “area, floor area.”

Floor Area Ratio - the ratio of the floor area to the lot area, as determined by dividing the floor area by the lot area. See “area, floor area.”

Forestry – establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

Governing Body - Dublin Borough Council.

Hearing - an administrative proceeding conducted by a board pursuant to §909.1 of the Act.

Home Occupation - an activity for gain customarily carried on in a dwelling, or in a building or structure accessory to a dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes.

Impervious Surface - impervious surfaces are those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, and packed stone shall be considered impervious surfaces within this definition. In addition, other areas determined by the Borough Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

Impervious Surface Ratio - the impervious surface ratio is a measure of the intensity of use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the base site area.

Junkyard – (See Salvage Yard / Recycling Facility)

Land Development - any of the following activities:

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

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

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

(2) A subdivision of land.

Land Owner - the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the land owner, or other person having a proprietary interest in land.

Land Use Ordinance - any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Act.

Lot - the lot is a parcel of land, used or set aside and available for use as the site of one (1) or more buildings and any buildings accessory thereto or for any other purpose, in one ownership and not divided by a street, nor including any land within the right-of-way of a public or private street upon which said lot abuts, even if the ownership to such right-of-way is in the owner of the lot. A lot, for the purpose of this Chapter, may or may not coincide with a lot of record. In general, a lot is a designated parcel, tract or area of land

established by a plat or otherwise as permitted by law and used, developed or built upon as a unit.

Lot Area - see "area, lot area."

Average Lot Area per Dwelling Unit - the average lot area for all dwelling units of a single type. Individual lots may be smaller or larger than the average; provided that the average size is maintained and that all other standards of this Chapter are met.

Lot, Corner - a lot which has an interior angle of less than 135° at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135°.

Lot, Depth of - the mean distance from the street line of the lot to its opposite rear line, measured in the general direction of the side lines of the lot.

Lot, Through - an interior lot having frontage on two (2) parallel or approximately parallel streets.

Lot Width - the distance measured between the side lot lines at the minimum building setback line. In a case where there is only one (1) side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line.

Lot Lines -

Lot Lines - any boundary line of a lot.

Lot Line, Rear - any lot line which is parallel to or within 45° of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

Lot Line, Side - any lot line which is not a street line or a rear lot line.

Minerals - any aggregate or mass of mineral matter whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Minimum Building Setback Line - the rear line of the minimum front yards, as herein designated for each district, measured from the street line.

Mobile Home - a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

Mobile Home Lot - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Pad - that part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures, or additions and constructed according to specifications in this Chapter.

Mobile Home Park - a parcel or contiguous parcel of land which has been so designated and improved and which contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Modular Home - a dwelling unit erected on a foundation and made of one or more sections built in a factory. The completed unit must meet the building code which is in effect. The modular home is considered to be real property.

Motel/Hotel/Inn - a building or group of buildings used for the accommodations of transient guests, containing more than ten (10) sleeping rooms for rent and/or in which more than five (5) non-family members are lodged.

Municipal Authority - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

Municipal Engineer - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

Municipality - Dublin Borough.

Nonconforming Lot - a lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Nonconforming Structure - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter prior to the enactment of such ordinance or amendment prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

Official Map - a map adopted by ordinance pursuant to Article IV of the Act.

Open Space - open space is land used for recreation, resource protection, amenity, or buffers; and is protected by the provisions of this Chapter and the Subdivision and Land Development Ordinance [Chapter 22] to ensure that it remains in such uses.

Parking Lot - an off-street improved area, with individual access, for the purpose of parking a motor vehicle, which contains more than three (3) spaces.

Permit - a legal document issued by a governmental authority permitting some type of action.

Permit, Occupancy - a required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

Permit, Zoning - a document signed by the Zoning Officer, as required in this Chapter, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the municipal zoning or authorized variance therefrom.

Planned Residential Development - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in one district created, from time to time, under the provisions of a municipal zoning ordinance.

Planning Agency - a planning commission, planning department or a planning committee of the Borough.

Plat - the map or plan of a subdivision or land development, whether preliminary or final.

Pornographic Materials - Class A - those things defined as crimes under State law, i.e., §6312 of the Crimes Code, pertaining to “Sexual Abuse of Children” and §5903 pertaining to “Obscene and Other Sexual Material” and are unprotected under the First Amendment of the United States Constitution.

Pornographic Materials - Class B - other things which are not prohibited by State law, which have to do with human sexuality and are protected under the First Amendment of the United States Constitution.

Pornographic Materials, Burden of Proof - the burden of proof in distinguishing Class A Pornographic Materials from Class B Pornographic Materials is upon the user. Dublin Borough intends that the definitions in this Section be given a reasonable and constitutional construction in adopting the State standard as the community standard. Dublin Borough makes no commitment to pre-censor such materials for legality. Nothing herein is intended to encourage, enhance or legalize any use of land in Dublin Borough toward the purposes of criminal offenses, including the sexual abuse of or the degradation of human beings of any age, sex or condition, nor is this Chapter intended to insulate the user from legal damages of such victims.

Preservation or Protection - when used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or lawful uses of natural resources.

Prime Agricultural Land - land use for agricultural uses that contains soils of the first, second or third class as defined the United States Department of Agriculture Natural Resources and Conservation Services County Soil Survey.

Principal -

Principal Building - see “building, principal.”

Principal Use - see “use, principal.”

Public Grounds - public grounds include:

(1) Parks, playgrounds, trails, paths and other recreational areas and other public areas.

(2) Sites for schools, sewage treatment, refuse disposal and other publicly-owned and operated facilities.

(3) Publicly-owned or operated scenic and historic sites.

Public Hearing - a formal meeting held pursuant to public notice by Dublin Borough or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Act.

Public Meeting - a forum held pursuant to notice under 65 Pa.C.S., Ch. 7 (relating to open meetings).

Public Notice - notice published one (1) each week for two (2) successive weeks in a newspaper of general circulation in Dublin Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Recreational Vehicle - a vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Report - any letter, review, memorandum, compilation or similar writing made by any body, board officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Renewable Energy Source - any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

Right-of-Way -

Right-of-Way -

(1) A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary, or storm sewer and other similar uses.

(2) Generally, the right of one to pass over the property of another.

Right-of-Way, Existing - the legal right-of-way as established by the Commonwealth or other appropriate governing authority and currently in existence.

Right-of-Way, Future - the right-of-way deemed necessary to provide adequate width, as established in the Borough Comprehensive Plan, for future street improvements.

Salvage Yard / Recycling Facility - an area of land, with or without buildings, used for the storage (outside of a completely enclosed building) of used, salvaged or discarded materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage of two (2) or more motor vehicles not having valid registration or of two (2) or more wrecked or broken vehicles, or the major parts of two (2) or more such vehicles, shall be deemed to make the lot a junkyard. This definition shall not apply to lots occupied by uses D17 Service Station or D18 Automotive Repair. A facility in which

recyclables, such as newspapers, magazines, books and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may be again used in new products.

Sanitary Sewer - any sewer system in which sewage is collected from more than one (1) lot and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as "off-lot" or "off-site" sewer. This shall include capped sewers when installed to Borough specifications.

Signs - see Part 8 for sign definitions.

Site - the site shall be defined as a parcel or parcels of land intended to have one (1) or more buildings or intended to be subdivided into one (1) or more lots.

Site Area - all land area within the site as defined in the deed. Area shall be from an actual site survey rather than from a deed description.

Sound - an oscillation in pressure, particle displacement, part velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound Level Meter - an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

Special Exception - a use permitted in particular zoning district pursuant to the provisions of Articles VI and IX of the Act and this Chapter.

Story - that part of a building located between any floor and the floor or roof next above. The first story of a building is the lowest story having 75% or more of its wall area above grade level. A half-story (1/2) is a story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

Structure - a combination of materials assembled, constructed or erected at a fixed location, including a building, the use of which requires location on the ground or attachment to something having location on the ground, and any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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

Substantially Completed - where, in the judgment of the Borough Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to §509 of the Act of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Ground - that story with its floor level immediately above the average finished grade level of the adjoining ground at any particular point or side of the dwelling.

Street - any vehicle way which: (1) is an existing State, County or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the County recording officer prior to the enactment of this Chapter; and includes the land between the street lines, whether improved or unimproved. "Street" includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

Street Line - the dividing line between the street and the lot. The street line shall be the same as the legal right-of-way; provided, that where a future right-of-way width for a road or street has been established, then that width shall determine the location of the street line.

Structure - a combination of materials assembled, constructed or erected at a fixed location, including a building, the use of which requires location on the ground or attachment to something having location on the ground, and any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Telecommunications Equipment Building - the structure in which the electronic receiving and relay equipment for a cellular telecommunications facility is housed.

Tower - a tower is a structure that supports equipment used to transmit and/or receive and relay telecommunications signals. Examples of such structures include water towers, monopoles and lattice construction steel structures.

Use - any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use, Accessory - a use located on the same lot with a principal use, and clearly incidental or subordinate to, and in connection with, the principal use.

Use, Principal - the main use on a lot.

Utilities - those services customarily rendered by public utility corporations, municipalities, or municipal authorities, in the nature of electricity, gas, telephone, water, and sewerage, including the appurtenances used in connection with the supplying of such services (buildings, wires, pipes, poles and the like).

Water Supply -

Municipal Water Supply - any water supply system dedicated to the public. Such systems shall include any existing private franchise area and the entire system; or a water supply capable of supporting the entire development, or a standpipe or water storage system meeting Borough specifications.

On-lot Water Supply - supplies water to one building and its accessory buildings on a single lot from an individual well located on the same lot.

Veterinary Office - a medical facility for the care of animals which does not provide boarding services.

Water Survey - an inventory of the source, quantity, yield and use of groundwater and surface water resources within a municipality.

Yard -

Yard - an open area unoccupied, except for permitted projections and plantings, on the same lot with a structure, extending along a lot line or street line

and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

Yard, Front - a yard between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one (1) street, the yards extending along all streets are front yards.

Yard, Rear - a yard between a structure and a rear lot line and extending the entire length of the rear lot line.

Yard, Side - a yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

Part 3

Establishment of Districts

§27-301. Establishment of Districts.

All areas of Dublin Borough are hereby divided into districts of different types, each type being of such number, shape, kind and area, and of such common unity of purpose and adaptability of use that is deemed most suitable to carry out the objectives of this Chapter and the Dublin Borough Comprehensive Plan.

§27-302. Classes of Districts.

For the purpose of this Chapter Dublin Borough is hereby divided into districts which shall be designated as follows:

- A. *R-1 Mixed Use Residential District.* It is the purpose of this district to establish an area which will accommodate all types of residential structures, single-family and multi-family, to ensure a balanced community and which, through clustered development, preserves areas of open space for recreational use by the residents.
- B. *R-2 Neighborhood Conservation Residential District.* It is the purpose of this district to retain the existing character of established residential areas, in addition to providing for in-fill development.
- C. *C-1 Central Commercial District.* It is the purpose of this district to provide for the continuation of the commercial core area which has traditionally served as the business center of the Borough.
- D. *C-2 Regional Commercial District.* It is the purpose of this district to provide for the future development of regionally oriented commercial enterprises in areas where its effect on adjacent residential land uses are minimized.
- E. *Ind Industrial District.* It is the purpose of this district to encourage the development of industrial uses which will contribute to the soundness of the Borough's economic base, while minimizing any negative impacts on surrounding residential land.
- F. *Ind-1 Light Industrial District.* It is the purpose of this district to provide for industrial and commercial facilities with appropriate standards so that they are compatible with the residential nature of the Borough.
- G. *TC Town Center District.* It is the purpose of this district to provide a mixed use district that allows for residential and nonresidential uses, conversion of residences to low-impact nonresidential uses, adaptive re-use of existing structures and sites, appropriate infill development, and a visual style compatible with the character of the Borough.

§27-303. Zoning Districts Map.

Districts are bound and defined as shown in the map entitled "Zoning Map, Dublin Borough," which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Chapter¹.

§27-304. Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of the district as indicated on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways or streams, such center lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries, or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.

¹ Editor's Note: the map entitled "Zoning Map, Dublin Borough" is on file in the Borough office.

Part 4

District Regulations

§27-401. R-1 Mixed Use Residential District.

1. *General.* Within the R-1 Mixed Use Residential District, a building may be erected, altered or used, and any lot or premises may be used for the following uses, and no other, when in conformance with the conditions of this Chapter and the specific use, area and design regulations of this district.
2. *Uses Permitted by Right.* Any of the following uses shall be permitted if the provisions contained in Part 5, “Use Regulations,” have been met:
 - A1 Crop Farming/Nursery.
 - A2 Greenhouse.
 - A3 Animal Husbandry.
 - A6 Forestry.
 - B1 Single-Family Detached Dwelling.
 - B3 Cluster Development.
 - B5 Performance Development.
 - F1 Accessory Home Occupation.
 - F2 Residential Accessory Buildings.
 - F6 Temporary Structure or Use.
 - F9 No-Impact Home-Based Business.
3. *Uses Permitted by Special Exception.* Any of the following uses shall be considered permitted, provided the provisions for special exception have been met in accordance with Part 5, “Use Regulations,” Part 12, “Zoning Hearing Board,” and §27-1207, “Powers and Duties-Special Exceptions:”
 - C6 Library or Museum.
4. *Uses Permitted by Conditional Use.* Any of the following uses shall be considered permitted, provided the provisions for conditional use have been met in accordance with Part 5, “Use Regulations,” and Part 10, “Conditional Use”:
 - B8 Mobile Home Park.
 - B9 Residential Conversion.
 - C1 Private School.
 - C2 Public School.
 - C3 Public Utilities.
 - C4 Place of Worship.
 - C5 Cemetery.

- C7 Private Recreational Facility.
- C8 Day Care Center/Nursery School.
- C9 Life Care Facility.
- C10 Nursing Home.
- C17 Public Building.
- C18 Funeral Home.
- F3 In-Law Suite.

5. *R-1 Mixed Use Residential District - Table of Area and Dimensional Requirements.*

Use	Min. Lot Area Per Unit (sq. ft.)	Min. Site Area (acres)	Max. Density (du /gross acre)	Min. Lot Width at Min. Bldg. Setback Line (feet)	Max. Impervious Surface Ratio	Max. Height (ft.)	Minimum Yards (ft)			Open Space (% of site)	Max. Building Coverage (% of lot)
							Front	Side (ea)	Rear		
B1 Single-Family Detached Dwelling	20,000	-	2 du/ac	100	.40 (of site)	35	50	20	30	-	20%
B3 Cluster Development	-	5	2 du/ac	-	.20 (of site)	35	-	-	-	30%	-
Single-Family Detached Dwelling	7,500	5	2 du/ac	70	.20 (of site)	35	40	15	25	30%	20%
Twin Dwelling	4,500	5	2 du/ac	45	.20 (of site)	35	40	15	25	30%	25%
B5 Performance Development	-	5	3 du/ac	-	.30 (of site)	35	-	-	-	50%	-
B8 Mobile Home Park	-	10	3 du/ac	-	.30 (of site)	35	-	-	-	50%	-
Other Permitted Uses ¹	20,000 ²	-	2 du/ac	100	.50 (of lot)	35	50	20	35	-	20%

Notes:

¹ Unless otherwise specified in Part 5 for the specific use, in which case the provisions of Part 5 shall apply.

² If minimum lot areas are specified for specific uses in Part 5, then those lot areas shall be required. If no specific lot sizes are specified, then the minimum lot area in this chart shall apply.

6. *Public Utilities.* Use C3 – Public Utilities owned by either Dublin Borough or the Dublin Borough Authority shall not be subject to area or other zoning regulations.

§27-402. R-2 Neighborhood Conservation Residential District.

1. *General.* Within the R-2 Neighborhood Conservation Residential District, a building may be erected, altered or used, and any lot or premises may be used for the following uses, and no other, when in conformance with the conditions of this Chapter and the specific use, area and design regulations of this district.
2. *Uses Permitted by Right.* Any of the following uses shall be permitted if the provisions contained in Part 5, “Use Regulations,” have been met:
 - A6 Forestry.
 - B1 Single-Family Detached Dwelling.
 - B2 Twin Dwelling.
 - F1 Accessory Home Occupation.
 - F2 Residential Accessory Buildings.
 - F6 Temporary Structure or Use.
 - F9 No-Impact Home-Based Business.
3. *Uses Permitted by Special Exception.* Any of the following uses shall be considered permitted, provided the provisions for special exception have been met in accordance with Part 5, “Use Regulations,” Part 12, “Zoning Hearing Board,” and §27-1207, “Powers and Duties; Special Exceptions:”
 - C6 Library or Museum.
4. *Uses Permitted by Conditional Use.* Any of the following uses shall be considered permitted, provided the provisions for conditional use have been met in accordance with Part 5, “Use Regulations” and Part 10, “Conditional Use”:
 - B6 Garden Apartment.
 - B9 Residential Conversion.
 - C1 Private School.
 - C2 Public School.
 - C3 Public Utilities.
 - C4 Place of Worship.
 - C5 Cemetery.
 - C7 Private Recreational Facility.
 - C8 Day Care Center/Nursery School.
 - C10 Nursing Home.
 - C17 Public Building.
 - C18 Funeral Home.
 - D1 Medical Office.
 - F3 In-Law Suite.

5. R-2 Neighborhood Conservation Residential District - Table of Area and Dimensional Requirements.

Use	Min. Lot Area Per Unit (sq. ft.)	Min. Site Area (acres)	Max. Density (du /gross acre)	Min. Lot Width at Min. Bldg. Setback Line (feet)	Max. Impervious Surface Ratio	Max. Height (ft.)	Minimum Yards (ft)			Open Space (% of site)	Max. Building Coverage (% of lot)
							Front	Side (ea)	Rear		
B1 Single-Family Detached Dwelling	12,000	-	-	80	.40 (of site)	35	35	10	35	-	20%
B2 Twin House	7,500	-	-	50	.50 (of site)	35	35	35	10	35	25%
B6 Garden Apts	-	5	5 du/ac	-	.30 (of site)-	35	-	-	-	50%-	-
Other Permitted Uses ¹	20,000 ² -	-	-	100	.50(of lot)	35	35	15	35	-	30%

Notes:

¹ Unless otherwise specified in Part 5 for the specific use, in which case the provisions of Part 5 shall apply.

² If minimum lot areas are specified for specific uses in Part 5, then those lot areas shall be required. If no specific lot sizes are specified, then the minimum lot area in this chart shall apply.

6. *Public Utilities.* Use C3 – Public Utilities owned by either Dublin Borough or the Dublin Borough Authority shall not be subject to area or other zoning regulations.

§27-403. C-1 Central Commercial District.

1. *General.* Within the C-1 Central Commercial District, a building may be erected, altered or used, and any lot or premises may be used for the following uses, and no other, when in conformance with the conditions of this Chapter and the specific use, area and design regulations of this district.

2. *Uses Permitted by Right.* Any of the following uses shall be permitted if the provisions contained in Part 5, “Use Regulations,” have been met:
 - A6 Forestry.
 - B1 Single-Family Detached Dwelling.
 - B2 Twin Dwelling.
 - C3 Public Utilities.
 - C4 Place of Worship.
 - C16 Emergency Services.
 - C17 Public Building.
 - C19 Recreational Facility.
 - C21 Commercial Educational or Trade School.
 - D1 Medical Office.
 - D2 Office.
 - D3 Commercial & Service.
 - D5 Retail Stores.
 - D6 Service Business.
 - D9 Eating Place.
 - D11 Repair Shop.
 - F1 Accessory Home Occupation.
 - F2 Residential Accessory Buildings.
 - F5 Outside Storage or Display.
 - F6 Temporary Structure or Use.
 - F9 No-Impact Home-Based Business.

3. *Uses Permitted by Special Exception.* Any of the following uses shall be considered permitted, provided the provisions for special exception have been met in accordance with Part 5, “Use Regulations,” Part 12, “Zoning Hearing Board,” and §27-1207, “Powers and Duties; Special Exception:”
 - C6 Library or Museum.

4. *Uses Permitted by Conditional Use.* Any of the following uses shall be considered permitted, provided the provisions for conditional use have been met in accordance with Part 5, “Use Regulations,” and Part 10, “Conditional Use”:

- C1 Private School.
- C8 Day Care Center/Nursery School.
- C10 Nursing Home.
- C13 Halfway House.
- C14 Private Organization or Community Center.
- C18 Funeral Home.
- D4 Mixed Use.
- D7 Financial Establishment.
- D13 Boarding House.
- D14 Entertainment.
- D15 Tavern.
- D22 Parking Lot or Garage.
- F10 Bed and Breakfast.

5. *C-1 Central Commercial District Table of Area and Dimensional Requirements.*

Use	Min. Lot Area Per Unit (sq. ft.)	Min. Site Area (acres)	Max. Density (du /gross acre)	Min. Lot Width at Min. Bldg. Setback Line (feet)	Max. Impervious Surface Ratio	Max. Height (ft.)	Minimum Yards (ft)			Open Space (% of site)	Max. Building Coverage (% of lot)
							Front	Side (ea)	Rear		
B1 Single Family Detached Dwelling	10,000 ²	-	-	60	.40	35	50	10	30	-	-
Other Permitted Uses ¹	10,000 ²	-	-	60	.60	35	50	10	30	-	-

Notes:

¹ Unless otherwise specified in Part 5 for the specific use, in which case the provisions of Part 5 shall apply.

² If minimum lot areas are specified for specific uses in Part 5, then those lot areas shall be required. If no specific lot sizes are specified, then the minimum lot area in this chart shall apply.

6. *Public Utilities.* Use C3 – Public Utilities owned by either Dublin Borough or the Dublin Borough Authority shall not be subject to area or other zoning regulations.

§27-404. C-2 Regional Commercial District.

1. *General.* Within the C-2 Regional Commercial District a building may be erected, altered or used, and any lot or premises may be used for the following uses, and no other, when in conformance with the conditions of this Chapter and the specific use, area and design regulations of this district.

2. *Uses Permitted by Right.* Any of the following uses shall be permitted if the provisions contained in Part 5, “Use Regulations” have been met:
 - A1 Crop Farming/Nursery.
 - A2 Greenhouse.
 - A3 Animal Husbandry.
 - A6 Forestry.
 - B1 Single-Family Detached Dwelling.
 - B3 Cluster Development.
 - B5 Performance Development.
 - C3 Public Utilities.
 - C16 Emergency Services.
 - C17 Public Building.
 - C19 Recreational Facility.
 - C20 Athletic Facility.
 - C21 Commercial Educational or Trade School.
 - D1 Medical Office.
 - D2 Office.
 - D3 Commercial and Service.
 - D5 Retail Store.
 - D6 Service Business.
 - D7 Financial Establishment.
 - D8 Financial Establishment with Drive-In Window.
 - D9 Eating Place.
 - D11 Repair Shop.
 - D12 Motel/Hotel/Inn
 - D14 Entertainment.
 - D17 Service Station.
 - D18 Automotive Repair.

- D21 Automotive Accessories.
- D22 Parking Lot or Garage.
- D26 Car Wash.
- D27 Commercial Recreation and Entertainment.
- D28 Large Retail Store.
- F1 Accessory Home Occupation.
- F2 Residential Accessory Buildings.
- F5 Outside Storage or Display.
- F6 Temporary Structure or Use.
- F9 No-Impact Home-Based Business.

3. *Uses Permitted by Special Exception.* Any of the following uses shall be considered permitted, provided the provisions for special exception have been met in accordance with Part 5, "Use Regulations," Part 12, "Zoning Hearing Board," and §27-1207, "Powers and Duties-Special Exception:"

- A4 Kennel.
- A5 Stable.
- C6 Library or Museum.
- C9 Life Care Facility.
- D24 Outdoor Motion Picture Establishment.
- F3 In-Law Suite.

4. *Uses Permitted by Conditional Use.* Any of the following uses shall be considered permitted, provided the provisions for conditional use have been met in accordance with Part 5, "Use Regulations" and Part 10, "Conditional Use":

- C1 Private School.
- C2 Public School.
- C5 Cemetery.
- C7 Private Recreational Facility.
- C8 Day Care Center/Nursery School.
- C10 Nursing Home.
- C13 Halfway House.
- C14 Private Organization or Community Center.
- C15 Hospital.

- C18 Funeral Home.
- D4 Mixed Use.
- D10 Fast Food Restaurant.
- D13 Boarding House.
- D15 Tavern.
- D16 Veterinary.
- D19 Truck Sales.
- D20 Automotive Sales.
- D23 Shopping Center.
- E3 Mini Warehouse.
- F10 Bed and Breakfast.

5. C-2 Regional Commercial District - Table of Area and Dimensional Requirements.

Use	Min. Lot Area Per Unit (sq. ft.)	Min. Site Area (acres)	Max. Density (du /gross acre)	Min. Lot Width at Min. Bldg. Setback Line (feet)	Max. Impervious Surface Ratio	Max. Height (ft.)	Minimum Yards (ft)			Open Space (% of site)	Max. Building Coverage (% of lot)
							Front	Side (ea)	Rear		
B1 Single-Family Detached Dwelling	20,000	-	2 du/ac	100	.40 (of site)	35	50	20	35	-	20%
B3 Cluster Development	-	5	2 du/ac	-	.20 (of site)	35	-	-	-	30%	-
Single-Family Detached Dwelling	7,500	5	2 du/ac	70	.20 (of site)	35	40	15	35	30%	20%
Twin Dwelling	4,500	5	2 du/ac	45	.20 (of site)	35	40	15	35	30%	25%
B5 Performance Development	-	5	3 du/ac	-	.30 (of site)	35	-	-	-	50%	-
D3 Commercial & Service	20,000	-	-	100	.70(of lot)	35	50	30	30	-	-
D19 Truck Sales	-	2.5	-	100	.60 (of lot)	35	50	50	50	-	-
D20 Automotive Sales	-	2.5	-	100	.60 (of lot)	35	50	50	50	-	-
Other Permitted Uses ¹	-	1 ²	-	150	.70(of lot)	35	50	30	30	-	-

Notes:

¹ Unless otherwise specified in Part 5 for the specific use, in which case the provisions of Part 5 shall apply.

² If minimum lot areas are specified for specific uses in Part 5, then those lot areas shall be required. If no specific lot sizes are

specified, then the minimum lot area in this chart shall apply.

6. *Public Utilities.* Use C3 – Public Utilities owned by either Dublin Borough or the Dublin Borough Authority shall not be subject to area or other zoning regulations.

§27-405. Ind Industrial District.

1. *General.* Within the Ind Industrial District, a building may be erected, altered, or used, and any lot or premises may be used for the following uses, and no other, when in conformance with the conditions of this Chapter and the specific use, area and design regulations of this district.

2. *Uses Permitted by Right.* Any of the following uses shall be permitted if the provisions contained in Part 5, “Use Regulations” have been met:

- A1 Crop Farming/Nursery.
- A2 Greenhouse.
- A3 Animal Husbandry.
- A6 Forestry.
- C3 Public Utilities.
- C16 Emergency Services.
- C17 Public Building.
- C18 Funeral Home.
- C21 Commercial Educational or Trade School.
- D2 Office.
- D7 Financial Establishment.
- D8 Financial Establishment with Drive-In Window.
- D9 Eating Place.
- D11 Repair Shop.
- D17 Service Station.
- D18 Automotive Repair.
- D21 Automotive Accessories.
- D22 Parking Lot or Garage.
- D26 Car Wash.
- D27 Commercial Recreation and Entertainment.
- E1 General Industry.
- E3 Mini Warehouse.
- E4 Lumber Yard.
- F2 Residential Accessory Buildings.
- F5 Outside Storage or Display.

- F6 Temporary Structure or Use.
- F9 No-Impact Home-Based Business.

3. *Uses Permitted by Special Exception.* Any of the following uses shall be considered permitted, provided the provisions for special exception have been met in accordance with Part 5, “Use Regulations”, Part 12, “Zoning Hearing Board,” and §27-1207, “Powers and Duties; Special Exception:”

- A4 Kennel.
- A5 Stable.
- C6 Library or Museum.
- D24 Outdoor Motion Picture Establishment.

4. *Uses Permitted by Conditional Use.* Any of the following uses shall be considered permitted, provided the provisions for conditional use have been met in accordance with Part 5, “Use Regulations” and Part 10, “Conditional Use”:

- C1 Private School.
- C2 Public School.
- C5 Cemetery.
- C7 Private Recreational Facility.
- C14 Private Organization or Community Center.
- C19 Recreational Facility.
- C20 Athletic Facility.
- D16 Veterinary.
- D19 Truck Sales.
- D20 Automotive Sales.
- D25 Adult Uses.
- E2 Industrial Park.
- E5 Salvage Yard / Recycling Facility.
- E6 Cellular Telecommunications Facility.
- E7 Extraction.

5. <i>IND Industrial District - Table of Area and Dimensional Requirements.</i>									
Use	Minimum Lot Area Per Unit (sq. ft.)	Minimum Site Area (acres)	Minimum Lot Width at Min. Bldg. Setback Line (feet)	Maximum Impervious Surface Ratio	Maximum Height (ft.)	Minimum Yards (ft)			Maximum Building Coverage (% of lot)
						Front	Side(ea) (ft)	Rear	
E1 and E2 General Industry and Industrial Park	20,000 s.f.	5	100	.60	35	35	30	30	-
E4 Lumber Yard	-	1	100	.60	35	50	20	30	-
E5 Salvage Yard/Recycling Facility	-	5	100	.70	35	50	50	50	-
Other Permitted Uses ¹	20,000 s.f. ²	-	100	.60	35	35	30	30	-

Notes:

¹ Unless otherwise specified in Part 5 for the specific use, in which case the provisions of Part 5 shall apply.

² If minimum lot areas are specified for specific uses in Part 5, then those lot areas shall be required. If no specific lot sizes are specified, then the minimum lot area in this chart shall apply.

6. *Public Utilities.* Use C3 – Public Utilities owned by either Dublin Borough or the Dublin Borough Authority shall not be subject to area or other zoning regulations.

§27-406. Ind-1 Light Industrial District.

1. *General.* Within the Ind-1 Industrial District, a building may be erected, altered, or used, and any lot or premises may be used for the following uses, and no other, when in conformance with the conditions of this Chapter and the specific use, area and design regulations of this district.

2. *Uses Permitted by Right.* Any of the following uses shall be permitted if the provisions contained in Part 5, “Use Regulations” have been met:
 - A1 Crop Farming/Nursery.
 - A2 Greenhouse.
 - A6 Forestry.
 - C3 Public Utilities.
 - C8 Day Care Center/Nursery School.
 - C16 Emergency Services.
 - C17 Public Building.
 - C18 Funeral Home.
 - C21 Commercial Educational or Trade School.
 - D1 Medical Office.
 - D2 Office.
 - D3 Commercial and Service.
 - D4 Mixed Use.
 - D5 Retail Stores.
 - D6 Service Business.
 - D7 Financial Establishment.
 - D8 Financial Establishment with Drive-In Window.
 - D9 Eating Place.
 - D11 Repair Shop.
 - D16 Veterinary.
 - D18 Automotive Repair.
 - D21 Automotive Accessories.
 - D22 Parking Lot or Garage.
 - D26 Car Wash.
 - E3 Mini Warehouse.
 - F2 Residential Accessory Buildings.
 - F5 Outside Storage or Display.
 - F6 Temporary Structure or Use.

F9 No-Impact Home-Based Business.

3. *Uses Permitted by Special Exception.* Any of the following uses shall be considered permitted, provided the provisions for special exception have been met in accordance with Part 5, “Use Regulations,” Part 12, “Zoning Hearing Board,” and §27-1207, “Powers and Duties; Special Exception:”

C6 Library or Museum.

D24 Outdoor Motion Picture Establishment.

4. *Uses Permitted by Conditional Use.* Any of the following uses shall be considered permitted, provided the provisions for conditional use have been met in accordance with Part 5, “Use Regulations” and Part 10, “Conditional Use”:

B7 Mobile Home.

C1 Private School.

C14 Private Organization or Community Center.

C19 Recreational Facility.

C20 Athletic Facility.

D19 Truck Sales.

D20 Automotive Sales.

E1 General Industry.

E2 Industrial Park.

E4 Lumber Yard.

E6 Cellular Telecommunications Facility.

5. IND-1 Light Industrial District - Table of Area and Dimensional Requirements.

Use	Min. Lot Area Per Unit (sq. ft.)	Min. Site Area (acres)	Min. Lot Width at Min. Bldg. Setback Line (feet)	Max. Impervious Surface Ratio	Ma Height (ft.)x.	Minimum Yards (ft)			Max. Building Coverage (% of lot)
						Front	Side (ea)	Rear	
E1 and E2 General Industry and Industrial Park	20,000 s.f.	4	100	.60	35	35	30	30	30
E4 Lumber Yard	-	1	100	.60	35	50	20	30	30
Other Permitted Uses ¹	20,000 s.f. ²	-	100	.60	35	35	30	30	30

Notes:

¹ Unless otherwise specified in Part 5 for the specific use, in which case the provisions of Part 5 shall apply.

² If minimum lot areas are specified for specific uses in Part 5, then those lot areas shall be required. If no specific lot sizes are specified, then the minimum lot area in this chart shall apply.

6. *Public Utilities.* Use C3 – Public Utilities owned by either Dublin Borough or the Dublin Borough Authority shall not be subject to area or other zoning regulations.

§27-407. TC Town Center District.

1. *General.* Within the TC Town Center District, a building may be erected, altered or used, and any lot or premises may be used for the following uses, and no other, when in conformance with the conditions of this Chapter and the specific use, area and design regulations of this district.

2. *Uses Permitted by Right.* Any of the following uses shall be permitted if the provisions contained in Part 5, “Use Regulations,” have been met:
 - A6 Forestry.
 - B1 Single-Family Detached Dwelling.
 - B2 Twin Dwelling.
 - B4 Village House.
 - C3 Public Utilities.
 - C4 Place of Worship.
 - C16 Emergency Services.
 - C17 Public Building.
 - D1 Medical Office.
 - D2 Office.
 - D3 Commercial and Service.
 - D5 Retail Stores.
 - D6 Service Business.
 - D7 Financial Establishment.
 - D8 Financial Establishment with Drive-In Window.
 - D9 Eating Place.
 - D11 Repair Shop.
 - F1 Accessory Home Occupation.
 - F2 Residential Accessory Buildings.
 - F5 Outside Storage or Display.
 - F6 Temporary Structure or Use.
 - F9 No-Impact Home-Based Business

3. *Uses Permitted by Special Exception.* Any of the following uses shall be considered permitted, provided the provisions for special exception have been met in accordance

with Part 5, "Use Regulations," Part 12, "Zoning Hearing Board," and §27-1207, "Powers and Duties; Special Exception:"

C6 Library or Museum.

4. *Uses Permitted by Conditional Use.* Any of the following uses shall be considered permitted, provided the provisions for conditional use have been met in accordance with Part 5, "Use Regulations," and Part 10, "Conditional Use":

B9 Residential Conversion.

C1 Private School.

C8 Day Care Center/Nursery School.

C10 Nursing Home.

C13 Halfway House.

C14 Private Organization or Community Center.

C18 Funeral Home.

C19 Recreational Facility.

C20 Athletic Facility.

C21 Commercial Educational or Trade School.

D4 Mixed Use.

D12 Motel/Hotel/Inn.

D14 Entertainment.

D15 Tavern.

D22 Parking Lot or Garage.

D27 Commercial Recreation and Entertainment.

F10 Bed and Breakfast.

5. *TC Town Center - Table of Area and Dimensional Requirements.*

Use	Min. Lot Area Per Unit (sq. ft.)	Min. Site Area (acres)	Max. Density (du /gross acre)	Min. Lot Width at Min. Bldg. Setback Line (feet)	Max. Impervious Surface Ratio	Max. Height (ft.)	Minimum Yards (ft)			Open Space (% of site)	Max. Building Coverage (% of lot)
							Front	Side (ea)	Rear		
B4 Village House	7,000	-	-	50	.40	35	35	10	35	-	-
D1 Medical Office	6,500	-	-	40	.60	35	35	10	35	-	-
D2 Office	4,500	-	-	40	.60	35	35	10	35	-	-
D5 Retail Stores	6,500	-	-	40	.60	35	35	10	35	-	-
D6 Service Business	4,500	-	-	40	.60	35	35	10	35	-	-
D11 Repair Shop	6,500	-	-	40	.60	35	35	10	35	-	-
Other Permitted Uses ¹	10,000 ²	-	-	60	.60	35	50	10	30	-	-

Notes:

¹ Unless otherwise specified in Part 5 for the specific use, in which case the provisions of Part 5 shall apply.

² If minimum lot areas are specified for specific uses in Part 5, then those lot areas shall be required. If no specific lot sizes are specified, then the minimum lot area in this chart shall apply.

6. *Public Utilities.* Use C3 – Public Utilities owned by either Dublin Borough or the Dublin Borough Authority shall not be subject to area or other zoning regulations.

Part 5

Use Regulations

§27-501. Applicability of Regulations.

Except as provided by law or in this Chapter, no building, structure, or land shall be used or occupied except for the purposes permitted in §27-505 and for the zoning districts so indicated.

§27-502. Uses by Right, Special Exception, Conditional Uses and Uses Not Permitted.

1. A use listed in Part 5 “Table of Use Regulations” is permitted by right in any district denoted by the letter “P,” subject to such requirements as may be specified in §27-505, and after a zoning permit has been issued in accordance with Part 11.
2. A use listed in Part 5 “Table of Use Regulations” may be permitted as a special exception in any district denoted by the letters “SE,” provided the Zoning Hearing Board authorizes the issuance of a zoning permit by the Zoning Officer, subject to the requirements of §27-1207 and Part 12 and such further restrictions as said Board may establish.
3. A use listed in Part 5 “Table of Use Regulations” is permitted as a conditional use in any district denoted by the letter “C,” provided the Borough Council, having received recommendations from the Planning Commission, grants the conditional use subject to the expressed standards set forth in §27-505 and Part 10, and such further conditions that the Borough Council may impose to insure the protection of adjacent uses, or the health, safety or general welfare.
4. A use listed in Part 5 “Table of Use Regulations” is not permitted in any district denoted by the letter “N.”

§27-503. Uses Subject to Other Regulations.

Use permitted by right, by conditional use or as special exceptions shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building area, easements, provisions for off-street parking and loading, and to such other provisions as are specified in other Parts thereof.

§27-504. Temporary Accessory Uses.

1. No garage or other accessory building, partial structure or temporary structure shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary zoning permit. Such permit shall clearly set forth that the structure proposed is intended for temporary dwelling purposes and that the authorized structure is to be vacated upon the expiration of a special time limit not to exceed 1 year. On receipt of the zoning permit, the applicant shall certify that he has knowledge of the terms of the permit and the penalty that can be invoked for violations.
2. Nonconforming temporary buildings or uses incidental to a building development and required for such development may be granted temporary zoning permits, according to §27-505, “Use F6.”

Table of Use Regulations

<i>Use</i>		<i>District</i>						<i>TC</i>
		<i>R-1</i>	<i>R-2</i>	<i>C-1</i>	<i>C-2</i>	<i>Ind</i>	<i>Ind-1</i>	
A. Agricultural Uses								
(A1)	Crop Farming/Nursery	P	N	N	P	P	P	N
(A2)	Greenhouse	P	N	N	P	P	P	N
(A3)	Animal Husbandry	P	N	N	P	P	N	N
(A4)	Kennel	N	N	N	SE	SE	N	N
(A5)	Stable	N	N	N	SE	SE	N	N
(A6)	Forestry	P	P	P	P	P	P	P
B. Residential Uses								
(B1)	Single-Family Detached Dwelling	P	P	P	P	N	N	P
(B2)	Twin Dwelling	N	P	P	N	N	N	P
(B3)	Cluster Development	P	N	N	P	N	N	N
(B4)	Village House	N	N	N	N	N	N	P
(B5)	Performance Development	P	N	N	P	N	N	N
(B6)	Garden Apartments	N	C	N	N	N	N	N
(B7)	Mobile Home	N	N	N	N	N	C	N
(B8)	Mobile Home Park	C	N	N	N	N	N	N
(B9)	Residential Conversion	C	C	N	N	N	N	C
C. Institutional and Recreational Uses								
(C1)	Private School	C	C	C	C	C	C	C
(C2)	Public School	C	C	N	C	C	N	N
(C3)	Public Utilities	C	C	P	P	P	P	P
(C4)	Place of Worship	C	C	P	N	N	N	P
(C5)	Cemetery	C	C	N	C	C	N	N
(C6)	Library or Museum	SE	SE	SE	SE	SE	SE	SE
(C7)	Private Recreational Facility	C	C	N	C	C	N	N
(C8)	Day Care Center/Nursery School	C	C	C	C	N	P	C
(C9)	Life Care Facility	C	N	N	SE	N	N	N
(C10)	Nursing Home	C	C	C	C	N	N	C
(C11)	(Intentionally Left Blank)	-	-	-	-	-	-	-
(C12)	(Intentionally Left Blank)	-	-	-	-	-	-	-

	<i>Use</i>	<i>District</i>						
		R-1	R-2	C-1	C-2	Ind	Ind-1	TC
(C13)	Halfway House	N	N	C	C	N	N	C
(C14)	Private Organization or Community Center	N	N	C	C	C	C	C
(C15)	Hospital	N	N	N	C	N	N	N
(C16)	Emergency Services	N	N	P	P	P	P	P
(C17)	Public Building	C	C	P	P	P	P	P
(C18)	Funeral Home	C	C	C	C	P	P	C
(C19)	Recreational Facility	N	N	P	P	C	C	C
(C20)	Athletic Facility	N	N	N	P	C	C	C
(C21)	Commercial Educational or Trade School	N	N	P	P	P	P	C
<i>D. Commercial and Office Uses</i>								
(D1)	Medical Office	N	C	P	P	N	P	P
(D2)	Office	N	N	P	P	P	P	P
(D3)	Commercial and Service	N	N	P	P	N	P	P
(D4)	Mixed Use	N	N	C	C	N	P	C
(D5)	Retail Store	N	N	P	P	N	P	P
(D6)	Service Business	N	N	P	P	N	P	P
(D7)	Financial Establishment	N	N	C	P	P	P	P
(D8)	Financial Establishment with Drive-In Window	N	N	N	P	P	P	P
(D9)	Eating Place	N	N	P	P	P	P	P
(D10)	Fast Food Restaurant	N	N	N	C	N	N	N
(D11)	Repair Shop	N	N	P	P	P	P	P
(D12)	Motel/Hotel/Inn	N	N	N	P	N	N	C
(D13)	Boarding House	N	N	C	C	N	N	N
(D14)	Entertainment	N	N	C	P	N	N	C
(D15)	Tavern	N	N	C	C	N	N	C
(D16)	Veterinary	N	N	N	C	C	P	N
(D17)	Service Station	N	N	N	P	P	N	N
(D18)	Automotive Repair	N	N	N	P	P	P	N
(D19)	Truck Sales	N	N	N	C	C	C	N
(D20)	Automotive Sales	N	N	N	C	C	C	N
(D21)	Automotive Accessories	N	N	N	P	P	P	N

	<i>Use</i>	<i>District</i>						
		R-1	R-2	C-1	C-2	Ind	Ind-1	TC
(D22)	Parking Lot or Garage	N	N	C	P	P	P	C
(D23)	Shopping Center	N	N	N	C	N	N	N
(D24)	Outdoor Motion Picture Establishment	N	N	N	SE	SE	SE	N
(D25)	Adult Uses	N	N	N	N	C	N	N
(D26)	Car Wash	N	N	N	P	P	P	N
(D27)	Commercial Recreation and Entertainment	N	N	N	P	P	N	C
(D28)	Large Retail Store	N	N	N	P	N	N	N
<i>E. Industrial Uses</i>								
(E1)	General Industry	N	N	N	N	P	C	N
(E2)	Industrial Park	N	N	N	N	C	C	N
(E3)	Mini Warehouse	N	N	N	C	P	P	N
(E4)	Lumber Yard	N	N	N	N	P	C	N
(E5)	Salvage Yard / Recycling Facility	N	N	N	N	C	N	N
(E6)	Cellular Telecommunications Facility	N	N	N	N	C	C	N
(E7)	Extraction	N	N	N	N	C	N	N
<i>F. Accessory Uses</i>								
(F1)	Accessory Home Occupation	P	P	P	P	N	N	P
(F2)	Residential Accessory Buildings	P	P	P	P	P	P	P
(F3)	In-Law Suite	C	C	N	SE	N	N	N
(F4)	(Intentionally Left Blank)	-	-	-	-	-	-	-
(F5)	Outside Storage or Display	N	N	P	P	P	P	P
(F6)	Temporary Structure or Use	P	P	P	P	P	P	P
(F7)	(Intentionally Left Blank)	-	-	-	-	-	-	-
(F8)	(Intentionally Left Blank)	-	-	-	-	-	-	-
(F9)	No-Impact Home-Based Business	P	P	P	P	P	P	P
(F10)	Bed and Breakfast	N	N	C	C	N	N	C

§27-505. Use Regulations.

A. Agricultural Uses

(A1) Crop Farming/Nursery

The growing, harvesting, storage and/or sale of field, truck and tree crops.

Parking: one (1) off-street parking space for each employee.

(A2) Greenhouse

The indoor raising of plants, shrubs and/or trees for sale and transplantation.

Parking: One (1) off-street parking space for each employee and one (1) off-street parking space for each one hundred (100) square feet of gross area used or intended to be used for servicing retail customers.

(A3) Animal Husbandry

The raising, and/or keeping of livestock and/or poultry for gain and/or profit, subject to the following provisions:

- a) The minimum lot size shall be five (5) acres in area.
- b) Any building used for the raising or keeping of livestock or poultry shall be located no less than two hundred (200) feet from any street line, dwelling or well, other than the owners well, and not less than one hundred (100) feet from the owner's well or any property line.
- c) Mass production feeding (over five hundred (500) head of livestock or five thousand (5,000) fowl) shall not be permitted without the specific sanction of the Federal Environmental Protection Agency.
- d) Parking: No less than two (2) off-street parking spaces per dwelling unit, and one (1) off-street parking space per two (2) employees.

(A4) Kennel

Any lot on which more than five (5) animals are kept, boarded, or trained for a fee, whether or not in special buildings or runs, including, but not limited to, dog and cat kennels, provided:

- a) Minimum lot size shall not be less than ten (10) acres.
- b) No animal shelter or run shall be located less than two hundred (200) feet from any property line.
- c) A buffer yard of twenty-five (25) feet shall be required and shall be in accordance with §27-610.
- d) Parking: One (1) off-street parking space for each employee plus one (1) off-street parking space for each ten (10) animals of capacity.

(A5) Stable

Any lot on which horses are kept, boarded, or trained for a fee, including horses kept as pets, whether in special buildings or not, horse stables, or riding academies, provided:

- a) Minimum lot size shall not be less than five (5) acres.
- b) No animal shelter or stable shall be located less than two hundred (200) feet from any lot line.
- c) Parking: One (1) off-street parking space for each employee plus one (1) off-street parking space for each four (4) animals of capacity.

(A6) Forestry

The management of forests and timberlands when practiced in accordance with accepted silvicultural principles through developing, cultivating, harvesting, transporting and selling trees for commercial purposes,

which does not involve any land development.

- a) For all forestry operations, a zoning permit shall be required and the following conditions shall be met:
 - 1) All applications for a forestry zoning permit shall be accompanied by a Forestry Management Plan, prepared by a qualified forester in accordance with the Best Management Practices of the Sustainable Forestry Initiative and the principles and criteria of the Forestry Stewardship Council. The Plan shall be submitted to the Zoning Officer or appropriate municipal authority and the Bucks County Conservation District (BCCD) for approval. All Forestry Management Plans shall contain the following minimum requirements:
 - a) Existing Features Plan which includes the surveyed site boundary, a site location map, adjacent roadways (site access), the overall site area, existing structures, the location and identification of the principle variety or varieties of trees on the site, and all natural resources found on the site, including but not limited to slopes, wetlands, floodplain, riparian corridor, soil types, etc.
 - b) An overall plan (narrative), map, and corresponding schedule which indicates the locations and areas to be logged and the proposed timeline of the entire logging program. Plan should address the proposed road system, log landings, skid roads and trails, and maintenance. The plan should address any temporary road system design, removal and restoration, stream crossings, haul roads, road use, and location in relation to state and township roads. The plan should also address water control structures, log landing removal and restoration, and maintenance. Copies of all necessary permits shall be required to appear in the plan's appendix.
 - c) A reforestation program that outlines procedures and methods for re-establishment of the forest on a sustained yield basis. The program shall specifically identify each principal variety of tree to be reforested, the method of reforestation to be employed, and the recommended reforestation or regeneration period in terms of years.
 - d) An erosion and sedimentation control plan designed to prevent erosion and sedimentation during and after the operation, as well as protect any remaining trees and other natural features. This plan shall meet applicable erosion and sedimentation control and stream crossing regulations under the Clean Stream Law (Chapter 102, Erosion Control Rules and Regulations issued under Act of June 22, 1937, P.L. 1987) and the Dam Safety and Encroachment Act (Chapter 105, Dam and Waterway Management Rules and Regulations issued under Act of 1978, P.L. 1375). The plan shall be submitted to and approved by Bucks County Conservation District and the Borough shall receive a copy of the "letter of adequacy" issued by the district, along with any associated plans, reports, and permits.
 - e) All cutting, skidding, removing, and transporting of trees shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself, including soil compaction. A narrative of these procedures shall be included in the plan.
 - f) All plans shall show how the general habitat and visual screening of the forest is to be maintained so that the forest retains its visual and habitat qualities at all stages of the long-range cutting plan.
 - 2) The area of the forest shall not be cleared below eighty percent (80%) of the forest as it exists at the time of application. The area of land located within the required buffer yards shall be excluded in determining the area of the forest.
 - 3) All required performance standards, environmental performance standards, and area and dimensional requirements of the zoning district in which the forestry operations are to take place, shall be met.
 - 4) "No logging" buffer zones shall be maintained along both sides of any streams and around the perimeter of any springs. The minimum buffer shall be fifty (50) feet. Buffers along any riparian corridor shall also be provided.
 - 5) General operational requirements. The following requirements shall govern all forestry activities:

- a) Skidding across perennial or intermittent streams is prohibited except over bridges and culverts.
 - b) Felling or skidding on, across, or within any public right-of-way is prohibited without the express written consent of the party responsible for the right-of-way.
 - c) No tops or slash shall be left within twenty-five feet (25') of any public right-of-way, nor within the minimum distance of the required buffer yard from any adjacent property.
 - d) All tops and slash shall be cut to a maximum height of four (4) feet within one hundred feet (100') of any property line.
 - e) All tops and slash be lopped to a maximum height of six (6) feet when located between twenty-five (25) and fifty (50) feet of a public right-of-way.
- 6) A bond shall be posted, in accordance with Borough standards, to ensure reforestation and regrowth for a minimum of a two (2) year period. Escrow fees shall also be required to cover the expense of the plan review by the Borough's professionals, as well as meeting attendance, and necessary inspections.
 - 7) A minimum of two (2) meetings are required with the applicant and the Borough's professionals. One (1) meeting shall take place prior to any clearing to field verify items contained within the Management Plan and another inspection meeting shall follow each stage of reforestation to verify proper planting techniques in accordance with the approved Management Plan and to allow for the release of set bonds. Officials from the BCCD should also be in attendance at these meetings.
 - 8) A copy of the required Forestry Management Plan and zoning permit shall be available on the site at all times. The forestry operation is subject to site inspection by Borough officials.
- b) Any landowner or operator who violates any provision of this section or who willfully or negligently violates any provision of this section is subject to the provisions of Part 14 of this ordinance and/or any additional penalties approved by the Board of Supervisors.
 - c) Individual property owners who choose to cut a tree or trees as part of yard maintenance shall be exempt from the provisions of this ordinance if the following conditions are met:
 - 1) The area to be cleared shall not exceed one half (1/2) of an acre.
 - a) The tree or trees to be removed are dead or diseased.
 - b) The tree or trees to be removed are in such condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way.

Should the area exceed one half (1/2) of an acre, exceed the woodlands protection of eighty percent (80%), or include more than the removal of dead trees or selective clearing, a zoning permit shall be required from the zoning officer.
 - d) Prior to the start of any forestry activities, the applicant shall provide the Borough with a signed, recorded agreement clearly stating that no cutting or clearing shall be considered to reduce the area of the forest/woodland for any subdivision or land development, proposed or not, pursuant to this ordinance.
 - e) Parking: One (1) off-street parking space for each employee.

B. Residential Uses

(B1) Single-family Detached Dwelling

A dwelling designed for and used for occupancy exclusively by one (1) family having only one (1) dwelling unit from ground to roof and having independent outside access and open space on all sides.

Parking: A minimum of two (2) off-street parking spaces per dwelling unit is required.

(B2) Twin Dwelling

A dwelling having two (2) dwelling units arranged side by side with only one (1) dwelling unit from ground

to roof, independent outside access, and any portion of only one (1) wall in common with another dwelling unit.

Parking: A minimum of two (2) off-street parking spaces per dwelling unit is required.

(B3) Cluster Development

A planned development of single-family detached or twin dwellings on lots with modified dimensional requirements.

- a) Dimensional standards for permitted housing types shall be no less than the dimensional standards given in Part 4.
- b) Minimum density, open space, and impervious surface standards shall be no less than in the standards found in Part 4.
- c) Buffer yards no less than fifteen (15) feet in width shall be provided in accordance with the standards presented in §27-610, “Buffer Yards.”
- d) Open space shall be laid out and maintained in accordance with §27-702, “Open Space in Residential Developments.”
- e) All plans for use B3, Cluster Development of twenty-five (25) units or more shall be submitted with a community impact analysis to include traffic projections and sewer and water availability.
- f) Parking: A minimum of two (2) off-street parking spaces per dwelling unit is required. Three (3) off-street parking spaces are required for dwellings having three (3) or more bedrooms, not including garage.

(B4) Village House

The village house is a single family detached house on a separate lot. It differs from other forms of single family detached housing in its lot size and its placement on the lot. It is similar to houses found in the historic villages and towns. The house is placed very close to the street and is additionally distinguished from other single family houses by plant or architectural treatments. Each unit shall meet two (2) or more of the following characteristics:

- a) Two (2) canopy trees per lot, or three (3) flowering trees per lot.
- b) An unenclosed porch, running across at least three quarters (¾) of the house front, being at least seven (7) feet in width.
- c) A front yard raised above sidewalk grade by at least thirty (30) inches and a retaining wall of at least eighteen (18) inches at the sidewalk line.
- d) A front yard enclosed by a wall or fence of permanent construction at least thirty (30) inches but not to exceed forty eight (48) inches in height when measured from grade, and one (1) flowering shrub per ninety (90) inches across the width of the side of the house facing the street.
- e) Hedge of shrubs planted eighteen (18) inches on center for width of yard facing street and two (2) flowering trees.

Canopy Trees	3 inch caliper
Flowering Trees	2 – 2 1/2 inch caliper
Flowering Shrubs (flowering shrubs or evergreens or spreading varieties)	24 inches height 18 inches diameter
Hedge Shrubs	30 inches height

- e) Parking: A minimum of two (2) off-street parking spaces per dwelling unit is required. Three (3) off-

street parking spaces are required for dwellings having three (3) or more bedrooms, not including garage..

(B5) Performance Development

A development which permits a variety of housing types subject to a series of performance standards. The performance development requires the provision of open space and limits the density and impervious surfaces. See Part 4. All performance developments are subject to the following requirements:

All plans for use B5, Performance Development, shall be submitted with a community impact analysis to include traffic projections, and sewer and water availability.

Yards. The yard requirement found in subsection a) – i) of this Section shall be applied to the individual lots proposed in the performance development. Buffer yards shall be required around all the boundaries of a Performance Development site, in accordance with §27-610, and shall be considered as part of the minimum open space requirement.

An amount of land shall be set aside as permanent usable open space and shall:

Be suitable for use as a park, playground, pedestrian accessway or other similar public purpose, or because of its topography, vegetation, or other natural character, be left open with no particular use assigned to it.

Either be dedicated to the Borough, if acceptable to them, or to be maintained according to the ownership provisions of §27-702, “Open Space in Residential Developments,” or a fee in lieu of open space may be offered to the Borough to be used for the acquisition of recreational land.

Parking: A minimum of two (2) off-street parking spaces per dwelling unit is required. Three (3) off-street parking spaces are required for dwellings having three (3) or more bedrooms, not including garage.

a) *Single-Family Detached Dwelling*

- 1) A single family residence on an individual lot with private yards on all four (4) sides of the house.
- 2) Table of Dimensional Requirements

Lot area minimum	8,000 sq. ft.	
Lot area average	10,000 sq. ft.	
Minimum yards:	Front	35 feet
	Side	10 feet
	Rear	40 feet
Minimum lot width at setback	70 feet	

b) *Twin House*

- 1) A twin house is a single family semidetached dwelling unit having only one (1) wall in common with another dwelling unit.
- 2) Table of Dimensional Requirements

Lot area/unit minimum	4,500 sq. ft.
Lot area/unit average	5,000 sq. ft.
Maximum building coverage	35% of lot
Minimum building setback:	
From street	30 feet
Side yards (each)	10 feet

Rear yard	20 feet
Minimum lot width/unit at setback line	45 feet

c) Duplex

- 1) A duplex is a two (2)-family dwelling unit where one (1) dwelling unit is located over the other.
- 2) Table of Dimensional Requirements

Lot area minimum	7,000 sq. ft.
Lot area average	8,000 sq. ft.
Minimum building setback:	
From street	30 feet
Side yard (each)	15 feet
Rear yard	20 feet
Minimum lot width at building setback	70 feet

d) Patio House

- 1) The patio house is a single family detached or semi-detached unit, with one (1) dwelling unit from ground to roof having individual outside access. The lot shall be fully enclosed by a wall four to six (4 to 6) feet in height. All living spaces, i.e., living rooms, dens and bedrooms, shall open onto a major open area or patio.
- 2) Table of Dimensional Requirements

Lot area minimum	6,000 sq. ft.
Minimum front and rear yard setback for wall and structure from street	15 feet
Minimum lot width at setback	60 feet
Minimum side yards (for building)	10 feet
Maximum building height	24 feet
Minimum patio area	65% (of building coverage)

A patio is the area surrounding the house which is enclosed by a wall for privacy. The minimum patio area is determined by multiplying the actual building coverage by the patio area percentage (.65).

Minimum patio dimension	20 x 20 feet
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e) Atrium House

- 1) The atrium house is a single family, attached, one (1) story dwelling unit with individual outside access. The lot shall be fully enclosed by a wall six (6) feet high. A private yard, herein called an atrium, shall be included on each lot. All living rooms, dens, and bedrooms, shall be open onto the atrium.
- 2) Table of Dimensional Requirements

Lot area minimum	5,000 sq. ft.
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Maximum building coverage	65% (of lot area)
Minimum setback for wall and structure:	
From street	15 feet
From parking lot	25 feet
Rear yard	10 feet
Minimum lot width at building setback	50 feet
Minimum atrium area	35% (of lot area)

An atrium is a small private area surrounded by the house and wall. The minimum area of the atrium is determined by multiplying the building coverage by the atrium area percentage (.35).

Minimum atrium dimension	16 x 10 feet
Maximum height	12 feet

f) Weak-link Townhouse

- 1) The weak-link townhouse is a single family attached dwelling, having individual outside access, with one (1) dwelling unit from ground to roof. Each dwelling shall consist of a one (1) story portion and a two (2) story portion, with the one (1) story portion placed between two (2) dwelling units along the street frontage. A row of attached dwellings shall not exceed five (5) dwelling units.

2) Table of Dimensional Requirements

Lot area minimum	3,000 sq. ft.
Lot area average	3,400 sq. ft.
Minimum lot width	30 feet
Minimum width one story	12 feet
Maximum building coverage without garage	40% of lot
With one car garage	50% of lot
With two car garage	60% of lot
Minimum building setback with on lot parking:	
Street	20 feet
Pedestrian walkway	20 feet
Minimum building setback without on lot parking:	
Street	15 feet
Parking lot	10 feet
Pedestrian walkway	5 feet
Minimum building spacing	30 feet
Minimum rear yard	30 feet

g) Townhouse

- 1) The townhouse is a single-family attached dwelling unit from ground to roof, having individual outside access. A row of attached townhouses shall not exceed six (6) dwelling units.
- 2) Table of Dimensional Requirements

Lot area minimum	2,500 sq. ft.
Lot area average	3,000 sq. ft.
Minimum lot width	24 feet
Maximum building coverage	50% of lot
Minimum building setback:	
Street	20 feet
Pedestrian walkway	20 feet
Parking lot	20 feet
Minimum rear yard	20 feet
Minimum building spacing	30 feet

h) Multiplex

- 1) The multiplex is an attached dwelling. In general, all units have independent outside access; but this is not necessary. Units may be arranged in a variety of configurations: side-by-side, back-to-back, or vertically. The essential feature is the small number of units attached. No more than five (5) shall be attached in any group, and groups shall average no more than four (4) units per structure. No more than three (3) units shall be placed in a row arrangement.
- 2) Table of Dimensional Requirements

Minimum lot area per unit	2,500 sq. ft.
Minimum lot area per building	8,000 sq. ft.
Maximum impervious surface ratio (on-lot)	0.5
Minimum front yards (setback from street)	30 feet
Minimum setback from parking lot	15 feet
Minimum side yard (each)	15 feet
Minimum rear yard	25 feet
Minimum lot width (at minimum building setback line)	80 feet
Maximum height	35 feet

(B6) Garden Apartments

- a) Garden apartments are multi-family buildings where individual dwelling units share a common outside access. They also share a common yard area, which is the sum of the required lot areas of all dwelling units within the building. Garden apartments shall contain three (3) or more dwellings in a single structure.
- b) Table of Dimensional Requirements

Avg. Apt. Size (sq. ft.)	Min. Lot area per DU (sq. ft.)
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	Minimum Lot Area (sq. ft.)	Minimum Lot Width at Building Setback (feet)	Maximum Impervious Surfaces on Lot (percent)		Minimum Yards		Minimum Distance Between Units (feet)
Single-wide units 51 feet long	4,800	45	45%	20	5	15	30
Single-wide units 61 feet long	5,250	45	45%	20	5	15	30
Double-wide units	7,000	60	45%	30	5	15	30
Accessory building				30	15	15	10

- c) An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure. The hitch which is employed for the normal movement of the unit shall be removed.
- d) No mobile home shall be erected in a mobile home lot except upon a mobile home pad. Each mobile home unit shall have its own separate pad.
 - 1) Each mobile home pad shall be at least equal in length and width to the dimensions of the mobile home to be placed thereon.
 - 2) The pad, at least six (6) inches in thickness, shall be constructed from either concrete, macadam or other material adequate to support the mobile home and to prevent abnormal settling or heaving under the weight of the home. The corners of the mobile homes shall be secured to prevent wind overturn and rocking with at least six (6) tie-downs such as concrete "dead men," screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least two thousand eight hundred (2,800) pounds. Each mobile home shall be set level on sturdy and substantial supports.
- e) Off Street Parking
 - 1) Two (2) off-street parking spaces shall be provided for each mobile home lot. All parking spaces and driveways shall be at least five (5) feet from any side or rear mobile home site line.
 - 2) Where recreational facilities are provided within a mobile home park, the same shall be equipped with adequate off-street parking facilities providing one and one half (1½) spaces per employee.
 - 3) Additional parking spaces for vehicles of non-residents shall be provided at the rate of two (2) spaces for each ten (10) units. Such parking spaces may only be provided as additional off-street common parking spaces. 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.
- f) Service Buildings and Recreation Facilities

Within a mobile home park, non-residential uses such as a management office, storage facilities for the park residents, laundry facilities, maintenance building and storage for park maintenance equipment, and a community room for the use of the park residents may be constructed subject to the following standards:

 - 1) A maximum of ten percent (10%) of the site area may be used for these purposes. Included in computing the area shall be the buildings, parking, and all required buffer yard requirements.

- 2) A minimum of ten percent (10%) of the site must be utilized for recreational facilities or areas including, but not limited to, tennis courts, playground areas, and/or whatever is required by Borough Council. These recreational areas may be included in the required open space.
- 3) All buildings must be set back at least fifty (50) feet from adjacent mobile homes.
- 4) All buildings must be set back fifty (50) feet from interior streets in the mobile home park.
- 5) The number of parking spaces to be provided will depend upon the type of facilities proposed and the extent of those facilities. The parking requirements of this Chapter for similar uses will be used to determine the number of spaces required.

g) **Buffer Requirements**

No mobile home lot shall be located closer than fifty (50) feet from any residential district line or closer to any property line on which a single-family residence is erected. Along the perimeter of all mobile home parks a thirty five (35) foot planting strip shall be created to conform with §27-610.

- h) All plans for use B8 - Mobile Home Park shall be submitted with a community impact analysis to include traffic projections and water and sewer availability

(B9) Residential Conversion

Such use shall include the conversion of an existing dwelling into more than one (1) dwelling.

- a) The yard requirements for the district in which the use is located shall be met.
- b) The lot area per dwelling unit shall not be reduced thereby to less than the minimum lot area required for a single-family detached dwelling within each residential district.
- c) The following minimum floor areas per unit shall be required:

Efficiency	400 sq. ft.
1 BR	600 sq. ft.
2 BR	750 sq. ft.

- d) All conversions must comply with all applicable regulations of the Pennsylvania Department of Labor and Industry in addition to all local building codes and permit requirements of the Bucks County Department of Health, as applicable.
- e) The appearance of the conversion shall be in conformance with existing structure regarding size, bulk, etc.
- f) Exterior fire escapes and outside stairways shall be located at the rear or side of the building.
- g) **Parking:** No less than two (2) off-street parking spaces for each dwelling unit. In addition, the following standards shall be met:
 - 1) No off-street parking shall be permitted in the front yard. A ten (10) foot driveway providing access to parking areas in the side or rear of the property may be located in the front yard. All off-street parking areas must be located at least ten (10) feet from any property line. All off-street parking areas which contain more than five (5) spaces must comply with the buffer and screening requirements of this Chapter.
 - 2) The intensity of development may be contingent upon the amount of parking permitted for any given lot. No parking shall be so extensive in proportion to the total area of any lot so as to detract from the residential character of the community. The maximum impervious surface ratio for the district may not be exceeded.

C. Institutional and Recreational Uses

(C1) Private School

Religious, sectarian and non-sectarian denominational, private, daytime school which is not conducted as a private gainful business.

a) Table of Dimensional Requirements

Lot area minimum	2 acres
Minimum setbacks:	
Front yard	50 ft.
Side yard (each)	30 ft.
Rear yard	50 ft.

b) Minimum Off-street Parking Standards:

Kindergarten - One (1) off-street parking space for each faculty member and employee plus two (2) additional spaces per classroom.

Elementary School - One (1) off-street parking space for each faculty member and employee plus one (1) space per two (2) classrooms and offices.

Junior High School - One (1) off-street parking space for each faculty member and employee plus one (1) space per two (2) classrooms and offices.

Senior High School - One (1) off-street parking space per faculty member and employee plus one (1) space per ten (10) students of projected building capacity.

College and Junior College - One (1) off-street parking space per faculty member and employee, plus one (1) space for each ten (10) classroom seats or one (1) off-street parking space for each ten (10) auditorium seats, whichever requires the greater number of off-street parking spaces.

(C2) Public School

a) Table of Dimensional Standards

Lot area minimum	10 acres
Minimum setbacks:	
Front yard	50 feet
Side yard	30 feet
Rear yard	50 feet

b) Minimum Off-Street Parking Standards:

Kindergarten - One (1) off-street parking space for each faculty member and employee plus two (2) additional spaces per classroom.

Elementary School - One (1) off-street parking space for each faculty member and employee plus one (1) space per two (2) classrooms and offices.

Junior High School - One (1) off-street parking space for each faculty member and employee plus one (1) space per two (2) classrooms and offices.

Senior High School - One (1) off-street parking space per faculty member and employee plus one (1) space per ten (10) students of projected building capacity.

College and Junior College - One (1) off-street parking space per faculty member and employee, plus one (1) space for each ten (10) classroom seats or one (1) off-street parking space for each ten (10) auditorium seats, whichever requires the greater number of off-street parking spaces.

(C3) Public Utilities

Transformer station, pumping station, relay station, towers (transmission or relay) substations, switching center, sewage treatment plant, and any similar or related installation not including public incinerators and public or private landfills. In residential districts, such uses shall be permitted only where all the following

conditions are met:

- a) No public business office or any storage yard or storage building is operated in connection with it.
- b) A fifty (50) foot buffer yard shall be provided along all property lines which shall include adequate means for visual screening.
- c) Minimum Off-street Parking: Two (2) off-street parking spaces, or one (1) space per employee, whichever requires the greatest number of spaces.

(C4) Place of Worship

Place of religious worship, provided that the following requirements are met:

- a) Table of Dimensional Standards

Lot area minimum	1 acre
Lot width minimum (at building setback line)	100 ft.
Minimum setbacks:	
Front yard	50 ft.
Side yard (ea.)	20 ft.
Rear yard	35 ft.

- b) Minimum Off-Street Parking: One (1) off-street parking space for each three (3) seats provided for patron use, or at least one (1) off-street parking space for each forty (40) square feet of gross floor area used or intended to be used for service of patrons, guests or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee. Parking areas shall be adequately screened when situated next to land zoned for or in residential use.

(C5) Cemetery

A burial place or graveyard including mausoleum, crematory, or columbarium.

- a) Lot size minimum 5 acres
- b) No more than ten percent (10%) of the site area may be devoted to aboveground buildings or impervious surfaces not serving as burial markers or memorials.
- c) Grave sites shall not be permitted on the following soils due to the dangers of periodic flooding or seasonal high water table, which could contaminate the groundwater supply:

Abbottstown Silt Loam - AbA, AbB

Bowmansville - Bo

Doylestown Silt Loam - DoA, Dob

Urbanland-Abbottstown - Uc

- d) Minimum Off-street Parking: One (1) off-street parking space for each employee; and if the cemetery contains a chapel or crematory, one (1) off-street parking space for each forty (40) square feet of gross floor area used or intended to be used for service of guests.

(C6) Library or Museum

Library or museum, open to the public or connected with a permitted educational use and not conducted as a private gainful business.

- a) Table of Dimensional Standards

Lot area minimum	1 acre
Lot width minimum (at building setback)	100 ft.

Minimum setbacks:

Front yard	50 ft.
Side yard (each)	15 ft.
Rear yard	30 ft.

- b) Minimum Off-street Parking: One (1) space per five (5) seats or one (1) space per two hundred fifty (250) square feet of gross floor area where no seats are provided.

(C7) Private Recreational Facility

A recreational facility owned or operated by a non-governmental agency, subject to the following provisions:

- a) A minimum lot size of five (5) acres is required.
- b) The use shall not be conducted as a private gainful business, nor shall it permit amusement parks, wild animal parks, or zoos.
- c) No outdoor active recreation area shall be located nearer to any lot line than one hundred (100) feet.
- d) Outdoor play areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances
- e) Minimum Off-street Parking: One (1) off-street parking space for each five (5) persons of total capacity, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee.

(C8) Day Care Center/Nursery School

A facility in which out-of-home day care is provided to four (4) or more children, disabled persons and/or elderly.

- a) In residential districts, the use shall be conducted in a building designed to look like a single-family detached residence.
- b) An outdoor recreation area shall be provided with a minimum area of two hundred (200) square feet for each child utilizing the outdoor recreation at one (1) time and one hundred (100) square feet for each disabled or elderly person. This outdoor play area shall be located to the side or the rear of the lot and shall not include any parking areas. The outdoor play area shall be fully enclosed by a four (4) foot high fence and shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbance.
- c) Sufficient facilities for passenger loading and unloading shall be provided.
- d) A license from the Pennsylvania Department of Public Welfare shall be required.
- e) Table of Dimensional Standards

Lot area minimum	2 acres
Minimum lot width (at minimum building setback)	100 ft.

Minimum setbacks:

Front yard	50 ft.
Side yard (each)	20 ft.
Rear yard	35 ft.

- f) Minimum Off-street Parking: One (1) off-street parking space for each teacher, administrator, and maintenance employee, plus one (1) space per six children and disabled adults of total capacity.

(C9) Life Care Facility

A life care facility is a form of residential use designed and operated exclusively for mature adults, of 55 years of age or over, containing certain support facilities specifically designed for these individuals. This use is subject to the following restrictions:

a) Table of Dimensional Standards

Minimum lot area	5 acres
Minimum lot width (at minimum building setback)	150 ft.
Minimum setbacks:	
Front yard	100 ft.
Side yard (each)	30 ft.
Rear yard	50 ft.
Impervious surface ratio (% of lot)	40%
Building height	35 ft.
Maximum density	10 equivalent dwelling units per acre

b) Support Facilities

1) Retail Facilities

Retail facilities for use of residents and their guests only, no outside advertising is permitted. Retail facilities are limited to the following uses:

- barber shop
- beauty parlor
- pharmacy (as an adjunct to the life-care nursing facility)
- commissary
- newsstand
- gift shop
- snack bar/coffee shop
- thrift shop
- handicraft shop

The life-care retail facilities may occupy no more than one percent (1%) of the total gross floor area of the life care facility.

2) Life Care Nursing Facility

This facility shall be designed for the temporary and long term care of the residents of the life-care facility. Long-term nursing beds within this facility shall not exceed one (1) bed per three (3) dwelling units and two (2) beds shall be equivalent to one (1) dwelling unit in the determination of density.

3) Other Support Facilities

Other support facilities include but are not limited to lounge areas, reading rooms, craft rooms, common dining facilities, and recreational rooms. A minimum of twenty percent (20%) of the gross floor area is required for support facilities. Retail facilities may be included in the determination of this area.

c) Open Space and Passive Recreational Area

At least twenty-five percent (25%) of the site area must be maintained as open space which shall not include detention basins, parking lots, accessory buildings or any impervious surfaces except those used for recreational purposes. At least twenty percent (20%) of the site, which may be considered part of the open space, shall be developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks. All outdoor sitting areas shall be properly landscaped in accordance with §27-610, and shall not be located on areas subject to flooding or on slopes in excess of five (5%).

d) Off-street Parking:

There must be .85 off-street parking spaces per bedroom in addition to one (1) off-street parking space for each employee on the largest shift. All parking lots shall be properly screened as required in §27-610 from the view of adjoining properties in addition to the residents of the facility. For off-street parking design see §27-614.

e) Fire Protection

All rooms in the life-care facility shall be provided with sprinkler systems for fire protection and shall contain and be served by wet charged stand pipes to the top floor.

f) Location to Service

Due to the dependence of the elderly on alternative means of transportation and the need for acquiring access to primary services, a life care facility must be located within one quarter (¼) of a mile of the following services:

- drug store
- grocery store
- dry cleaners
- restaurant
- beauty parlor
- barber shop
- public transportation
- bank
- library

If this is not possible, the owner/manager of a life-care facility shall submit to the municipality a transportation plan which shall outline a transportation service for the residents of the life-care facility, to be provided by the owner or manager, providing access to these services at reasonable intervals. This plan must be approved by the municipality as a condition for approval of use.

g) Public water and sewer facilities are required.

h) Safety Features

It is necessary in the design and development of a life-care center, that the safety and physical capabilities of the future residents be considered. The design features of the life-care center should be such that potentially dangerous situations are minimized and the independence and mobility of the residents maximized. The following safety features must be incorporated into the design of the life-care center as a condition of approval. The developer will be required to submit architectural drawings to the Borough to insure that this is the case.

- 1) Handle type spigots and doorknobs.
- 2) Showers, designed for wheelchairs, in place of tubs in at least thirty percent (30%) of the units.
- 3) Non-skid surfaces in tubs and showers.
- 4) All floors should be non-skid.
- 5) Control of water temperature to avoid accidental scalding.
- 6) Flush door entrances for easy wheelchair access.

- 7) Emergency signal systems in bathrooms and bedrooms shall be connected with a central office.
- 8) There should be grab bars around all toilets and tubs. In addition, all grab bars and towel racks should be made of non-corrosive metal and be able to withstand up to two hundred and fifty (250) pounds.
- 9) All cooking stoves should be electric.
- 10) Stove burner controls shall be located in the front.
- 11) Electric outlets shall be located at levels at least twenty-four (24) inches above the floor.
- 12) All light fixtures shall be located on the walls at convenient levels to avoid accidents that may occur in the repair of ceiling fixtures.
- 13) There shall be ramps or elevators in addition to stairs.
- 14) All elevators shall have slow closing doors with sensitive re-opening mechanisms.
- 15) Hand rails shall be provided for along all steps, ramps, and sloped walks, both indoors and outdoors.

(C10) Nursing Home

Licensed nursing or convalescent home

a) Table of Dimensional Requirements

Minimum lot area	30,000 sq. ft.
Minimum lot width (at minimum building setback line)	100 ft.
Minimum setbacks:	
Front yard	50 ft.
Side yard (ea.)	20 ft.
Rear yard	35 ft.
Impervious surface ratio	50%

- b) Parking: One (1) off-street parking space for every two (2) patient beds; plus at least one (1) additional off-street parking space for every two (2) staff and visiting doctors, plus one (1) additional space for every two (2) employees (including nurses). Parking areas must be adequately screened when situated next to land zoned for residential use.
- c) Each nursing home facility must provide an outdoor sitting facility, which must be properly situated in terms of the microclimate (no extreme southerly exposure). This sitting area must be properly landscaped and shall not be located adjacent to parking lots, arterial highways, detention or retention basins. It shall not be located on areas subject to flooding or on slopes over a five percent (5%) grade.

(C11) (Intentionally Left Blank)

(C12) (Intentionally Left Blank)

(C13) Halfway House

A facility in which the residents receive rehabilitative therapy and/or counseling. This facility is permitted in all applicable housing types providing that the following conditions are met:

- a) Each halfway house may have three (3) but shall have no more than fifteen (15) residents.
- b) There shall be no more than two (2) persons per bedroom for each type of halfway house.
- c) There shall be no more than three (3) residents per apartment facility, four (4) residents for single-family attached facility, and ten (10) residents per single-family detached
- d) No halfway house may be located within one thousand (1,000) feet of another halfway house facility, with the exception of apartment and townhouse complexes containing more than twenty (20) units.

Apartment and townhouse complexes of over twenty (20) units may contain one (1) halfway house per fifteen (15) units within the complex.

- e) All halfway houses shall meet the dimensional requirements of the zoning district in which it is to be located, as is required in Part 4.
- f) Minimum Off-street Parking: One (1) space per employee or supervisor and one (1) space per five (5) residents. All parking areas for more than three (3) vehicles shall be screened from all adjacent streets and residences.
- g) Each halfway house must receive all pertinent approvals and/or licenses from the appropriate state or county agencies prior to conditional approval.

(C14) Private Organization or Community Center

A building and related facilities used for fraternal, educational, social, cultural or recreational activities, owned or operated by a corporation, association or group of individuals, or by an educational, philanthropic, governmental or religious institution.

- a) The use shall not be conducted as a private gainful business.
- b) Lot size minimum shall be 1 acre.
- c) No outdoor active recreation area shall be located nearer than one hundred (100) feet to any lot line,
- d) In residential districts, private organizations and community centers shall be limited to those operated by groups which do not provide dining services and/or the service of alcoholic beverages.
- e) Minimum Off-street Parking: One (1) off-street parking space for every four (4) persons of total occupancy for meeting halls and one (1) space for every eight (8) persons of total occupancy for all other facilities proposed, including indoor and outdoor facilities.

(C15) Hospital

An establishment, licensed by the American Hospital Association, which provides health services primarily for in-patient medical or surgical care of the sick or injured, including related facilities, such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices as an integral part of the establishment. A hospital is subject to the following additional provisions:

- a) A lot area of not less than ten (10) acres shall be required.
- b) Any such establishment providing convalescent care or care for the chronically sick shall provide: An additional lot area of not less than one thousand (1,000) square feet per bed in use for such long-term care. For the purpose of this Chapter, long term care shall mean care in excess of one (1) month.
- c) Where adjoining existing residential uses, buffer planting shall be provided in a twenty five (25)-foot buffer yard. Care shall be taken to locate emergency and service entrances where they are not offensive to adjoining neighbors.
- d) Such use shall be from major collector or arterial highways only.
- e) Minimum Off-street Parking: One (1) off-street parking space for each patient or inmate bed; plus at least one (1) additional off-street parking space for every two (2) staff and visiting doctors, plus one (1) additional space for every two (2) employees.

(C16) Emergency Services

Fire, ambulance, rescue, and other emergency services of a municipal or volunteer nature on parcels with a minimum size of one (1) acre.

Minimum Off-street Parking Spaces: Three (3) off-street parking spaces for every four (4) employees/volunteers on the major shift which has the maximum number of employees/volunteers, or four (4) off-street parking spaces for each fire truck where no community room is a part of the building, whichever requires the greater number of parking spaces. Where a community room is provided, two (2) off-street parking spaces for each fire truck plus one (1) off-street parking space for each one hundred (100) square feet of gross floor area.

(C17) Public Building

Public buildings include those uses and structures owned and operated by the municipal, county, or state government for governmental office and business use. All public buildings shall meet the bulk requirements of the district in which they are located.

Parking: One (1) off-street parking space for every four (4) seats in meeting areas or one (1) off-street parking space for each two hundred (200) square feet of gross floor area, whichever requires the greater number of off-street parking spaces, plus one (1) off-street parking space for every employee. This standard shall be used as a guideline only. Required parking shall be based on the needs as determined by the Governing Body.

(C18) Funeral Home

Mortuary or Funeral Home

- a) Table of Dimensional Standards.

Minimum lot size	40,000 sq. ft.
Minimum lot width (at minimum building setback)	100 ft.
Minimum setbacks:	
Front yard	50 ft.
Side yard (each)	20 ft.
Rear yard	50 ft.

- b) Minimum Off-street Parking: One (1) off-street parking space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used in the operation of the establishment, whichever is greater, plus one (1) space for each employee.

(C19) Recreational Facility

A public park, nature preserve or outdoor recreation area, owned and operated by the Borough, county, state or federal government, subject to the following:

- a) No outdoor active recreation area shall be located nearer than one hundred (100) feet to any lot line, unless the adjacent property is preserved open space or park land.
- b) A planted buffer ten (10) feet in width shall be provided where the use abuts existing residences or where properties that adjoin are zoned for residential use and are not preserved open space or parkland.
- c) This use shall not include a shooting range or target or gun club.
- d) Minimum Off-street Parking: One (1) off-street parking space for each five (5) persons of total capacity, or at least one off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each employee.

(C20) Athletic Facility

This use shall be limited to a commercial athletic recreational facility owned or operated by a non-governmental agency and shall be limited to the following uses and facilities related thereto: fitness club or athletic training center, dance or gymnastics studio; tennis racquetball, or squash club, and shall be subject to the following:

- a) Minimum lot area shall be three (3) acres.
- b) This use shall not permit amusement parks, shooting range or target or gun club, or any other activity specifically listed by this chapter as commercial recreation and entertainment or recreational facility.
- c) No outdoor active recreation area shall be located nearer than one hundred (100) feet to any lot line.
- d) A planted buffer ten (10) feet in width shall be provided where the use abuts existing residences or where

properties that adjoin are zoned for residential use and are not preserved open space or parkland.

- e) Minimum Off-street Parking: One (1) off-street parking space for every three (3) persons of total capacity or at least one (1) off-street parking space for every one hundred fifty (150) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) space for each employee.

(C21) Commercial Educational or Trade School

Such use shall include a trade, professional, tutorial, music or dancing school.

Parking: One (1) parking space per faculty member and employee, plus two (2) parking space per three (3) students.

D. Commercial and Office Uses

(D1) Medical Office

Office or clinic for medical or dental examination or treatment of persons as out-patients, including laboratories accessory to their use.

Parking: One (1) parking space per one hundred fifty (150) square feet of gross floor area.

(D2) Office

Business, professional, or government office.

Parking: One (1) off-street parking space for each two hundred (200) square feet of gross floor area.

(D3) Commercial and Service

Including corner grocery (as distinct from a supermarket), drug store, stationery store, soda fountain, luncheonette, antiques, books, arts and crafts, gifts, barbershop, beauty parlor, fashion and sportswear, gourmet food and specialties, confectionary, bakery, and such similar uses. This use shall not exceed one thousand five hundred (1,500) square feet of floor area, and only one (1) such use is permitted per lot subject to the following provisions.

- a) Lighting on pole fixtures shall not exceed ten (10) feet in height. The source of illumination shall be recessed and shielded within the fixture itself and shall not exceed an average of one half (½) foot candle at the property line.
- b) Outdoor collection stations shall be provided for garbage and trash removal. These stations shall be located to the rear of the structure and shall be screened from view and landscaped.
- c) Parking: One (1) off-street parking space for each two hundred (200) square feet of gross floor area used or intended to be used for servicing customers. Parking shall not be located between a building and a street unless authorized by the Zoning Hearing Board, where the restriction against such a parking area configuration is clearly impractical.

(D4) Mixed Use

In a Mixed Use, more than one (1) of the commercial and/or service uses as outlined in use (D3) shall be permitted, or more than one (1) of the office uses in uses (D1) and (D2) shall be permitted or a mixture of commercial uses (D3), office use (D1 and D2) and/or residential uses shall be permitted on one (1) lot, providing that the following conditions are met.

- a) All primary uses (those stated above) shall be contained in one (1) structure.
- b) The total amount of gross floor area shall not exceed five thousand (5,000) square feet.
- c) Lighting on pole fixtures shall not exceed ten (10) feet in height. The source of illumination shall be recessed and shielded within the fixture itself and shall not exceed an average of one half (½) foot candle.
- d) Outdoor collection stations shall be provided for garbage and trash removal. These stations shall be located to the rear of the structure and shall be screened from view and landscaped.
- f) Parking: Commercial and office uses must meet the parking standards in uses (D1), (D2), and (D3). For residential uses, a minimum of two (2) off-street parking spaces must be provided per unit. Parking shall not be located between a building and a street.

(D5) Retail Store

Retail shops and stores selling antiques, apparel, books, confections, drugs, drygoods, flowers, foodstuffs, furniture, gifts, hardware, toys, household appliances, electronics, computers, jewelry, notions, periodicals, shoes, stationery, tobacco, paint, records, cards, novelties, hobby and art supplies, music, luggage, sporting goods, pets, floor covering, garden supplies, house plants, and fabrics. The provisions of this Section shall include the craftsman and artisan operating within the definition of a small business, if the nature and scale of the business is similar to the uses listed under retail shops. Also included within this use shall be the sale of soft drinks, beer, alcoholic beverages in sealed containers not for consumption on premises.

- a) The total amount of gross floor area shall not exceed ten thousand (10,000) square feet.
- b) Parking: One (1) off-street parking space for each two hundred (200) square feet of gross floor area used or intended to be used for servicing customers.

(D6) Service Business

Service business including, but not limited to, barber, beautician, laundry and dry cleaning, shoe repair, tailor, photographer, travel agency.

Parking: One (1) off-street parking space for each one hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(D7) Financial Establishment

Bank, savings and loan association, credit union, or other financial establishment, which does not have a drive-in window.

Parking: A minimum of one (1) off-street parking space for each one hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(D8) Financial Establishment with Drive-In Window

Bank, savings and loan association, credit union or other financial establishment, which provides a drive-in service window.

- a) Must have direct access onto Route 313 or the Local Access Road.
- b) There shall be only one (1) point of ingress and only one (1) point of egress to Route 313. This may be accomplished in one (1) of the following ways:
 - The ingress and egress are adjacent to each other with no physical separation. This arrangement must be at least twenty-four (24) feet wide and not more than thirty-six (36) feet wide.
 - The ingress and egress are adjacent with a raised island separating the two. The island shall be no more than ten (10) feet wide. Each driveway shall be at least fourteen (14) feet wide but, not more than twenty-four (24) feet wide.
 - The ingress and egress would be completely separated on the site. In this case, the driveways shall be at least one hundred (100) feet apart measured centerline to centerline. Each driveway shall be at least fourteen (14) feet wide but not more than twenty-four (24) feet wide.
- c) When this use is adjacent to or on the same lot with a group of commercial facilities, it shall use the common access with the other business establishments and not have a separate access to the abutting collector or arterial street.
- d) The access driveway shall be located so as to allow for adequate acceleration and deceleration lanes.
- e) The access shall be at least forty (40) feet from any existing street intersection. The distance shall be measured from the street right-of-way to the edge of the access driveway.
- f) 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 it in any way conflict with through circulation or parking.
- g) Parking: A minimum of one (1) off-street parking space for each one hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(D9) Eating Place

Eating place for the sale and consumption of food and beverages without drive-in service. All food and beverages are to be served by waiters and/or waitresses and consumed inside the building while patrons are seated at counters or tables. The sale of alcoholic beverages must be incidental to the sale and consumption of food.

Parking: A minimum of one (1) off-street parking space for each one hundred (100) square feet of total floor area.

(D10) Fast Food Restaurant

A fast food restaurant is an eating establishment in which the principal business is the sale of foods and/or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises. A fast food restaurant shall conform to the following conditions:

- a) Minimum lot size 40,000 square feet
- b) Minimum lot width 150 feet
- c) Access requirements:
 - 1) Must have direct access to a collector or arterial street.
 - 2) There shall be only one (1) point of ingress and only one (1) point of egress to the collector or arterial street. This may be accomplished in one (1) of the following ways:

The ingress and egress are adjacent to each other with no physical separation. This arrangement must be at least twenty-four (24) feet wide and not more than thirty-six (36) feet wide.

The ingress and egress are adjacent with a raised island separating the two. The island shall be no more than ten (10) feet wide. Each driveway shall be at least (14) feet wide but, not more than twenty-four (24) feet wide.

The ingress and egress would be completely separated on the site. In this case the driveways shall be at least one hundred (100) feet apart measured centerline to centerline. Each driveway shall be at least fourteen (14) feet wide but, not more than twenty-four (24) feet wide.
 - 3) When this use is adjacent to or on the same lot with a group of commercial facilities, it shall use the common access with the other business establishments and not have a separate access to the abutting collector or arterial street.
 - 4) The access driveway shall be located so as to allow for adequate acceleration and deceleration lanes.
 - 5) The access shall be at least forty (40) feet from any existing street intersection. The distance shall be measured from the street right-of-way to the edge of the access driveway.
 - 6) A traffic impact analysis of the proposal shall be prepared by a traffic engineer or traffic planner. The study shall identify existing traffic levels on the street, project traffic generated by the restaurant, identify potential problems created by restaurant generated traffic, propose solutions to control and provide safe access to the site, and maintain an acceptable level of service on the frontage street.
- d) Parking requirements:
 - 1) One (1) off-street parking space for every two (2) seats, or three (3) off-street parking spaces for every one hundred (100) square feet of gross floor area.
 - 2) Parking is not permitted in the front yard.
 - 3) Parking areas shall be setback at least ten (10) feet from any side or rear lot line except when the buffer yard provisions require a greater distance.

- 4) Parking lots are further subject to all applicable parking lot standards of the Borough Subdivision and Land Development Ordinance [Chapter 22].
- e) 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 it in any way conflict with through circulation or parking.
- f) 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.
- g) All fast food restaurants shall provide a trash storage area which is designed and constructed to be screened from the street and adjacent properties, to prevent trash from blowing from the area, and to permit safe and easy removal of the trash.
- h) Service areas provided for delivery trucks shall be screened from the street and adjacent properties and shall be so located that the service area does not conflict with patron traffic, either vehicle or pedestrian.
- i) There shall be no storage other than trash outside of the restaurant.
- j) Vending machines, if provided, shall be placed within the restaurant.
- k) Lighting:
 - 1) All portions of the parking area shall be adequately lighted during after-dark operating hours.
 - 2) All light standards shall be located on the raised parking islands or planting areas and not on the parking surface.
 - 3) The lighting facilities shall be planned, erected, and maintained so the light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way.
 - 4) The light source shall not be higher than twenty (20) feet and shall not be visible from adjacent properties or public rights-of-way.
- l) In addition to the planting in required buffer yards, all areas of the site not paved shall be landscaped with a mixture of trees, shrubs, and groundcover. Trees in these planting areas shall be a size and type consistent with the Borough's street tree and buffer planting lists. The plant material should be located so as to accomplish one (1) or more of the following purposes: screening, retard stormwater run off, direct or restrict pedestrian access, define spaces, provide shade, compliment and enhance the building, etc.

Parking areas shall have at least one (1) tree, meeting street tree type and standards, for every ten (10) parking spaces. The trees shall be planted in such a manner as to afford maximum protection from the sun for parked vehicles.
- m) Trash receptacles shall be provided outside the restaurant for patron use.

(D11) Repair Shop

Repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines, but not including automobiles, trucks, trailers, and other heavy equipment.

Parking: One (1) off-street parking space for each three hundred (300) square feet of gross floor area.

(D12) Motel/Hotel/Inn

A building or group of buildings for the accommodation of guests, chiefly motorists, containing guest rooms for rent. The following provision shall apply:

- a) The minimum lot size shall be five (5) acres.
- b) Parking: One (1) off-street parking space for each rental room or suite, plus one (1) additional off-street parking space for each full-time and/or part-time employee on the largest shift.

(D13) Boarding House

A dwelling used for the housing of roomers, boarders, or lodgers with or without common eating facilities, including dormitory, fraternity, sorority, or other buildings of charitable, educational, or philanthropic institutions.

- a) The minimum lot area per sleeping room shall be one thousand (1,000) square feet in addition to the lot area requirement for other permitted uses in the applicable district.
- b) The minimum lot width and minimum yards shall be as specified for the applicable district.
- c) No separate cooking facilities shall be provided.
- d) Parking: One (1) off-street parking space for each rental room, plus one (1) additional off-street parking space for each employee.

(D14) Entertainment

Entertainment and recreation facilities operated as a gainful business within a building.

Parking: One (1) off-street parking space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces.

(D15) Tavern

An establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the PA Liquor Control Board.

Parking: One (1) off-street parking space for each fifty (50) square feet of total floor area.

(D16) Veterinary

Office of a veterinarian with accessory animal kennel. In no event shall animal kennels be allowed as a primary use. Accessory kennels shall be fully enclosed and shall be located at least two hundred (200) feet from a lot line.

Parking: One (1) off-street parking space per two hundred (200) square feet of gross floor area.

(D17) Service Station

Gasoline service station, subject to the following provisions:

- a) Minimum lot width of not less than two hundred (200) feet shall be provided along each street on which the lot abuts.
- b) All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed building.
- c) Fuel pumps shall be at least twenty-five (25) feet from any ultimate street right-of-way.
- d) All automobile parts and similar articles shall be stored within a building.
- e) Paint-spraying or body and fender work shall not be permitted.
- f) Lubrication, oil changes, tire changes, and minor repairs permitted if entirely within a building.
- g) Service stations shall be located not less than two thousand (2,000) feet apart.
- h) Parking: One (1) off-street parking space for every three hundred (300) square feet of gross floor area, or two (2) off-street parking spaces for each service bay, whichever is larger. Off-street parking spaces are not to be a part of, or interfere with, the accessways to the pumps.

(D18) Automotive Repair

Automotive repair garage, including paint spraying, body and fender work, or car washing facility provided that all repair and paint work is performed within an enclosed building. Fuel pumps shall be permitted providing that all pumps are located at least twenty-five (25) feet from any ultimate street right-of-way.

Parking: One (1) off-street parking space for each one hundred (100) square feet of gross floor area.

(D19) Truck Sales

Sale and rental of new and used trucks and heavy equipment.

- a) Outside display areas are not permitted in the required front yards.
- b) A twenty (20) foot buffer yard around all boundaries other than street boundaries shall be required. Such buffer yards shall meet all provisions of §27-610.
- c) Truck repair facilities are permitted as an accessory use where truck rentals are involved providing that such repairs take place in an enclosed structure or are visually screened from the view of all adjoining properties and streets. Gas pumps are also permitted as an accessory use to truck rentals, providing they are used for the rental vehicles only and gas is not sold to the general public.
- d) Parking: One (1) off-street parking space for each one hundred (100) square feet of gross display area.

(D20) Automotive Sales

Sale and rental of new and used cars, light trucks (less than six thousand (6,000) lb. GVW), trailers, motorcycles or boats.

- a) Display areas are not permitted in the required front yard.
- b) A twenty (20) foot buffer yard around all boundaries other than street boundaries shall be required. Such buffer yards shall meet all provisions of §27-610.
- c) Parking: One (1) off-street parking space for each one hundred (100) square feet of gross display area.

(D21) Automotive Accessories

Sale of automotive accessories, parts, tires, batteries, and other supplies. Installation of parts shall be in a building.

Parking: One (1) off-street parking space for each two hundred (200) square feet of gross floor area.

(D22) Parking Lot or Garage

A lot of record upon which the parking or storing of automotive vehicles is the primary use, provided:

- a) No sale, rental, service, or repair operation of vehicles shall be performed.
- b) The parking or storage of heavy trucks (greater than six thousand (6,000) lb. GVW) or trailers shall not be permitted.
- c) All parking areas shall meet the design standards of §27-614 of this Chapter.

(D23) Shopping Center

A neighborhood or regional shopping center which is preplanned and designed as a complex of related structures and circulation patterns subject to the following criteria:

- a) Shopping centers shall have a minimum site area of three (3) acres.
- b) Not more than twenty-five percent (25%) of the total area shall be occupied by buildings.
- c) Uses D1, D2, D5, D6, D7, D8, D9, D10 and D11 be permitted.
- d) Any use of the same general character as any of the above permitted uses, when authorized by Borough Council, provided that such use shall be subject to such reasonable restrictions as the Board may determine.
- e) Signs, when erected, shall be maintained in accordance with the provisions of Part 8. In addition to signs permitted in Part 8 for individual establishments, one (1) freestanding sign indicating the name of the shopping center, provided that (a) the area on any one (1) side of any such sign shall not exceed seventy-five (75) square feet, and (b) the location of such sign shall be designated or in connection with the required development plan and orientation.
- f) Building Placement. No building or permanent structure, other than a permitted sign, shall be erected within one hundred (100) feet of a street line, or within fifty (50) feet of any property line. No parking, loading, or service area shall be located less than thirty (30) feet from any property line.
- g) The proposed development shall be constructed in accordance with an overall plan and shall be designed as a single architectural unit with appropriate landscaping.

- h) Outdoor storage and displays shall conform to the provisions of Section F5.
- i) The distance, at the closest point, between any two (2) buildings or groups of units of attached buildings, shall be not less than twenty (20) feet.
- j) The proposed development shall be served by approved water and sewage disposal facilities, the adequacy of which shall be demonstrated and guaranteed.
- k) Lighting
 - 1) All portions of the parking area shall be lighted to UCC standards during after-dark operating hours.
 - 2) All light stands shall be located on the raised parking islands or planting areas and not on the parking surface.
 - 3) The lighting facilities shall be planned, erected, and maintained so the light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way.
 - 4) The light source shall not be higher than twenty (20) feet and shall not be visible from adjacent properties or public rights-of-way.
- l) Buffer yards, along any residential boundary line, shall be provided and shall be not less than fifty (50) feet in width, measured from such boundary line or from the street line, and shall be in accordance with the provisions of §27-610. Such buffer yard may be coterminous with any required yard in this district; and in case of conflict, the larger yard requirement shall apply.
- m) Parking: One (1) parking space per two hundred (200) square feet of gross floor area.

(D24)Outdoor Motion Picture Establishment

An open lot used for the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles. Such use may include facilities for the sale and consumption of food and non-alcoholic beverages.

- a) Such use shall have frontage on an arterial or collector highway and all access shall be taken from the arterial or collector highway. The applicant shall provide an analysis of the physical conditions of the road system at the proposed points of access. Improvements to ensure safe turning movements and traffic safety shall be provided by the applicant as required by the governing body. The applicant shall provide sufficient vehicle stacking area or a marginal access road to ensure that entering vehicles will be able to pull off the road.
- b) The motion picture screen shall be no closer to any property line than one and one quarter (1.25) times the height of the picture screen or the minimum yard requirements of the zoning district, whichever setback is greater.
- c) The maximum impervious surface ratio for this use shall be sixty percent (60%).
- d) The motion picture screen shall not be oriented towards the arterial or collector highway.
- e) The applicant shall provide a plan for buffering in accordance with §27-610, and shall meet the following standards:
 - 1) Along an adjacent property line that is zoned residential or a property line with an existing residential use and along any road, either:
 - i) A six (6) foot high solid wooden fence within the exterior fifty (50) feet of the buffer yard and 3 inch caliper deciduous trees at an average of one tree per forty (40) lineal feet of buffer plus 6' – 8' foot tall evergreen trees at an average of one (1) tree per twenty (20) lineal feet of buffer. The trees shall be placed between the fence and the property line.
 - ii) A four (4) foot high berm planted on top as in 1) i) above with plant material listed in 2) below.
 - iii) One (1) 3 inch caliper deciduous tree at an average of one (1) tree per forty (40) lineal feet of buffer plus 6' – 8' foot tall evergreen trees at an average of one (1) tree per twenty (20) lineal feet of buffer plus one (1) 3 foot to 4 foot deciduous shrub per four (4) lineal feet of buffer.

- 2) Acceptable plant material for the buffer yard noted in 1) above shall be:
- i) Evergreen trees :
 - Ilex opaca - American Holly
 - Picea abies – Norway Spruce
 - Picea omorika – Serbian Spruce
 - Picea pungens – Colorado Spruce
 - Pinus strobus – White Pine
 - Pseudotsuga menziesii – Douglas Fir
 - Tsuga Canadensis – Canadian Hemlock
 - ii) Deciduous trees as specified in the Dublin Borough Subdivision and Land Development Ordinance [Chapter 22].
 - iii) Shrubs:
 - Aronia arbutifolia - Red Chokeberry
 - Cornus sericea - Red-osier Dogwood
 - Euonymus alatus ‘Compactus’
 - Forsythia x intermedia - Forsythia
 - Hamamelis virginiana - Common Witch Hazel
 - Ilex glabra - Inkberry
 - Itea virginica - Virginia Sweetspire
 - Myrica pensylvanica - Northern Bayberry
 - Viburnum species
- 3) In accordance with §27-701.4 of this Chapter, a clear-sight triangle shall be maintained at all street intersections and at all points where access drives intersect with roads.

f) The lot size shall be five (5) acres.

Minimum lot width (at minimum building setback line)	300 feet
Minimum front yard	100 feet
Minimum side yard(ea)	50 feet
Minimum rear yard	50 feet
Buffer yard (next to residential use or district)	50 feet

g) Parking: One (1) off-street parking space for each employee, plus parking spaces for proposed capacity of facility, as deemed sufficient by the Governing Body.

(D25) Adult Uses

a) Adult uses shall include, and shall be limited to, the following defined terms: “Adult Book Store,” “Adult Entertainment,” “Adult Mini-Motion Picture Theater” and “Adult Motion Picture Theater” as defined herein.

- 1) Adult Book Store: An establishment having a substantial or significant portion of its stock and trade in, or an establishment which, as one of its principal business purposes, offers for sale, books, films, video cassettes or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and, in conjunction therewith, has facilities for the presentation of adult entertainment for observation by patrons.
- 2) Adult Entertainment:

- i) An exhibition of any adult-oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
 - ii) A live performance, display or dance of any type which has a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing, or appearing unclothed, pantomiming, modeling or any other personal services offered to customers.
 - 3) Adult Mini-Motion Picture Theater: An enclosed building with a capacity of less than fifty (50) persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.
 - 4) Adult Motion Picture Theater: An enclosed building with a capacity of more than fifty (50) persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.
- b) No more than one adult use shall be located on a zoning lot.
 - c) No such use shall be located within one thousand five hundred (1,500) lineal feet of any other existing or approved "adult use."
 - d) A thirty (30) feet buffer yard shall be provided along the side and rear lot lines but with plantings of an initial minimum height of six (6) feet, planted ten (10) feet on center maximum.
 - e) Definite precautions shall be made to prohibit minors from entering the premises. An owner or operator of an adult use commits a violation of this ordinance if the person knowingly allows a person under the age of eighteen (18) years on the premises of an adult use. It shall be grounds for an immediate revocation of the use permit for the adult use if the owner is found to have violated this Section.
 - f) The applicant must prove to the satisfaction of Borough Council that such use would not in any way adversely affect the character of the surrounding area, including property values. In this regard, Borough Council shall prescribe reasonable setbacks of the proposed use from neighboring properties, primary and secondary schools, places of worship, public parks, day care centers, child nurseries, libraries, and existing residential dwellings.
 - g) No such use shall be permitted for any purpose that violates any Federal, State or Borough law. Any violation of this zoning requirement involving a serious criminal offense that the proprietor had continuing knowledge of and allows to occur shall be sufficient reason for the Borough to revoke Borough permits.
 - h) No such use shall be allowed in combination with the sale of alcoholic beverages.
 - i) Any building, structure or movie screen involving the use of adult entertainment shall be located no closer than 300 feet from any residential use or district, public or private school, church, recreation facility, day care center, or any other religious, institutional or educational use.
 - j) No materials sold within or activities occurring within shall be visible from any window or door.
 - k) Advertisements, displays, or other promotional materials, other than signs, shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks, or walkways, or from other areas, public or semi-public.
 - l) No signs shall be placed, erected, or used on the premises except as provided for in Part 8, nor shall any building or structure be painted in garish colors or such other fashion as will effectuate the same purpose as a sign(s) without the approval of the Dublin Borough Council. No sign shall be permitted which portrays any part of the human body naked or in a state of undress or in revealing clothes.
 - m) The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable Court decisions.
 - n) These uses are specifically prohibited in all Districts except where specifically permitted by Conditional

Use.

- o) No use may include live actual or simulated sex acts or any sexual contact between entertainers.
- p) Only "lawful" massages which shall be defined as "manipulation of the tissues for remedial or hygienic purposes shall be performed in a massage parlor. A massage cannot include any sexual activity.
- q) All persons within any adult use other than a permitted Adult Live Entertainment Use shall wear non-transparent garments that cover their genitals and the female areola.
- r) The applicant shall provide receipts showing that he/she has mailed by certified mail a written notice of the proposed Conditional Use Hearing date to all property owners of record within one thousand (1000) feet of the subject property at least ten (10) days prior to the hearing date.
- s) Adult Use Owners and Managers. The applicant shall submit a written list of all persons having an ownership interest of more than one percent (1%) in the business, including shareholders and partners of any corporation. The applicant shall also submit the name of the manager who is responsible to ensure that all Borough and State regulations are enforced on a day-to-day basis. Applicant shall also supply the following information for all owners and managers: 1) Social Security Number; 2) Driver's License No.; 3) photograph; 4) list of prior adult businesses where owner or manager has worked; and 5) list of any criminal convictions. Such information shall include the person's business and home addresses and phone numbers and shall be a matter of public record. Such information shall be kept up-to-date. Failure to keep such information up-to-date shall be a violation of this Ordinance and be reason for automatic suspension of Borough permits. Upon satisfactory compliance with this provision, said permit shall be reinstated insofar as it is accomplished within thirty (30) days of revocation.
- t) Uses which, due to their actual or intended character, meet the definitions in D25.a) above are subject to the following criteria.

1) Table of Dimensional Requirements

i) Adult Bookstore, Adult Entertainment and Adult Mini Motion Picture Theater:

Minimum lot area	1.5 acre
Minimum lot width (at minimum building setback line)	150 feet
Minimum setbacks:	
Front yard	50 feet
Side yard (each)	30 feet
Rear yard	35 feet
Impervious surface ratio (% of lot)	60%

ii) Adult Motion Picture Theater

Minimum lot area	2 acres
Minimum lot width (at minimum building setback line)	150 feet
Minimum setbacks:	
Front yard	100 feet
Side yard (each)	30 feet
Rear yard	35 feet
Impervious surface ratio (% of lot)	45%

u) Off-Street Parking

- 1. Adult Bookstore - One (1) off-street parking space for each two hundred (200) square feet of gross floor area used or intended to be used for servicing customers, plus one (1) additional space for each

full-time and/or part-time employee on the largest shift.

2. Adult Entertainment - One (1) off-street parking space for each three (3) seats for customers use plus one (1) additional off-street parking space for each full-time or part-time employee on the largest shift.

3. Adult Mini-Motion Picture Theater - One (1) off-street parking space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time and/or part-time employee on the largest shift.

4. Adult Motion Picture Theater - One (1) off-street parking space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time and/or part-time employee on the largest shift.

(D26) Car Wash

A facility for washing automobiles.

- a) A car wash shall include a water recycling facility.
- b) Car washes shall be designed with a stacking area to accommodate a minimum of eight (8) cars. The stacking area shall not in any way conflict with through circulation or parking.
- c) Parking: One (1) off-street parking space for each employee.

(D27) Commercial Recreation and Entertainment

Commercial recreation and entertainment. An indoor or outdoor entertainment or recreational facility operated as a commercial venture, which may include a bowling alley, skating rink, movie theater, theater, games arcade, recreational camps, driving range, chip and putt golf or miniature golf.

- a) Minimum lot area: Five (5) acres.
- b) No outdoor active recreation area shall be located nearer to any lot line than one hundred (100) feet.
- c) Outdoor play areas shall be sufficiently screened with a planted buffer ten (10) feet in width.
- d) Parking: one (1) off-street parking space for every three (3) persons of total capacity, plus one (1) space for every employee.

(D28) Large Retail Store

A large retail store is a store with greater than ten thousand (10,000) square feet of floor area, including, regardless of size, any variety store, super market, department store and discount store.

Parking: One (1) off-street parking space for each two hundred (200) square feet of gross floor area used or intended to be used for servicing customers.

E. Industrial Uses

(E1) General Industry

The following uses are to be considered industrial uses. Any industrial use not listed may be permitted as a conditional use providing that the Borough Council deems it similar in character to the uses listed below.

- a) *Manufacturing*

Manufacturing, including the production, processing, cleaning, testing, and distribution of materials, goods, food stuffs, and products.

Parking: Three (3) off-street parking spaces for every four (4) employees on the largest shift, plus one (1) space for each company vehicle normally stored on the premises.

b) *Research*

Research, testing, or experimental laboratory.

Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every seven hundred and fifty (750) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

c) *Wholesale*

Wholesale business, wholesale storage, and/or warehousing.

Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift plus one (1) space for every two hundred and fifty (250) square feet of gross floor area used for servicing customers.

d) *Printing*

Printing, publishing, binding.

Parking: Three (3) off-street spaces for each four (4) employees on the largest shift plus one (1) space for every two hundred and fifty (250) square feet of gross floor area used for servicing customers.

e) *Contracting*

Contracting offices and shops such as building, cement, electrical, heating, masonry, plumbing, carpentry, painting, and roofing.

Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift plus one (1) space for every two hundred and fifty (250) square feet of gross floor area used for servicing customers.

f) *Truck Terminal*

Truck terminal licensed by the Public Utilities Commission.

Parking: Off-street parking spaces as the Borough Council and Planning Commission shall determine adequate to serve customers, employees, visitors, and vehicles normally parked on premises.

g) *Crafts*

Plumbing, carpentry, cabinet-making, furniture-making and similar crafts.

Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift plus one (1) space for every two hundred and fifty (250) square feet of gross floor area used for servicing customers.

h) *Mill*

Where grain, lumber, and similar products are processed.

Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift plus one space for every two hundred and fifty (250) square feet of gross floor area used for servicing customers.

(E2) Industrial Park

An industrial park is a restricted type of industrial land use in which an emphasis has been given to compatibility with surrounding land use and aesthetics. Development shall be based upon a comprehensive plan which will include detailed provisions for streets, utilities, and landscaping. The use shall be subject to the following criteria:

- a) Industrial parks shall have a minimum site area of five (5) acres. Individual lots within the park shall have a minimum area of twenty thousand (20,000) square feet per principal use.
- b) Uses listed under E-1 shall be permitted.
- c) Signs, when erected, shall be maintained in accordance with the provisions of Part 8. In addition to signs permitted in Part 8 for individual establishments, one (1) freestanding sign indicating the name of the industrial park may be erected, provided that (a) the area on any one (1) side of any such sign shall not exceed seventy-five (75) square feet, and (b) the location of such sign shall be designated on, or in connection with, the required development plan.

- d) The proposed development shall be served by approved water and sewage disposal facilities, the adequacy of which shall be demonstrated and guaranteed.
- e) Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
- f) Buffer yards shall conform to §27-610.
- g) All lots within the industrial park shall take access off an interior roadway. Access for the park shall be from an arterial highway.
- h) All parking and loading facilities shall be located to the rear or side of buildings.
- i) Interior roadways shall have street trees in accordance with the Subdivision and Land Development Ordinance [Chapter 22].
- j) A traffic impact and water feasibility study shall be required.
- k) Parking: One (1) off-street parking space for each employee on the largest shift, or one space (1) for every five hundred (500) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

(E3) Mini Warehouse

A building or group of buildings in a controlled access compound that contains varying sizes of individually controlled access compartments to be used for the storage of excess personal property, subject to the following conditions.

- a) Property must border on an arterial road.
- b) On-site Circulation: Minimum width of interior driveways: twenty (20) feet.
- c) Buffer: Buffer yards shall be provided in accordance with §27-610 of this Chapter.
- d) Fire and Safety: Preliminary plans shall be reviewed and subject to the approval by the municipal police and fire officials.
- e) Minimum Requirements for Lease Restrictions
 - 1) Storage limited to items of personal property, generally stored in residential accessory structures.
 - 2) No activities other than leasing of storage units.
 - 3) No explosive, radioactive, or highly flammable materials.
 - 4) All storage in enclosed buildings.
- f) Maximum Building Size: Each structure shall not exceed six thousand (6,000) square feet in size.
- g) Table of Dimensional Standards

Minimum lot area	2 acres
Minimum building setbacks:	
Front yard	75 feet
Side yard (each)	50 feet
Rear yard	50 feet
Lot width minimum (at minimum building setback line)	150 feet

- h) Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
- i) Parking: One (1) off-street parking space for each two thousand (2,000) square feet of gross floor area of storage. These parking spaces should be distributed equally throughout the storage facility. In addition, one (1) off-street parking space for each ten thousand (10,000) square feet of gross floor area of storage shall be provided at the project office for use by prospective clients. If living quarters for a caretaker are

provided, two (2) additional off-street parking spaces are required.

(E4) Lumber Yard

Lumber yard, including planing mill, where wood products are sold or processed into finished items such as molding, trim, etc.

Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift plus one (1) space for every two hundred and fifty (250) square feet of gross floor area used for servicing customers.

(E5) Salvage Yard / Recycling Facility

An area of land, with or without buildings, used for the storage of used or discarded materials, including but not limited to waste paper, rags, metal building materials, house furnishings, machinery, vehicle processing, salvage, sale or other use or disposition of the same. The deposit or storage of two (2) or more motor vehicles not having valid registration, excluding farm vehicles, or of two (2) or more wrecked or broken vehicles, or the major parts of two (2) or more such vehicles, shall be deemed to make the lot a junkyard. (This does not include activities related to use D17 Service Station and use D18 Automotive Repair.) Such uses shall be subject to the following additional provisions:

- a) No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water or other natural causes.
- b) The boundaries of any junkyard shall at all times be clearly delineated.
- c) All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
- d) All junkyard materials and activities not within fully enclosed buildings shall be surrounded by a solid fence at least eight (8) feet in height, and maintained in good condition. Any gate in such fence shall be similarly constructed and maintained, and shall be kept locked at all times when the junkyard is not in operation.
- e) All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising of materials above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures, or other means.
- f) No burning shall be carried on in any junkyard. Fire shall be prevented and hazards avoided by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary (gas tanks shall be drained), by the provision of adequate aisles (at least fifteen (15) feet for escape and firefighting, and by other necessary measures.)
- g) Stacking of material shall not exceed eight (8) feet in height.
- h) No junked material shall be visible from any of the surrounding lands, buildings or streets.
- i) A fifty (50) foot buffer yard is required. The buffer yard shall conform to §27-610.
- j) Minimum lot area: Five (5) acres.
- k) Parking: One (1) off-street parking space for each employee in the largest shift.

(E6) Cellular Telecommunications Facility

A cellular telecommunications facility consists of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with other mobile units or land-based telephone lines. The following general provisions are in addition to the provisions for particular applications specified below.

- a) The location of the tower and equipment building shall comply with all natural resource protection standards of this ordinance.
- b) An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment structure.

- c) The following buffer plantings shall be located around the perimeter of the security fence:
 - 1) An evergreen screen shall be planted that consists of either a hedge, or evergreen trees planted three (3) feet on center maximum. All plantings shall be at least six (6) feet in height.
 - 2) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- d) The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E Manual, as amended.
- e) The tower shall comply with all local, state and federal regulations including, without limitation, all emission standards and licensing of the Federal Communications Commission, effective September 1, 1997, or as amended from time to time.
- f) A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 22-E, as amended, shall be submitted to the municipality to document and verify the design specifications of the foundation for the tower and anchors for the guy wires if used.
- g) Towers and antennae shall be designed to withstand wind gusts of at least one hundred (100) miles per hour.
- h) All towers shall be fitted with anti-climbing devices.
- i) No sign shall be mounted on the tower structure.
- j) Tower structures supporting antenna shall be painted or have a galvanized finish.
- k) No antenna or tower structure shall be illuminated except as required by the Federal Aviation Administration or the Federal Communications Commission.
- l) An antenna may not be located on a building or structure that is listed on a historic registry.
- m) Any addition to an antenna or modification of an existing antenna shall require Borough approval.
- n) Elevations of existing and proposed structures or towers showing width depth, and height, use statistical data on the antenna and support structure shall be provided to the Borough.
- o) Sole use on a lot: A cellular telecommunications facility is permitted as a sole use on a lot subject to the following:
 - 1) Minimum lot size: twenty thousand (20,000) sq. ft
 - 2) Minimum setback requirements: The distance from the base of the proposed tower to the nearest point on the lot line shall not be less than the full height of the tower. The equipment structure shall comply with the minimum setback requirements for the district in which the structure is located.
 - 3) Maximum tower height: two hundred (200) ft.
 - 4) Maximum equipment structure size: six hundred (600) sq. ft.
- p) Combined with another use: A cellular telecommunications facility is permitted with an existing or proposed use, subject to the following:
 - 1) The existing or proposed use on the property may be any permitted use in the district or any lawful non-conforming use, and need not be affiliated with the cellular telecommunications provider.
 - 2) The cellular telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 - 3) Minimum lot area: The minimum lot area shall be the area needed to accommodate the tower (guy wires if used), the equipment structure, security fence and buffer planting. If the title to the land on which the cellular telecommunications facility is located is conveyed to the owner of the facility, the land remaining with the principal lot shall continue to comply with the minimum lot area for the district.
 - 4) If the land on which the telecommunications facility is located is conveyed by an easement or lease, the telecommunications provider shall provide proof of same to the Borough.

- 5) Minimum setbacks: The telecommunications equipment structure shall comply with the minimum setback requirements for the host lot. The distance from the base of the proposed tower to the nearest point on the lot line shall not be less than the full height of the tower.
- 6) Access: The vehicular access to the equipment structure shall, whenever feasible, be provided along the circulation driveways of the existing use.
- 7) Maximum tower height: two hundred (200) ft.
- 8) Maximum equipment structure size: six hundred (600) sq. ft.
- q) Combined with an existing structure: Where possible an antenna for a cell telecommunications facility shall be attached to an existing tower or structure subject to the following conditions:
 - 1) Maximum height: fifty (50) feet above the existing tower or structure, but overall combined height of no more than two hundred (200) feet.
 - 2) Minimum setbacks: The distance from the base of the proposed antenna to the nearest point on the lot line shall not be less than the full height of the antenna.
 - 3) If the telecommunications provider proposes to locate the equipment structure in a separate building, the structure shall comply with the minimum setback requirements for the district.
- r) Parking: A minimum of two (2) off-street parking spaces shall be provided for a cellular telecommunications facility.

(E7) Extraction

Such use shall include extractive operations for oil, gas, sand, clay, shale, gravel, topsoil, stone, and similar operations, including borrow pits (excavations for removing material for filling operations) subject to the following provisions:

- a) The minimum lot area shall be five (5) acres.
- b) No extraction will be conducted closer than four hundred (400) feet to the boundary of any district in which extraction is not permitted, nor closer than two hundred (200) feet to the boundary of any district in which extraction is permitted, nor closer than three hundred (300) feet from the center line of any street, nor closer than four hundred (400) feet to the point of intersection of the center line of two streets. The setback area shall not be used for any other use in conjunction with extraction except access streets, berms, screening, landscaping and signs.
- c) A chain-link fence at least ten (10) feet in height, surmounted by three (3) strands of barbed wire, shall be required within the setback area at a point no closer than the ultimate right-of-way line, to be maintained in a constant state of good repair. Appropriate warning signs shall be mounted or posted along the fence at intervals of not more than one hundred (100) feet.
- d) An adequate internal circulation pattern of streets shall be maintained between the excavation sites and processing areas. Use of public streets shall not be permitted for hauling between extractive and processing areas except where required in connection with such pattern or for access of vehicular traffic originating from or destined to points beyond the limits of such excavation sites and processing areas. Access shall be regulated in accordance with the municipal Subdivision and Land Development Ordinance.
- e) No slope shall be maintained exceeding the normal limiting angle of slippage of the material in which the excavation or extraction is being made. No undercutting shall be permitted within the setback area except for the tunnels to provide transportation of materials between extractive and processing areas.
- f) All operations shall be constructed with sufficient lateral support to be safe with respect to:
 - 1) Hazard to persons,
 - 2) Physical damage to adjacent lands or improvements,
 - 3) Damage to any street, sidewalk, parking area or utility by reason of slide, sinking, or collapse.
- g) Stockpiles shall not exceed one hundred (100) feet in height and shall not be located closer than two hundred (200) feet to any district boundary line, nor closer than three hundred (300) feet to the

centerline of any street, or where the contiguous district is a district in which extraction is permitted. All reasonable precautions shall be taken to prevent any materials or wastes deposited upon any stockpile from being washed, blown or otherwise transferred off the site by normal causes or forces.

- h) All drainage from the site of extractive operations shall be controlled by dykes, barriers or drainage structures sufficient to prevent any silt, debris, or other loose materials from filling any existing drainage course, or encroaching on streets and adjacent properties.
- i) No ground vibration caused by blasting, grinding, drilling or machinery shall exceed the limits established by the Act of July 10, 1957, P.L. 685, as amended, 73 P.S., Sections 164 - 168, and the rules and regulations adopted thereunder, with the exception that no blasting shall cause a peak particle velocity greater than one (1.0) inch per second, measured at any property line or at the centerline of any street.
- j) Parking: Off-street parking spaces shall be provided as the municipal governing body and planning commission shall determine as adequate to serve customers, employees, visitors, and vehicles normally parked on the premises.

F. Accessory Uses

(FI) Accessory Home Occupation

An accessory home occupation is an accessory use for financial gain that shall be clearly subordinate to the primary residential use of the property. Such use shall meet both the general standards and the specific standards of the various categories below.

A. General Standards: The following shall apply to all home occupations listed below:

- 1) A home occupation must be conducted within a residential dwelling which is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use.
- 2) The amount of floor area devoted to any permitted home occupation shall not be more than twenty-five percent (25%) of the ground floor area of the principal residential structure or four hundred (400) square feet, whichever is less. At least eight hundred and fifty (850) square feet of the gross floor area must remain in residential use. Although the floor area devoted to a professional office home occupation may not exceed twenty-five percent (25%) of the ground floor area of the principal structure, the home occupation may be conducted within the principal structure or an accessory use structure.
- 3) In no way shall the appearance of the residential structure be altered or the occupation within the residences be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, show windows, or advertising visible outside the premises from its residential character to attract customers or clients, other than those signs permitted by this Chapter.
- 4) One (1) sign is permitted per home occupation providing that it is no larger than nine (9) inches by eighteen (18) inches bearing only the name, occupation, and office hours of the practitioner. In addition, it shall not be illuminated or placed in a window.
- 5) Only one (1) commercial vehicle is permitted per home occupation except as specified for a particular home occupation. All commercial vehicles shall be parked on-lot and must be parked in a garage or an enclosed structure.
- 6) Off-street parking spaces are not permitted in the front yards. A ten (10) foot wide driveway providing access to parking areas in the side or rear of the property may be located in the front yard. All off-street parking areas must be located at least ten (10) feet from any property line. All off-street parking areas which contain more than three spaces, must comply with the buffer and screening requirements of this Chapter and the parking lot design requirements of §27-614.
- 7) There shall be, no exterior storage of materials or refuse resulting from the operation of the home occupation.

- 8) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, dust, or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visible or audible interferences in any radio or television receivers off the premises.
- 9) Accessory home occupation shall not include the following: animal hospitals, commercial stables and kennels, funeral parlors or undertaking establishments, antique shops, tourist home, restaurants, and rooming/boarding/lodging houses.

B. Individual Standards: The following shall apply to specific types of accessory home occupation:

1) ***Professional Offices:***

A professional office is a service oriented business use conducted within an enclosed area specifically designed for the functional needs of the use, wherein the professional services of the practitioner are the salable commodity offered to the client. Professional offices include but are not limited to the following: office facility of a salesman, sales representative, or a manufacturer's representative. Office facility of an architect, engineer, broker, dentist, doctor, psychiatrist, insurance agent, land surveyor, lawyer, writer, musician, real estate agent, accountant, travel agent, and other similar professions.

Office facility of a minister, rabbi, or priest, providing that the office is open to the public or congregation.

A professional office home occupation is a permitted accessory use, providing that the home occupation complies with the following conditions and a zoning permit is obtained:

- a) Professional offices are permitted as an accessory use where the primary use is a single-family detached dwelling.
- b) No more than two (2) persons, other than members of the immediate family may be employed.
- c) In addition to the off-street parking spaces required in this Chapter for the particular residential use concerned, a professional office shall provide one (1) off-street parking space for each two hundred (200) square feet of office space. A maximum of six (6) off-street parking spaces are permitted on one lot, inclusive of the required residential parking.

2) ***Personal Services***

A service business including, but not limited to, barbers, beauticians, or photographers, and other similar professions.

- a) Personal services are permitted as an accessory use where the primary use is a single-family detached dwelling.
- b) Beauty parlors and barber shops may be permitted provided that no more than two (2) patrons can be served at one time.
- c) No more than one (1) person, other than members of the immediate family, may be employed.
- d) In addition to the off-street parking spaces required in this Ordinance for the particular residential use concerned, a personal service shall provide one (1) off-street parking space for each employee, plus one (1) additional space for each two hundred (200) square feet of office space. A maximum of six (6) off-street parking spaces are permitted on one (1) lot, inclusive of the required residential parking.

3) ***Instructional Services***

An instructional service is a home occupation in which the practitioner provides the client with special instruction in a specific area of study. The conduction of this home occupation should not require a room or series of rooms specifically designed for that purpose, except that sound proofing is permitted in cases of musical instruments or singing instruction.

- a) Instructional services involving musical instruments or singing are permitted in any type of residence providing the room used for instruction is sound proofed and only one (1) student at a time is instructed. Any instructional service involving more than one (1) student at a time is permitted in a single-family detached dwelling only. Instructional services involving only one (1)

student at a time and no musical instruments are permitted in any dwelling type.

- b) No persons shall be employed other than members of the immediate family.
- c) In addition to the off-street parking spaces required in this Chapter for the particular residential use concerned, an instructional service shall provide one (1) off-street parking space per two (2) students being instructed at any one (1) time. A maximum of four (4) off-street parking spaces are permitted on one lot inclusive of residential parking.

4) ***Home Crafts***

Home crafts are businesses where the commodity is crafted, fabricated, or assembled by the resident craftsman. Home crafts include: artist, sculptor, dressmaker, seamstress, tailor, model maker, rug weaver, lapidary work, cabinet maker, furniture making, pottery, ceramics, and other similar professions.

- a) Home crafts are permitted only in single-family detached dwellings.
- b) No more than one (1) person other than members of the immediate family may be employed.
- c) Home crafts shall not include the following: machine shop, auto body repair, auto servicing. In addition to the off-street parking spaces required in this Ordinance for the particular residential use concerned.
- d) In addition to the off-street parking spaces required in this Chapter for the particular residential use concerned, a Home Craft shall provide one (1) off-street space per each three hundred (300) square feet of gross floor area or portion thereof used for the home occupation. A maximum of five (5) off-street parking spaces are permitted on one lot inclusive of the required residential parking.

5) ***Family Day Care***

A family day care use is a facility in which care is provided for six (6) or less children at any one time where the child care areas are being used as a family residence.

- a) Licensing, Approval, and Permit Procedures: Prior to the granting of a permit by the Zoning Officer, the applicant must obtain a license from the Department of Public Welfare, Bureau of Child Development Programs. Licensor is certification of compliance with Chapter H, §8C, of the Department of Public Welfare's Social Services manual by this Department to the applicant, subject to licensor under Article X of the Public Welfare Code.
- b) A use shall be conducted in a building designed for residential occupancy and for the safety and well being of the occupants.
- c) All family day care facilities which provide care for children over the age of one (1) year shall provide an outdoor play area of one hundred (100) square feet per child (over 1 year of age). Under no circumstances should this area be less than three hundred (300) square feet. This area shall not include any impervious surface or parking area.
- d) Family day care use is only permitted as an accessory use to single-family attached and detached use.
- e) If a family day care use is located adjacent to a non-residential use, a parking lot, or on a street classification higher than a residential access street, the outdoor play area must be enclosed by an unclimbable fence which is deemed appropriate by the Borough. The outdoor play area shall be located to the side or rear of the property.
- f) No more than one (1) person other than members of the immediate family may be employed.
- g) Parking standards: In addition to the off-street parking required for a single-family home, at least one (1) additional off-street parking space is required for each employee. All parking areas in excess of three (3) spaces must be screened.

6) ***Trade Business***

The use of a single-family residence as a base of operation for the trade, but no phase of the trade is conducted on the property. Trades included in this home occupation are: electrician, plumber, carpenter, mason, painter, roofer and similar occupations.

- a) Trade businesses are permitted as an accessory use where the primary use is a single-family detached or attached dwelling.
- b) No more than one (1) person, other than members of the immediate family, may be employed.
- c) A maximum of three (3) business vehicles may be parked on the property. These vehicles shall be parked to the side or rear of the dwelling unit.
- d) The area of the office, storage of materials and equipment (excluding vehicles) shall not exceed the limitations of subsection (F1)a.2. above. All materials and equipment shall be stored in a structure.
- e) No assembling, manufacturing, processing, or sales shall be conducted on the property.
- f) In addition to the off-street parking spaces required for the residential use, a trade business shall provide one (1) off-street parking space for each employee.

7) **Repair Services**

A repair service for appliances, electronics, televisions, radios, lawn mowers, watches, bicycles, locks, small business machines, cameras, and other similar services.

- a) No people in addition to members of the immediate family may be employed.
- b) All repair work shall be conducted within a building.
- c) In addition to the parking required for the residential dwelling unit, one (1) off-street parking space per three hundred (300) square feet of gross floor area shall be provided for this use.

(F2) Residential Accessory Buildings

- a) Parking spaces for the parking of passenger automobiles; parking of commercial vehicles not exceeding three-quarters-ton (3/4) loading capacity within a completely enclosed building.
- b) Structures such as fences and freestanding walls shall meet the following requirements:
 - 1) The maximum height shall be three (3) feet in the front yard and six (6) feet elsewhere.
 - 2) If a lot fronts on two (2) or more streets, the three (3) foot maximum height shall apply along all of the streets.
 - 3) Any fence over five (5) feet in height shall have effective apertures representing no less than twenty-five percent (25%) of the surface area if the surface area is in one plane, and no less than forty percent (40%) of the surface area if surfaces are staggered.
 - 4) Any fence in the side yard which is over five (5) feet high must be landscaped on the side toward the street unless it is parallel to or on the side lot line.
 - 5) On a reverse frontage lot, any backyard fence over five (5) feet in height shall be landscaped on the side toward the street.
 - 6) There shall be no fences located in drainage easements or drainage swales which are part of an approved stormwater management plan.
 - 7) Fences and walls shall be kept in good repair.
- c) Buildings such as storage sheds, bath houses, and private greenhouses.
- d) Facilities for domestic servants or caretakers employed on the premises and for occasional gratuitous guests.
- e) Private Swimming Pool

A private swimming pool shall be permitted, provided:

- 1) It shall be located in the rear or side yard only. Open private swimming pools and related bathhouses are considered structures for the purpose of permits and regulations of this Chapter. For the purpose of this Chapter, swimming pools are not counted as floor area in computing the lot coverage. Pools and all their appurtenances including, but not limited to, decks, copings and filter equipment, shall conform to all area and setback requirements of the district in which they are located, or shall be set back a minimum of ten (10) feet from the property line or side walk,

whichever is greater.

- 2) No building, swimming place or swimming pool, or any other structure intended to be used for bathing or swimming purposes in which water may collect in excess of a depth of twelve (12") inches and which has a water holding capacity in excess of five hundred (500) gallons shall be constructed, altered, added to or operated unless such swimming pool or place is surrounded by a fence around the entire perimeter. All detachable ladders shall be removed when the pool is not in use. No water shall be placed in the pool until a fence, as required by this Ordinance, has been completed.
- 3) Fencing of pools:
 - a) Permanent swimming pools above or below grade must be completely enclosed with a minimum four (4) foot high, not exceeding four (4) inch spacing), fence, building wall, or such other material as may be acceptable at the discretion of the building inspector, to carry out the intent of this Ordinance. No fence shall be higher than six (6) feet, unless higher fences are authorized as a special exception by the Zoning Hearing Board. Existing fences are exempt only insofar as they exceed maximum height requirements.
 - b) Swimming pools equipped with surrounding elevated walkways that are at least four (4) feet above the ground need not be fenced if the construction is such that it prevents access to the water by small children, and the ladders from the ground are removed or the pool is made inaccessible, when not attended.
 - c) Plastic, light metal, or other light duty materials which do not exceed a struck volume depth of twelve (12) inches at the deepest or lowest point, and in addition, which are completely emptied of water when not in use, shall be exempt from the fencing provisions of this Ordinance.
- 4) No swimming pool shall be located under electrical wires, including service lines, and the pool must be located at least ten (10) feet (measured horizontally) from such power lines.
- 5) No swimming pool shall be constructed, altered, remodeled or added on to, in the Borough except in accordance with a permit therefore previously secured from the Zoning Officer of the Borough, upon written application accompanied by a plan showing the size, shape, and location of the swimming pool and its enclosure and such other information as may be necessary to the Zoning Officer to determine whether the pool complies with this Chapter.
- 6) Any pool or water area shall be suitably designed, located and maintained so as not to become a nuisance or hazard to either adjoining owners or to the public generally. All detachable ladders shall be removed when the pool is not in use.
- 7) All electrical work connected to the pool and all equipment incidental thereto shall comply with all underwriters' regulations and must be inspected and certified by an underwriters inspection agency prior to the issuance of a certificate of compliance. In no event may said pool be used prior to such approval.
- 8) Approved filtration systems and circulators must be provided for all pools except such exempt or non-exempt wading pools as are emptied on a daily basis.
- 9) Outdoor lighting, if used, shall be installed in such a way as to be shielded and not to reflect toward or into the interior of adjacent property owners.
- 10) If pools are connected to any water, sewer, or public utility line, there must be installed a separate valve controlling such line, both as to supply and drainage, and a permit must be obtained prior to installation from the agency furnishing such utility service.
- 11) A minimum isolation distance of 25 feet shall be required between a swimming pool and any sewage disposal system.
- 12) Wading pools exempt from the provisions of this Ordinance are those temporary pools of a plastic, light metal, or other light duty materials which do not exceed a struck volume depth of twelve (12) inches at the deepest or lowest point, and in addition, which are completely emptied of water when not in use.

f) Private Hot Tub

A Private hot tub or other outdoor type bathing apparatus which has a capacity of five hundred (500) gallons or less and is situated outside. All outside hot tubs must either be elevated two (2) feet above the ground level and contain a cover which when closed can support a weight up to forty (40) pounds and a lock or it must conform with the requirements of (F2)e.

For the purpose of this Chapter, hot tubs are not counted as floor area in computing the lot coverage, but shall conform to all area and setback requirements of the district in which they are located, or shall be set back a minimum of ten (10) feet from the property line or side walk, whichever is greater.

g) Parking of Recreational Vehicles

These regulations apply to recreational vehicles which are stored on a property but are not enclosed within a garage or other building and shall include travel trailers, boats, campers, snowmobiles, all-terrain vehicles, trailers for these vehicles and other similar vehicles.

- 1) Two recreational vehicles, not enclosed within a garage or other building, shall be permitted per dwelling.
- 2) Recreational vehicle parking is permitted as an accessory residential use only for single-family detached dwellings and twin dwellings.
- 3) Recreational vehicles shall not be stored between the street line and the front building line and/or in front of the principal building unless the recreational vehicle is totally screened from view by fencing or vegetation, or the recreational vehicle is at least four hundred (400) feet from the front property line of the single-family dwelling.
- 4) No such vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.
- 5) No recreational vehicles stored on the property shall be closer than seven (7) feet from any property lines.
- 6) For the purposes of this sub-section, recreational vehicles shall be presumed stored on a property if they remain on the property for more than seven (7) consecutive days and more than ten (10) days in any calendar month.

(F3) In-Law Suite

One (1) in-law suite to a single-family detached dwelling shall be permitted, provided that the conditions set forth in this section are met, and further provided that the accessory use, in all respects, complies with this chapter relating to the zoning district wherein the proposed in-law suite is to be constructed or to be used. The intent of these provisions is to allow for related family members to reside on the premises, but to prohibit the creation of for-profit apartments in districts where multi-family housing is otherwise permitted. The conditions are as follows:

- a) The in-law suite shall occupy no more than twenty-five percent (25%) of the total usable floor area of the principal residence, not including any garage.
- b) In-law suites may contain separate cooking, sleeping, living and bathroom facilities.
- c) In-law suites shall be part of the principal residence or may be contained in the existing accessory structure such as a garage. No new separate structures on the same lot with the principal residence shall be permitted to be constructed for this use. In-law suites shall not be located in cellar areas (an area having one half (1/2) or more of its floor to ceiling height below the average level of the adjoining ground).
- d) The required off-street parking for the principal dwelling plus one (1) additional off street parking space for the in-law suite shall be provided.
- e) In-law suites shall be occupied only by related family members such as elderly parents or dependent adult children.
- f) A restriction shall be added to the deed, to the satisfaction of the Borough, limiting the occupancy of the in-law suite to related family members, such as elderly parents or dependant adult children.
- g) There shall be no changes to the exterior of the residence which suggests that the dwelling unit is other than a single-family dwelling or which would otherwise detract from the single-family character of the

neighborhood.

- h) No more than one (1) in-law suite shall be permitted per single-family detached dwelling.
- i) Each in-law suite shall be registered with the Township Zoning Officer, who shall keep a record of its use to ensure compliance with this chapter. A fee shall be imposed by Borough Council for the registration of said use, which said fee shall be fixed annually by Borough Council by resolution.
- j) A certification shall be received from the Bucks County Board of Health or other regulatory agency certifying that the wastewater facilities are adequate to accommodate the single-family dwelling as well as the in-law suite as defined in this subsection.

(F4) (Intentionally Left Blank)

(F5) Outside Storage or Display

- a) Outside storage or display, other than storage as a primary use of the land, necessary but incidental to the normal operation of a primary use; subject to the following additional provisions:
 - 1) No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas, and no part of the required front yard shall be occupied by outside storage or display.
 - 2) Outside storage and display areas shall occupy an area of less than one half (1/2) of the existing building coverage.
 - 3) Outside storage and/or display areas shall be shielded from view from the public streets and adjacent lots.
- b) Uses requiring more substantial amounts of land areas for storage or display may be exempt from the provisions of subsections F5(a)2 and F5(a)3 above when granted as a special exception by the Zoning Hearing Board. Such uses shall be subject to the following additional provisions:
 - 1) Neither the principal use nor the outside storage and display use shall encroach upon the minimum required yards and buffer yards of the district.
 - 2) In particular, uses appropriate for consideration under this provision include, but are not limited to, Nurseries (Use A1), Lumber Yards (Use E4), Truck Sales (Use D19), and Truck Terminals (Use E1.f).
 - 3) Among the uses that shall not be considered appropriate for inclusion under this provision are Retail Stores (Use D5), Repair Shops (Use D11), Gasoline Service Station (Use D17), Automobile Repair Garage (Use D18), Sale of Automobile Accessories (Use D21), Car Wash (Use D26), Large Retail (Use D28), Wholesale Business and Storage (Use E1.c), Contractor Offices and Shops (Use E1.e), and Crafts (Use E1.g).
- 4) Parking: None

(F6) Temporary Structure or Use

A temporary permit may be issued for structures or uses necessary during construction or other special circumstances of a non-recurring nature, subject to the following additional provisions:

- a) The time period of the initial permit shall be six (6) months. This permit may be renewed for three (3) month time periods, not to exceed one (1) year.
- b) Temporary structures or uses shall be subject to authorization by the Zoning Officer.
- c) Such structures or uses shall be removed or uses discontinued completely upon expiration of the permit without cost to the municipality.
- d) Parking: None.

(F7) (Intentionally Left Blank)

(F8) (Intentionally Left Blank)

(F9) No-Impact Home-Based Business

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick-up, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity 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) 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 in type which is not normally associated with residential use in the neighborhood.
- g) The business activity shall be conducted within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- h) The business may not involve any illegal activity.

(F10) Bed and Breakfast

A Bed and Breakfast is any building or residence used for accommodation of transient guests which is not a Motel or Hotel as enumerated in (D12). Such uses shall be subject to the following provisions:

- a) Such uses shall be accessory only to a single-family detached residential use that is in compliance with the district in which it is located.
- b) Such uses shall be subordinate to the principal owner-occupied residential use.
- c) Maximum number of guest rooms shall be six (6).
- d) At least one (1) bathroom shall be provided for the first guest room plus one (1) bathroom for each two (2) additional guest rooms. The living quarters for the residents shall have their own bathroom or bathrooms.
- e) Any one (1) or more guests may not remain in the same Bed and Breakfast facility for more than fourteen (14) days in a six- (6) month period.
- f) No external alterations, additions, or changes to the exterior structure shall be permitted, except as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other governmental agency. Fire escapes or external stairways shall be located either to the rear or to the side of the residence.
- g) Parking: There shall be one (1) off-street parking space per guest bedroom provided on the premises, in addition to other off-street parking spaces required by this Ordinance. The off-street parking spaces shall be located either to the rear of the main dwelling, or screened from the roadway and adjacent properties by fencing or natural vegetation in accordance with the buffer yard standards of this Ordinance.

Part 6

Performance Standards

§27-601. General Performance Standards.

All uses and activities established after the effective date of this Chapter shall comply with the following standards.

§27-602. Storage and Waste Disposal.

1. There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with the laws and regulations of the United States, the State of Pennsylvania, Bucks County and Dublin Borough.

2. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except the following:

A. Tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.

B. Tanks or drums for storage of less than three hundred (300) gallons of fuel oil (other than that used for home heating) or gasoline, provided such tanks are located no closer than twenty-five (25) feet to any building or lot line or fifty (50) feet from any street line.

3. All outdoor storage facilities for fuel, raw materials, and products, and all fuel, raw materials, and products stored outdoors, shall be enclosed by an approved safety fence.

4. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

5. Any materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

6. All outdoor storage facilities for fuel, raw materials, products, waste, or similar material, shall be shielded from view of the public highways and any residential or recreational use.

§27-603. Noise.

1. *Purpose.* The purpose of this Section is to protect the citizens of the Borough from noise disturbances. Although it is recognized that in present society certain amounts of noise are unavoidable, the citizens of the Borough are entitled to be protected from unnecessary disturbance, annoyance or injury from sound.

2. *Inspection and Testing.* Upon presentation of appropriate credentials, the Zoning Officer or other duly appointed official, may enter and inspect any private property or place for purposes of testing for violations of these sound performance standards or to locate the source of any noise disturbance. When permission is refused, the aforesaid official may obtain a search

warrant from a Court of competent jurisdiction upon a showing of probable cause that a violation of this Chapter exists. All tests shall be conducted using a sound level meter which is accepted in the trade as being of average quality and sensitivity. The meter shall be at least the quality of an ANSI S1.4-1971 Type 2 sound level meter.

3. *Impulsive Sounds.* No sound shall be permitted for a duration of more than five (5) seconds or more than two (2) incidents within a twenty-four (24) hour period which is above the level of 110 dBA at any real property boundary upon which the source of the sound is located.

4. *Noise Disturbance.* No noise disturbance shall be created or allowed to continue by any person, persons, firm, partnership or corporation that exceeds the standards set in subsections 6. and 7.

5. *Noise Sensitive Zones.* The property upon which any hospital, school, nursery, rehabilitation center, sanitarium, nursing home, convalescent home, or home for the aged is located shall be designated as a "noise sensitive zone." The measure of the dBA level at the boundary line of any such "noise sensitive zone" shall comply with the general sound standard as set forth in this Section except all dBA ratings shall be lowered by a factor of 15 dBA for computation purposes.

6. *General Sound Standard.* All sound sources, including non-conforming uses shall comply with the general sound standard for the district in which it is located unless covered specifically by another Section herein.

dB(A) Rating Limit		
Land Use Category	From 7 AM to 10 PM	From 10 PM to 7 AM and Sundays & Holidays
R1 and R2	60	50
C-1	60	50
C-2	75	65
Ind.	75	65
Ind.-1	75	65
TC	60	50

All measurements shall be taken at any real property boundary of the sound source.

7. *Specific Prohibitions.* The following acts, and the causes thereof, are declared to be in violation of this Chapter:

A. Operating, playing or permitting the operation or playing of any radio, television, phonograph, sound amplifier, musical instrument, or other such device between the hours of 10 P.M. and 10 A.M. in such a manner as to create a noise disturbance across a real property line or within a noise sensitive zone.

B. Owning, possessing or harboring any animal which frequently or for any continued duration howls, barks or makes any other sound so as to create a noise disturbance across any real property boundary or within a noise sensitive zone.

C. Performing any construction operation or operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 9 P. M. and 7 A.M. or at any time on weekends if such operation

creates a noise disturbance across a real property boundary line or within a noise sensitive zone. This Section does not apply to domestic power tools or to vehicles which are designed for transportation use on public highways.

D. Repairing, rebuilding, modifying, testing or operating any motor vehicle, motorcycle, recreational vehicle, snowmobile or powered model vehicle in such a manner as to cause a noise disturbance across a real property or within a noise sensitive zone. This Section shall not apply to operation on public highways of any vehicle in a normal manner.

E. Operating or permitting the operation of any mechanically powered saw, drill sander, grinder, lawn or garden tool, or similar device (used outdoors) between the hours of 10 P.M. and 7 A.M. so as to cause a noise disturbance across any non-industrial real property boundary or within a noise sensitive zone.

8. *Exceptions and Variances.*

A. The provisions of this Chapter shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, the emission of sound in the performance of emergency work, or the performance of municipal service operations or activities.

B. The Dublin Borough Zoning Hearing Board is empowered to hold public hearings and to grant variances from the terms of this Chapter. (Pursuant to the procedure established in §27-1206). A variance shall be granted only if the applicant can establish:

(1) The source of the sound violation cannot be controlled so as to be brought into conformance with this Chapter by any reasonable method.

(2) The property in question cannot be used without the source of noise violation, or that the source of noise violation is necessary to prevent a taking of the property without compensation.

(3) All reasonable steps have been taken to reduce the noise violation to the lowest level possible.

C. The Board shall have the power to grant a variance for a limited period of time, not more than two (2) years, to assure that the applicant will avail himself of any technical advances in sound control which may be developed in the future.

D. The Board shall have the power to grant a reasonable extension of time for compliance with this Chapter, if after public hearing, the applicant can establish that he will comply with this Chapter but that he cannot do so within the time limit established by this Chapter.

9. *Time for Compliance.* Every person or use shall comply with this Section within thirty (30) days of adoption of this Chapter.

10. *Enforcement and Appeals.* All enforcement and appeal provisions governing this Chapter as a whole shall be applicable to these noise performance standards.

11. *Applicability.* Where any two or more provisions of these sound performance standards apply to any sound source, the most restrictive Section shall be applicable to that source.

12. *Terminology.* All technical terminology not defined in this Chapter shall be defined in accordance with the publications of the American National Standard Institute (Acoustical Terminology, ANSI S1.1-1960 R1976) with its latest approved revisions.

§27-604. Air Pollution.

1. *Compliance.* No use shall emit or cause or allow to be emitted or permit to escape into the open air any air contaminant of a quantity or quality which will violate any provision of this Chapter, the Commonwealth of Pennsylvania, or United States Air Pollution Regulations. Permits required by State or Federal regulatory agencies shall be filed with the Zoning Officer prior to installation or use of the regulated items.

2. *Operation of Equipment.* No use shall operate or maintain or permit to be operated or maintained any equipment, installation, or device which by reason of its operation or maintenance will discharge contaminants to the air in excess of the limits prescribed herein unless there shall be installed and maintained, in conjunction therewith, such control equipment as will prevent the emission into the open air of any air contaminant in a quantity or quality that will violate any provision of State or Federal Law.

§27-605. Electrical and Electromagnetic Interface.

There shall be no electrical or electromagnetic disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbances.

§27-606. Fire and Explosion.

All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety and firefighting devices.

§27-607. Odors.

1. No use shall emit odorous gases or other odorous matter in such quantities as 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 percent (50%) response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals," October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

2. Subsection 1. above, shall not apply to odors normally created as part of an agricultural or horticultural use except that no animal waste produced off of the property shall be stockpiled unless processed to eliminate all offensive odors.

§27-608. Glare and Heat.

No direct or sky-reflected glare, whether from floodlights or from 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 Chapter. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

§27-609. 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 lines; nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.

§27-610. Buffer Yards.

A buffer yard is an area of plantings surrounding a land use which screens or blocks vision, noise, pollutants, or other negative by-products associated with that use.

1. Buffer yards are required for land developments. The extent of buffering required shall be determined by the type of use proposed and the adjacent uses surrounding the proposed development.

A. To determine the required buffer yard and planting schedule, a three step procedure shall be followed:

(1) Step 1 -- Site Analysis and Determination of Buffer Yard Class.

(2) Step 2 -- Selection of the Planting Option for the Buffer Yard Class.

(3) Step 3 -- Selection of the Plant Materials from the Plant Materials List.

B. The procedure outlined above shall consist more specifically of:

(1) Step 1 -- Site Analysis and Determination of Buffer Yard Class.

a) For each property boundary, the applicant shall determine the adjacent land use. Land use information shall be determined by an on-site survey. Table 1 below specifies the buffer yard class for each boundary.

b) The applicant shall match his proposed land use with the corresponding adjacent land use for each property boundary from Table 1. The letter on Table 1 indicates the buffer yard class.

(2) Step 2 -- Selection of the Planting Option for the Buffer Yard Class.

a) After determining the buffer yard class, the applicant shall select a planting option from Table 2. For each buffer yard class, planting options are available, one of which the applicant shall select to meet the buffer yard requirement for each boundary. The Planning Commission may consider an alternative planting option which shall have a screening capability at least equal to any of the available options.

(3) Step 3 -- Selection of Plant Material.

a) Planting options are listed in Table 2 by plant groups (canopy, evergreen, etc.) Table 3 provides a description of the general growth characteristics and the desired buffering function for each plant group, followed by a suggested plant list. Plants other than those listed may be used, provided characteristics described are met.

b) All plant material shall meet the requirements of the American Association of Nurserymen.

2. *General Requirements.*

A. *Existing Vegetation.* All existing deciduous and coniferous trees larger than 2 inches in caliper and/or 6 feet in height may be considered to contribute to the required buffer yard. If the amount of existing plant material of that size or greater equals any of the above planting, it may be included in meeting those requirements. In all cases, existing plant material of the above caliper and height shall be preserved in any buffer

yard except where clearance is required to insure adequate sight distance as per §27-701.4.

B. The buffer yard may be coterminous with required front, side or rear yards and, in case of conflict, the wider yard requirements shall apply.

C. All buffer yards shall be maintained and kept clean of all debris, rubbish, weeds, and tall grass in conformance with existing regulations.

D. No structure, manufacturing or processing activity, or storage of materials shall be permitted in the buffer yards.

E. Parking is not permitted in any buffer yard.

F. *Buffer Yard Materials.*

- | | | |
|-------------------|-----------|--------------------|
| (1) Minimum size: | deciduous | 1 ½ inches caliper |
| | flowering | 1 ½ inches caliper |
| | evergreen | 4-6 feet in height |
| | shrubs | 2-3 feet in height |

(2) Plant materials shall be permanently maintained and any plant material which does not live shall be replaced within 1 year.

(3) Fences and walls shall be completely opaque. Minimum height 6 feet, maximum height 8 feet.

G. Prior to the issuance of any zoning permit, complete plans showing the arrangement of all buffer yards, the placement, species, and size of all plant materials, and the placement, size, materials, and type of all fences to be placed in such buffer yard shall be reviewed by the Zoning Officer to ascertain that the plans are in conformance with the terms of this Chapter.

TABLE 1

DETERMINATION OF BUFFER YARD CLASS

TABLE 1 DETERMINATION OF BUFFER YARD CLASS*	Existing Adjacent Uses	Low Density (Uses A1-A5, B1, B2, B4, B7)	High Density Residential (Uses B3, B5, B6, B8)	Institutional (Uses C1-C10, C13-C21)	Commercial (Uses D1, D2, D5-D17, D19, D20, D21, D26-D28, F10)	Industrial (Uses D18, D22-D25, E1- E7)
Proposed Uses						
Low Density Residential (Uses B1, B2, B4, B7, B9**)		-	A	A	B	B
High Density Residential (Uses B3, B5, B6, B8, B9**)		A	-	A	B	B
Institutional (Uses C1-C10, C13-C21)		A	A	-	A	B
Commercial (Uses D1, D2, D5-D17, D19, D20, D21, D26- D28, F10)		B	B	A	-	B
Industrial (Uses D18, D22-D25, E1-E7)		B	B	B	B	-

*Buffer requirements shall not apply to uses in the C1 District.

**A conversion may fall into either the “Low Density Residential” or “High Density Residential” land use category.

TABLE 2
PLANTING OPTIONS

TABLE 2 PLANTING OPTIONS	PLANT MATERIAL OPTIONS	QUANTITY	YARD WIDTH MINIMUM
¹ Primary Requirements			
BUFFER CLASS A	Canopy Tree Or Evergreen Tree Plus Flowering Tree Or Shrub	1 per 50 feet 1 per 25 feet	5 feet
BUFFER CLASS B	Evergreen Tree Plus Flowering Tree Or Shrub	1 per 25 feet 1 per 15 feet	15 feet
² ADDITIONAL REQUIREMENTS FOR BOTH CLASS A & B PARKING – OF OVER 3 VEHICLES, OUTDOOR STORAGE, COMMERCIAL ACCESS DRIVE LOCATED WITHIN 50 FEET OF PROPERTY BOUNDARY	Evergreen Hedge Or Fence or Wall	1 per 3 feet	

¹Any arrangement (staggering, grouping, etc.) within buffer yard so that buffering is achieved. Quantity shall be per linear feet of boundary line.

²Fence, wall, hedge, within ten (10) feet of parking area, between parking area and property boundary. Only one (1) fence is required between properties. Quantity of hedge shall be per linear feet of parking area. Hedge is to be planted on three (3) feet centers.

TABLE 3 PLANT LIST

CANOPY TREES

SIZE	50 feet minimum at maturity.
DESCRIPTION	Large deciduous tree, single trunk, branching 6 feet above ground or greater; dense foliage.
USE AS BUFFER	Large relatively fast growing buffer to reduce impact of large buildings, shade parking areas and reduce glare from outdoor lighting.

SUGGESTED PLANT LIST

Acer rubrum - Red Maple
Acer saccharum - Sugar Maple
Fraxinus americana - White Ash
Fraxinus Pennsylvania lanceolata - Green Ash
Liquidambar styraciflua - Sweet Gum
Phellodendron amurense - Amur Cork Tree (male only)
Plantanus acerifolia - London Plane Tree
Quercus alba - White Oak
Quercus borealis - Red Oak
Quercus coccinea - Scarlet Oak
Quercus palustris - Pin Oak
Quercus phellos - Willow Oak
Robina pseudoacacia inermis - Thornless Black Locust
Sophora japonica - Japanese Pagodatree
Tilia-Linden - all species hardy to the area
Zelkova serrata - Japanese Zelkova

EVERGREEN TREES

SIZE	30 feet minimum at maturity
DESCRIPTION	Needle or scale leaf coniferous evergreen, pyramidal shape with branching to ground.
USE AS BUFFER	Large, year-round screen

SUGGESTED PLANT LIST

Picea abies - Norway Spruce
Picea omorika - Serbian Spruce
Picea pungens - Colorado Spruce
Pinus strobus - White Pine
Pseudotsuga menziesii - Douglas Fir

FLOWERING TREES & SHRUBS

SIZE	10 feet minimum. Maximum size 25 feet at maturity.
DESCRIPTION	Small tree or large shrub, deciduous or evergreen. Preferably multi-stemmed with branching maintained at or near ground level with ornamental flowers and/or fruit.
USE AS BUFFER	Screen from ground level to 25 feet. Flower & fruit for ornamental value.

SUGGESTED PLANT LIST

Amelanchier canadensis - Shadblow Serviceberry
Cornus florida - Flowering Dogwood
Cornus kousa - Kousa Dogwood
Cornus mas - Cornelian Cherry
Crataegus phaenopyrum - Washington Hawthorn
Magnolia soulangiana - Saucer Magnolia
Malus baccata - Siberian Crab
Malus floribunda - Japanese Flowering Crab
Malus hopa - Hopa Red-Flowering Crab
Oxydendrum arboreum - Sourwood
Viburnum dentatum - Arrowwood Viburnum
Viburnum lantana - Viburnum
Viburnum sieboldii - Viburnum
Hamamelis vernalis - Witchazel
Syringa species - Lilac
Weigela species - Weigela
Photinia species - Photinia
Philadelphus coronarius - Mock Orange

HEDGE

SIZE	Minimum 5 feet. Maximum 15 feet at maturity.
DESCRIPTION	Multi-stemmed evergreen shrub.
USE AS A BUFFER	Dense year-round, visual screen, possibly physical barrier from ground level to a minimum height of 5 feet. Should be maintained (sheared) to provide a dense screen.

SUGGESTED PLANT LIST

Berberis julianae - Wintergreen Barberry
Ilex crenata - Japanese Holly
Taxus cuspidata - Japanese Yew
Taxus media - Anglojap Yew
Thuja occidentalis - American Arborvitae

§27-611. Steep Slope Regulations.

Development of land on ground in excess of 15% slope shall be subject to reviews and approval by the Bucks County Soil Conservation Service for Soil Erosion and Sedimentation Controls and shall require a zoning permit in accordance with §27-1104.

§27-612. Modification of Existing Lot Usage.

In cases where there is “land development” and where public water is not available to the lot, and where water is provided by means of a private well or wells owned and maintained by the lot owner, notice is given that such lots and wells are subject to the Bucks County Department of Health’s *Individual Water Supply Well Construction Specifications*, as amended from time to time, and the Water System Connection, *Ord. 164* and *Res. 86-02* incorporated herein by reference, as the same may, from time to time, be amended. In addition, prior to any new connection to or new use of a well, the lot owner must prove that the well water meets all health and regulatory requirements, and be treated, if necessary, at the source by reliable means of purification, requiring minimal supervision under the current state of the art. In the case of individual lot owner development of a well, the well water shall meet DEP/EPA limits for at least the following:

A. Total dissolved solids or conductivity, pH, iron, nitrate, chloride and sulfate, bacteriological quality and total volatile organics. Such wells are also subject to all other ordinances and resolutions if effect from time to time, there being no intention hereby to repeal any other provisions of this or any other ordinances or resolutions.

§27-613. Planned Residential Development.

In planned residential development, applicants shall present evidence that the planned residential development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence. Such applicants shall likewise be subject to *Ord. 164* and *Res. 86-02*, as amended, incorporated herein by reference, and all other applicable ordinances, resolutions and public regulation, there being no intention hereby to repeal any other provisions of this or any other ordinance or resolution.

§27-614. Parking Performance Standards.

1. *General Regulations Applying to Required Off-Street Parking and Off-street Loading Facilities.*

A. *Existing Parking.* Structures and uses in existence at the date of adoption of this Chapter shall not be subject to the requirements of this Part so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not be reduced below such requirements in the future.

B. *Change in Requirements.* Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards specified in this Chapter, the total

additional parking required for the structure or use, including the existing and additional alteration, change or extension, shall be provided in accordance with the requirements of that Section.

C. *Conflict with Other Uses.* No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

D. *Continuing Character of Obligation.* All required facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Article. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard or an unreasonable impediment to traffic.

E. *Joint Use.* Two (2) or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total by special exception if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

F. *Location of Parking Spaces.* Required off-street parking spaces shall be on the same lot or premises with the principal use served; or, where this requirement cannot be met, within three hundred (300) feet of the same lot when joined by sidewalks and curbs designed in accordance with Borough ordinances.

G. *Maintenance of Parking Areas.* For parking areas of three (3) or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Borough Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property. All off-street parking spaces shall be marked so as to indicate their location. Failure to keep parking areas in satisfactory condition, i.e., free from holes, shall be considered a violation of this Chapter.

H. *Spillover Parking.* See §22-707 of the Subdivision and Land Development Ordinance [Chapter 22].

2. *Reduction of Non-Residential Parking Requirements.* In order to prevent the establishment of a greater number of parking spaces than is actually required to serve the needs of non-residential uses, Borough Council, after consulting with the Planning Commission and Borough Engineer, may permit a conditional reduction of parking space if the following conditions are satisfied:

A. The design of the parking lot, as indicated on the land development plan, must designate sufficient space to meet the parking requirements of this

Chapter. The plan shall also illustrate the layout for the total number of parking spaces.

B. The conditional reduction shall provide for the establishment of not less than 67% of the required number of parking spaces, as specified in this Chapter. This initial phase of the parking provision shall be clearly indicated in the plan.

C. The balance of the parking area conditionally reserved shall not include areas for required buffer yards, setbacks or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Chapter. This parking area which is reserved shall be located and have characteristics so as to provide amenable open space should it be determined the additional parking spaces are not required. The developer shall provide a landscaping plan for the reserved area with the land development plan.

D. The developer shall enter into a written agreement with Borough Council that, after one (1) year following the issuing of the last occupancy permit, the additional parking spaces shall be provided at the developer's or owner's expense should it be determined that the required number of parking spaces are necessary to satisfy the need of the particular land development.

E. At the time of the above stated agreement, the developer or owner shall post a performance bond or other securities to cover the expense of a traffic study to be undertaken by a registered traffic engineer of Borough Council's choosing who shall determine the advisability of providing the full parking requirement. Said study shall be undertaken one (1) year after the issuance of the last occupancy permit pursuant to subsection D. above. With recommendations of the traffic engineer, the Borough Engineer and the Planning Commission, Borough Council shall determine if the additional spaces shall be provided by the developer or if the area shall remain as open space.

F. Land which has been determined and designated by Borough Council to remain as open space rather than as required parking shall not be used to provide parking spaces for any addition or expansion but shall remain as open space.

3. Special Exceptions to Parking Facility Requirements. The minimum number of off-street parking spaces within the zoning district designated as C-1 may be decreased or waived when authorized *as* a special exception in accordance with §27-1207 if the Zoning Hearing Board finds that such requirements are impracticable, or would require destruction of important architectural or landscape elements and the unreasonableness of such regulations is clearly demonstrated.

4. Design Standards. The design standards specified below shall be required for all off-street *parking* facilities with a capacity of three (3) or more vehicles built after the effective date of this Chapter.

A. A parking stall is that area specifically designated by pavement markings, or some other means, for the temporary parking of one (1) motor vehicle. Design standards for parking stalls shall not apply where the primary purpose is that of vehicle storage related to sales, service, or other use, either commercial or non-commercial.

B. Unless otherwise specified, parking stalls shall conform to the following minimum dimensional standard:

Type	Width (feet)	Depth (feet)
Conventional	9.5	19
Compact*	8	18
Handicapped	15	19
Oversized**	(as determined by Borough Engineer)	

*Where required parking for non-residential uses exceeds 20 spaces, up to 30% of the total parking spaces may be designed and clearly designated for compact cars.

**Including, but not limited to, recreational vehicles, tandem trailers, trucks and buses.

C. In order to provide for flexibility in parking lot design and layout, angle parking may be appropriate in certain instances. Where angle parking is utilized, the width of stalls for various types of parking uses shall remain consistent with the minimum dimensions established for each, while the depth of stall shall vary as follows:

Angle of Parking (In Degrees)	Stall Depth Variation (In Feet)
90	0
60	+1
45	0
30	-2

5. *Parking Access and Control.*

A. For the purpose of servicing any property held under single and separate ownership, entrance and exit drives crossing the street lot line shall be limited to two (2) along the frontage of any single street, and their centerlines shall be spaced at least eighty (80) feet apart. On all corner properties, drives shall be spaced a minimum of sixty (60) feet, measured at the curb line, between the center line of any entrance or exit drive and the street line of the street parallel to said access drive.

B. In no case shall parking areas for three (3) or more vehicles be designed to require or encourage cars to back into a public street in order to leave the lot.

C. Parking spaces are not permitted in front of the minimum building setback line. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards.

D. All parking areas of over three (3) spaces shall be separated from any public street or adjacent property line by a planting strip of at least ten (10) feet in depth, and landscaped in accordance with §27-610 Buffer Class A planting

requirement for parking areas, unless it otherwise comes under Buffer Class B standards.

6. All *artificial* lighting used to illuminate any parking space or spaces shall be so arranged that no direct rays from such lighting shall fall upon any neighboring property or streets.

§27-615. Off-Street Loading Requirements.

In connection with any building or structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading berths not less than the minimum requirements specified in this Section.

A. Areas provided for loading and unloading of delivery trucks and other vehicles and for the servicing of shops by refuse collection, fuels, and other service vehicles shall be so arranged that they may be used without:

- (1) Blocking or interfering with the use of accessways, automobile parking facilities, or pedestrian ways.
- (2) Ingress and egress shall not require backing onto a street or lot.

B. *Location.* All required loading berths shall be located on the same lot as the use to be served, and no portion of the vehicles shall project into any traffic lane. No loading berth for vehicles of more than 2-ton capacity shall be located less than one hundred (100) feet from any Residential District.

- (1) No loading facilities shall be constructed between the building setback line and a street right-of-way line or within a required yard.

C. *Size.* A required off-street loading berth shall be at least fifteen (15) feet in width by at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least sixteen (16) feet.

D. *Access.* All required off-street loading berths 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 approval of the Borough. They shall have all-weather surfaces to provide safe and convenient access during all seasons.

E. *Surfacing.* All open off-street loading berths shall be paved in accordance with the Subdivision and Land Development Ordinance [Chapter 22].

F. *Repair and Service.* No storage of any kind, or motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading berth.

G. *Space Allowed.* Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for 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.

Use	Floor Area	Required Berths
Business and Professional Offices or Public Administration Building	First 10,000 sq. ft. Next 40,000 sq. ft. Each additional 50,000 sq.	1 1

Use	Floor Area	Required Berths
	ft. or fraction thereof	1
Food Stores and Retail Department Stores	First 5,000 sq. ft.	2
	Next 5,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction thereof	1
Manufacturing	First 3,000 sq. ft.	1
	Next 7,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction thereof	1
Wholesale and Other Uses	First 2,000 sq. ft.	1
	Next 8,000 sq. ft.	1
	Each additional 10,000 sq. ft. or fraction thereof	1

Part 7

Design Regulations

§27-701. Dimensional Requirements.

1. *Area or Yard Requirements.* The lot or yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Chapter. No required lot or area shall include any property, the ownership of which has been transferred subsequent to the effective date of this Chapter, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

2. *Minimum Lot Size.*

A. Where a minimum lot size is specified, no primary building or use shall be erected or established on any lot of lesser size than as specified in Parts 4 and 5.

B. *Exceptions to Minimum Lot Sizes.*

(1) The provisions of Parts 4 and 5 shall not prevent the construction of a single-family detached dwelling on any lot that was lawful when created and which, prior to the effective date of this Chapter, was in separate ownership duly recorded by plan or deed; and, provided that:

(2) Such lot is not less than 70% of the minimum lot area or the area required by gross density, required under Parts 4 and 5. Those lots not served by public water and sewers shall meet all requirements of the Bucks County Department of Health. The percentage of lot area covered by the single-family dwelling shall not exceed 30% of the area of the lot. The front and rear yards shall aggregate at least 60% of the total depth or meet the normal requirements of the District in which the lot is located, but in no case shall either side yard be less than five (5) feet.

(3) This exception shall not apply to any two (2) or more contiguous lots in a single ownership as of or subsequent to the effective date of this Chapter, in any case where a reparceling or replatting could create one or more lots which would conform to this Chapter.

3. *Minimum Lot Width.*

A. Where a minimum lot width is specified, no primary building shall be erected on any part of a lot which has a width less than that specified in Parts 4 and 5 except as specified in subsection .3.B.

B. *Exceptions to Minimum Lot Width.* The provisions of Parts 4 and 5 shall not prevent the construction of a single-family detached dwelling on any lot that was lawful when created and which, prior to the effective date of this Chapter, was in separate ownership duly recorded by plan or deed provided that:

(1) The width of the lot is at least fifty (50) feet wide at the minimum building setback line.

(2) This exception shall not apply to any two (2) or more contiguous lots in single

ownership as of or subsequent to the effective date of this Chapter, in any case where a reparceling or replatting could create one (1) or more lots which would conform to this Chapter.

4. *Traffic Visibility.* On a corner lot or at a point of entry on a public road, nothing shall be erected, placed or allowed to grow in a manner which obscures vision:

A. The requirements of §22-707.12 of the Dublin Borough Subdivision and Land Development Ordinance [Chapter 22] shall be met.

B. Within the area bounded by the centerlines of a private drive intersecting a public street and the public street and a line joining points on these centerlines 75 feet from such intersection on the public street and 30 feet on the private drive.

5. *Front Yard Requirements.*

A. Where a minimum depth of front yard is specified in Parts 4 and 5, an open space of at least the specified depth shall be provided between the street line or lines and the nearest point of any building or structure, except as may be permitted hereinafter.

B. *Exceptions for Existing Alignment.* If the alignment of two (2) existing buildings on each side of a lot, within a distance of fifty (50) feet of the proposed building and fronting on the same side of the same street in the same block is nearer to the street than the required front yard depth, the average of such existing alignment within that distance shall be the required front yard.

C. *Projections into Front Yards.* Ground story bays and porches not over half the length of the front wall may project five (5) feet into any front yard. Chimneys, flues, columns, sills, ornamental features, cornices, and gutters may project not more than two (2) feet over a required front yard.

D. *Fences and Terraces in Front Yards.* The provisions of Parts 4 and 5 shall not apply to front fences, hedges, or walls less than five (5) feet high above the natural grade in the required front yard, nor to terraces, steps, uncovered porches, unenclosed porches, nor to other similar features less than three (3) feet above the level of the floor of the ground story.

E. *Accessory Buildings in Front Yards.* Accessory buildings shall not be permitted in required front yards.

6. *Corner Lots.* On a corner lot, the street side yard shall equal the required front yard for lots facing that street.

7. *Side Yard Requirements.* No portion of a building or a structure, including a deck or an uncovered porch, shall be built within the minimum depth from the rear lot line specified in Parts 4 and 5, except as permitted in §27-701.1 and 2.

A. *Projections Into Side Yards.* Bays, balconies, chimney flues, and fire escapes may project into a required side yard not more than 1/3 of the width of the projection, but not more than four (4) feet in any case. Ground story bays and porches not over half the length of the side wall may project into any required side yard 3 ½ feet.

B. *Fences and Terraces in Side Yards.* The provisions of §27-701.7.A shall not apply to fences or hedges less than six (6) feet above the natural grade. The provisions of subsection A. shall not apply to terraces, steps or other similar features less than three (3) feet above the floor of the ground story; however, such improvements shall be no closer to the property line than five (5) feet in the R-2, C-1 and TC districts, and 10 feet in all other districts.

C. *Accessory Buildings in Side Yards.* Completely detached accessory buildings may occupy a required side yard but shall not be located closer than five (5)

feet to the side property line, unless a greater setback is required for a specific use in Parts 4 or 5.

8. *Rear Yard Requirements.* Completely detached accessory buildings may occupy a required side yard but shall not be located closer than ten (10) feet to any side property line and must be located at least twelve (12) feet to the rear of the primary building.

No portion of a building or structure shall be built within the minimum depth from the rear lot line specified in Parts 4 and 5, except as permitted in §27-701.8.A and B.

A. *Projections Into Rear Yards.* Such projections into side yards as permitted by §27-701.7.A and B. may also be permitted into rear yards.

B. *Accessory Buildings in Rear Yards.* Completely detached accessory buildings may occupy a required rear yard but shall not be located closer than ten (10) feet to the rear property line.

9. *Height.* The height of buildings is regulated to prevent loss of life or excessive property damage through the inability of the Borough's fire equipment to reach the upper stories or roofs. Therefore, no building shall exceed a height of thirty-five (35) feet except church spires, belfries, silos, water towers, smokestacks, solar panels, or antennas.

§27-702. Open Space in Residential Developments.

1. *General Open Space.* Residential performance subdivisions, cluster developments, and mobile home parks shall meet the open space requirements of this Chapter. The plan shall contain or be supplemented by such material as required to establish the method by which open space shall be perpetuated, maintained and administered. The plan and other materials shall be construed as a contract between the landowner(s) and the Borough, and shall be noted on all deeds.

2. *Fee-in-Lieu.* Upon approval of the Borough Council, a residential developer may have the option of paying to the Borough a fee as established by resolution of Borough Council in lieu of meeting the open space requirements in Parts 4 and 5. This payment shall be used to provide for recreational facilities elsewhere in the Borough which can be utilized by the residents of the developments wherein such fees-in-lieu have been made.

3. *Layout of Open Space.* The open space shall be laid out in accordance with the best principles of site design. It is intended that the open space shall be as close to all residents as possible, with greenways leading to major recreation spaces. Major recreation areas shall be located to serve all residents of the development. The open space is most needed in areas of highest density.

4. *Open Space Designation.* All land held for open space shall be so designated on the plans. The plans shall contain the following statement: "Open space land may not be separately sold nor shall such land be further developed or subdivided." The subdivision plans shall further designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used.

A. *Lawn.* A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to ensure a neat and tidy appearance.

B. *Natural Areas.* An area of natural vegetation undisturbed during construction, or replanted; such areas may contain pathways. Meadows shall be maintained as such and not left to become weed infested. Maintenance may be minimal

but shall prevent the proliferation of weeds and undesirable plants such as poison ivy. Litter, dead trees, and brush shall be removed, and streams shall be kept in free-flowing condition.

C. *Recreation Area.* An area designated for a specific recreation use including, but not limited to, tennis, swimming, shuffle board, playfield and tot lot. Such areas shall be maintained so as to avoid creating a hazard or nuisance, and shall perpetuate the proposed use.

5. *Open Space Performance Bond.* Designated planting and recreation facilities within the open space areas shall be provided by the developer. A performance bond or other securities may be required to cover costs of installation in accordance with provisions of the Subdivision Ordinance [Chapter 22].

6. *Ownership and Preservation of Open Space.*

A. Any of the following methods may be used to preserve, own or maintain open space: condominium, homeowners association, dedication in fee simple, dedication of easements, or transfer to a private conservation organization. The developer and/or applicant shall first offer the open space to the Borough. If the Borough decides not to accept any portion or portions of the open space, then one of the alternative methods of ownership and preservation shall be selected by the developer and/or applicant. The following specific requirements are associated with each of the various methods.

(1) *Fee-simple Dedication.* The Borough may, but shall not be required to, accept any portion or portions of the open space provided: (i) such land shall be freely accessible to the public, (ii) there shall be no cost to the Borough involved, (iii) the Borough agrees to and has access to maintain such lands, and (iv) the open space shall be in an acceptable condition to the municipality at the time of transfer.

(2) *Transfer to a Private Conservation Organization.* With permission of the Borough, an owner may transfer either the fee simple title, with appropriate deed restrictions, or easements, to a private non-profit organization whose purpose is to conserve open space land and/or natural resources provided that: (i) the organization is acceptable to the Borough and is a bona fide conservation organization with perpetual existence; (ii) the conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and (iii) a maintenance agreement acceptable to the municipality is entered into by the developer and the organization.

(3) *Condominium.* The open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Pennsylvania Uniform Condominium Act. All open space land shall be held as "common element." Such land shall not be eligible for sale to another party except for transfer to another method of ownership permitted under this Section, and then only where there is no change in the open space ratio.

(4) *Homeowners Association.* The open space may be held in common ownership by a homeowners association. This method shall be subject to all of the provisions for homeowners associations set forth in Article VII of the Pennsylvania Municipalities Planning Code.

(5) *Dedication of Easements.*

(a) The Borough or County may accept, but shall not be required to accept, easements to any portion or portions of the open space.

(b) In such cases, the land remains in the ownership of the individual, condominium, or homeowners association while the easements are held in public ownership. The County shall accept the easements only in accordance with the provisions of Act 442 and County plans. The Borough may accept such easements as it sees fit. In either case, there shall be no cost to County or Borough for acquisition or maintenance. The Borough may require this method where it seems this is the most appropriate way of preserving land in open space. In performance subdivisions, cluster subdivisions, and mobile home parks, this provision for the ownership and preservation of open space cannot be used, except for open space land incorporated in required buffer yards.

(6) *Deed Restrictions.* (i) Buffer yards, as required by this Chapter, may be held in the ownership of the individual property owners of residential developments. This form of ownership of open space will be subject to the following requirements: a) This form of ownership will be limited to buffer yards; b) It may be used only if approved by the municipality; c) Restrictions, meeting Borough specifications, must be placed in the deed for each property that has buffer within its boundaries. The restrictions shall provide for the continuance of the buffer yard in accordance with the provisions of this Chapter; d) It will be clearly stated in the individual deeds that the maintenance responsibility lies with the individual property owner. (ii) For non-residential uses, buffer yards and areas of natural resource features may be held with the ownership of the entire parcel, provided the buffer yards and natural features are deed restricted to ensure their protection and continuance. (iii) In the case of residential developments where all of the units are rental, the open space land may be in the same ownership as that of the development, provided that the land is deed restricted to ensure its protection and continuance and that a maintenance agreement suitable to the Borough is provided. (iv) For any of these options, the Borough may accept, but is not required to accept, an easement to the open space land in the development.

B. Unless otherwise agreed to by the Borough or County, the cost and responsibility of maintaining open space shall be borne by the property owner, condominium association or homeowners association. If the open space is not properly maintained, the Borough may assume responsibility of maintenance and charge the property owner, condominium association or homeowners association a fee which covers maintenance cost, administrative costs and penalties as stipulated in §27-1403.

Part 8

Signs

§27-801. Purpose.

It is recognized that signs perform important functions in identifying residences and businesses. It is hereby found and declared, however, that control of signs is necessary to promote the health, safety, and general welfare by lessening hazards to pedestrian and vehicular traffic, by preserving property values, by preventing unsightly and detrimental development which has a blighting influence upon residential, business, and industrial uses, by preventing signs from reaching such excessive size that they obscure one another to the detriment of all concerned, and by securing certain fundamentals of design for the Borough.

§27-802. Scope and Applicability.

In all zoning districts within the Borough, signs may be erected, altered, maintained, used, or moved only when in accordance with the provisions of these regulations.

§27-803. Signs Exempt From This Chapter.

The following signs, to the extent indicated, are exempt from the provisions of this Chapter.

A. An official highway route number sign, street name sign, directional or other traffic sign. These may be erected and maintained on public roads and highways in the interest of public safety or for the regulation of traffic.

B. A sign indicating the prohibition or control of fishing, hunting, trespassing, etc.; or signs indicating the private nature of a road are exempt from this Ordinance, provided the area of any such sign does not exceed four (4) square feet.

C. A sign with an area not exceeding three (3) square feet bearing only property number, street address, post box numbers, or the names of occupants in residential districts, provided the characters do not exceed three (3) inches in height.

D. A governmental flag or insignia, provided the area does not exceed fifty (50) square feet.

E. A Christmas tree, other holiday display, or window display of merchandise, except as specifically prohibited herein.

F. Public service and information signs advertising the availability of rest rooms, telephones, or similar public conveniences; also signs advertising meeting times and places of non-profit service or charitable organizations. Any such sign shall not exceed four (4) square feet.

G. Public monuments, historic identification signs or plaques erected by a government agency.

H. One (1) or more signs applied to a windowpane, giving store hours or the name or names of credit or charge institutions, when the total area of any such sign or all signs together does not exceed two (2) square feet.

I. A sign which is a permanent architectural feature of a building or structure, such as a cornerstone, or identifying letters carved into or embossed on a building, provided the letters are not made of a reflective material nor contrast in color with the building.

§27-804. Prohibited Signs.

The following signs are unlawful and are prohibited within the Borough.

A. *Signs That Glare.* A sign that uses any method of illumination that can cause glare is prohibited, except in accordance with the following:

(1) It must be so effectively shielded that glaring beams or rays of light are not directed to any portion of a main-traveled highway.

(2) It must not be internally illuminated so as to obscure and detract from the adjoining properties or impair the vision of any motor vehicle driver, or otherwise interfere with a driver's operation of his motor vehicle.

B. *Signs with Prohibited Words.* No sign may use the words "Stop," "Look," "Danger," or any other word, place symbol, or character which attempts or appears to attempt to direct the movement of traffic or which interferes with, or resembles any official traffic sign, signal, or device within seventy-five (75) feet of a public right-of-way or within two hundred (200) feet of a traffic control device, whichever is greater.

C. *Banner Signs.* Any banner sign or sign of any other type is prohibited across a public street except for such signs which are approved by the Borough Council to be of general benefit to the municipality or for public convenience, necessity or welfare. Banner signs are prohibited on lots of any classification except lots classified as commercial when erected as a temporary promotion or special event sign.

D. *Pennants or Spinners.* Any permanent sign suspended between poles which is either a pennant which blows in the wind or a spinner which spins in the wind is prohibited. Such signs are prohibited on all lots of any classification except lots classified as commercial when erected as a temporary promotion or special event sign.

E. *Red or Green Lights.* Except for traffic control signals, red or green lights are prohibited within seventy-five (75) feet of a public right-of-way or two hundred (200) feet of a traffic control signal, whichever is greater.

F. *Prohibitedly Placed Signs.* Any sign erected or maintained on a tree or utility pole; or painted or drawn on a rock or other natural feature is prohibited.

G. *Posted Signs.* Any sign generally of a temporary nature, tacked, nailed, posted, pasted, hung, glued, or otherwise attached to a tree, pole, stake, light stand, fence, or other object is prohibited, except signs designated as official signs by the Borough.

H. *Illegal Signs.* Any sign erected and maintained prior to the effective date of this Chapter which does not or did not conform to the requirements of the sign ordinance which was in effect prior to the effective date of this amendatory ordinance.

§27-805. Permitted Signs.

The following signs are permitted in the Borough, providing that they meet with the requirements outlined in this Section.

A. *Permitted Permanent Signs.*

(1) The Table of Permitted Permanent Signs lists the type and number of signs permitted in each district and use.

(2) *Permanent Signs.* The following permanent signs may be erected on any lot of any classification as permitted in the respective districts, provided they are erected and displayed in conformance with the following regulations:

TABLE OF PERMITTED PERMANENT SIGNS

TYPE OF PERMANENT SIGNS PERMITTED

District/Uses	Max. # of Signs Permitted/Use	Facia Sign (#)	Free-Standing Sign (#)	Projecting Sign (#)	Nameplate Sign (#)	Wall Sign (#)	Window Sign (#)	Development Sign (#)	Directory Sign (#)	Outdoor Advertising Sign	Roof Sign
R-1 Residential (SF) Institutional Small Scale Ind.	1 1 2	N N N	N Y (1) Y (1)	N N N	Y (1) Y Y	N Y (1) N	N N N	N N N	N N N	N N N	N N N
R-2 Residential (single & two-family) Residential (multi-family) Institutional All other uses	1 2 1 1	N N N N	N N Y (1) Y (1)	N N N N	Y (1) Y (1 occup.) Y Y	N N Y (1) N	N N N N	N N Y (1) N	N N N N	N N N N	N N N N
C-1 Residential Commercial/Office (single occupancy) Commercial/Office (multiple occupancy) All other uses	1 2 2/occup. 2	N Y (1) Y N	N N N N	N Y (1) Y (1) N	Y Y Y Y	N Y (1) Y (1) Y (1)	N N Y (1) N	N N N N	N N N N	N N N N	N N N N
C-2 Residential Commercial (single occupancy) Commercial (multiple occupancy) Institutional Industrial Uses	1 2 1/occup. + 1 lot 1 1/occup. or bld. +1/lot	N Y Y N N	N Y (1) Y (1/lot) Y (1) Y (1)	N N N N N	Y Y Y Y Y	N Y (1) Y (1 occup.) Y (1) Y (1 occup.)	N N Y N N	N N N N N	N N Y (1/lot) N Y (1/lot)	N N N N N	N N N N N
Ind Industrial All other uses	1/occup. or bld. +1/lot 2	N N	Y (1/lot) Y (1)	N N	Y Y	Y (1 occup.) Y (1)	N N	Y (1/lot) N	Y (1/lot) N	Y Y	Y (1) N
Ind-1 Light Industrial All other uses	1/occup. or bld. +1/lot 2	N N	Y (1/lot) Y (1)	N N	Y Y	Y (1 occup.) Y (1)	N N	Y (1/lot) N	Y (1/lot) N	N N	Y (1) N
TC Residential Commercial/Office (single occupancy) Commercial/Office (multiple occupancy) All other uses	1 2 2/occup. 2	N Y (1) Y N	N N N N	N Y (1) Y (1) N	Y Y Y Y	N Y (1) Y (1) Y (1)	N Y (1) Y (1) N	N N N N	N N N N	N N N N	N N N N

(3) *Standard Signs.* There are ten (10) standard signs: facia, freestanding, projecting, wall, window, nameplate, development, directory, outdoor advertising, and roof.

(a) *Facia Sign.* A sign attached to, placed upon, or hung from any structure projecting from and supported by a building, and which extends beyond the facade of the building, such as a canopy, an awning, etc.

1) *Requirements for a Facia Sign.* A facia sign shall have a minimum clearance of eight (8) feet from the sidewalk and shall not extend above the eaves or parapet of the building.

2) *Area and Height for a Facia Sign.* The area of a facia sign shall be limited by the width of the occupant's building facade and the maximum permitted height of a facia sign. No copy of a facia sign shall extend within two (2) feet of the party or end wall of a building. The maximum height of a facia sign shall be two (2) feet as measured from the canopy or awning.

(b) *Freestanding Sign.* A sign permanently supported by an upright pole(s) which is permanently anchored into the ground below the frost line with a footing. An Outdoor Advertising Sign is not considered a Freestanding Sign for purposes of ordinance regulation. Regulations for Outdoor Advertising Signs are provided in Section 27-805.A(3)(i) of the ordinance.

1) *Requirements for Freestanding Sign.* One (1) freestanding sign may be erected on a lot, provided:

a) The sign is set back a minimum of fifteen (15) feet from the street line.

b) Such sign shall be set back at least twenty-five (25) feet from the side property lines and seventy-five (75) feet from any residential district. When the seventy-five (75) foot setback from a residential district cannot be achieved, the sign shall be placed to cause the least visible interference with adjoining residences.

c) Freestanding Signs shall not be permitted where freestanding directory signs are erected.

d) If a structure is located on more than one (1) roadway, one sign may be erected along each frontage, providing that it meets all the requirements of this Section.

2) *Area and Height Restrictions.*

a) *In the C-2, Industrial and Light Industrial Districts.* Area of sign shall not exceed one (1) square foot for each lineal foot of building facade or forty (40) square

feet, whichever is less. Height of sign shall not exceed fourteen (14) feet. The maximum height of a freestanding sign shall be measured from the elevation of the shoulder of the road to the highest point of the sign structure. In the case where there is a sidewalk, the height of the sign shall be measured from the elevation of the sidewalk.

b) *In the R-1 and R-2 Districts.* Area of sign shall not exceed sixteen (16) square feet. Height of the sign shall not exceed seven (7) feet. The maximum height of a freestanding sign shall be measured from the elevation of the shoulder of the road to the highest point of the sign structure. In the case where there is a sidewalk, the height of the sign shall be measured from the elevation of the sidewalk.

c) *Projecting Sign.* A sign which is affixed to any building, wall, or structure and extends more than twelve (12) inches but less than forty-eight (48) inches horizontally from the facade or place of the structure.

1) *Requirements for a Projecting Sign.* One projecting sign may be erected on a lot fronting onto a public right-of-way if that premises has a minimum of fifty (50) lineal feet of frontage onto the public right-of-way.

a) No such sign shall be located within fifteen (15) feet from a side property line or twenty (20) feet from a residentially classified property line.

b) A projecting sign, under which a pedestrian walkway passes, must have at least an eight (8) foot vertical clearance and shall not extend above the eaves or parapet of the building.

2) *Area and Height Requirements.* Area of sign shall not exceed twenty (20) square feet. Height of sign shall not exceed the height of the facade of the building.

(d) *Wall Sign.* A sign mounted parallel to the face of a structure or wall and projecting not more than twelve (12) inches from the place or facade of the structure wall or above the roofline or eaves of the structure.

1) *Requirement for a Wall Sign.* Only one (1) wall sign may be erected for each occupant of a building.

2) *Area Calculation for a Wall Sign.* The maximum area for all wall signs shall be no more than six percent (6%) of the building facade upon which the sign is located.

(e) *Window Sign.* A sign mounted inside or on a window which can be seen from outside the window.

1) *Requirement for a Window Sign.*

a) A window sign shall consist of words or logo or both, but shall not have any painted background.

- b) No permanent window sign shall have flashing lights or a display.
- c) Only one (1) window sign may be erected for each occupant of a building.
- 2) *Area Calculation for a Window Sign.* A window sign may not occupy more than thirty percent (30%) of the total area of the window or glassed area, whichever is larger, in which it is displayed.
- (f) *Nameplate Sign.* A sign indicating the profession, activity, or name of the occupant of a dwelling.
 - 1) *Requirements for a Nameplate Sign.*
 - a) The size shall not exceed two hundred eighty-eight (288) square inches in overall area on one (1) face.
 - b) Not more than one (1) such sign shall be erected for each permitted use of dwelling unit unless such property fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.
 - (g) *Development Signs (Permanent).* A type of freestanding sign, including accessory entrance structure, designed to identify a development.
 - 1) *Requirements for a Development Sign.* A permanent development identification sign may be erected upon application and final approval of the subdivision and land development plans by the Borough Council in accordance with the following regulations:
 - a) When considering such signs, the Borough Council shall consider the location of public utilities, sidewalks and future street widening.
 - b) Signs and entrance structures shall be for identification purposes only and give only the name of the subdivision or land development.
 - c) Only one (1) identification sign or structure may be erected at the entrance to a development or subdivision from each abutting street. Such a sign shall be a single sign with two (2) faces or may be a single-faced sign located on each side of such entrance way.
 - d) Such signs may be illuminated with a steady light, but shall not be animated.
 - e) Such signs must be setback at least twenty-five (25) feet from the side property lines and fifteen (15) feet from the street line.
 - 2) *Area Height for a Development Sign.* The maximum area of a permanent development sign shall not exceed sixteen (16) square feet or a height of nine (9) feet, excluding structural elements and decorative features. The maximum height of a

development sign shall be measured from the elevation of the shoulder of the road to the highest point of the sign structure. In the case where there is a sidewalk, the height of the sign shall be measured from the elevation of the sidewalk.

(h) *Directory*. A type of freestanding or wall sign designed to identify the name and location of multiple occupants on the same lot, commercial or industrial in character, with or without an accompanying map, in order to aid in the internal pedestrian circulation within the lot.

1) *Requirements for a Directory Sign*. For each lot, only one (1) directory sign may be erected for each major parking area or each main entrance to a building, under the following conditions:

a) Directory signs shall conform to all requirements for freestanding signs.

b) Freestanding directory signs shall not be permitted where a freestanding sign is erected.

2) *Area/Height for a Directory Sign*. The maximum area of a directory sign shall not exceed one (1) square foot for each lineal foot of building facade or forty (40) square feet, whichever is less. The maximum height shall not exceed fourteen (14) feet in height. The maximum height of a directory sign shall be measured from the elevation of the shoulder of the road to the highest point of the sign structure. In the case where there is a sidewalk, the height of the sign shall be measured from the elevation of the sidewalk.

(i) *Outdoor Advertising Sign*. A type of freestanding sign which directs attention to a business, industry, profession, commodity, service or entertainment not necessarily sold or offered on the premises where the sign is located.

1) *Requirements for an Outdoor Advertising Sign*. Only one (1) outdoor advertising sign may be erected per lot fronting onto a public right-of-way, provided that:

a) Such lots front onto a public right-of-way classified as arterial.

b) Yard Setbacks.

i) *Right-of-Way*. No outdoor advertising sign or any part thereof shall be erected and maintained within fifty (50) feet of a future public street right-of-way.

ii) *Side or Rear Yards*. No outdoor advertising sign or any part thereof shall be erected and maintained within fifty (50) feet of any side or rear property line.

c) *Minimum Distance Between Signs*. No outdoor advertising sign or any part thereof shall be erected and maintained within one thousand five hundred (1,500)

feet of any other outdoor advertising sign measured from the same side of the road and from the two (2) nearest points perpendicular to the right-of-way.

d) *Minimum Distance from Residential District.* No outdoor advertising sign shall be erected and maintained closer than five hundred (500) feet to any residential district, such measurement to be made from the point of location of the sign to the nearest point of such land along a common right-of-way or to the district boundary.

e) *Minimum Distance from Institutional Property.* No outdoor advertising sign shall be erected and maintained within one hundred fifty (150) feet in either direction along a common right-of-way of a church, school, park, playground, civic or scenic area.

f) *Minimum Distance to a Structure.* No outdoor advertising sign shall be erected and maintained within twenty-four (24) feet of any building.

g) *Minimum Landscaping.* The following plant material shall be planted to landscape outdoor advertising signs.

i) 5 ft. to 6 ft. (at maturity) high evergreen trees planted within a forty (40) foot radius on the sides and rear of the base of the sign.

ii) Four (4) 8 foot to 10 foot high (at maturity) flowering trees planted within a fifty (50) foot radius on the sides of the base of the sign.

iii) One (1) 3 foot to 4 foot high (at maturity) shrub per lineal foot of frontage or forty (40) shrubs, whichever is greater, to be planted in front of the sign.

2) *Area and Height for an Outdoor Advertising Sign.*

a) *Area.* No outdoor advertising sign shall be permitted to exceed a maximum area of one hundred sixty (160) square feet, including border and trim but excluding supports. A sign having two (2) sides back-to-back or a V-shaped sign with a horizontal angle not greater than 45°, is permitted one hundred sixty (160) square feet on each side, or a total maximum area of three hundred twenty (320) square feet.

b) *Height.* No outdoor advertising sign or any part thereof shall exceed twenty (20) feet in height measured from the natural level of ground immediately underneath the proposed outdoor advertising sign.

(j) *Roof Sign.* A sign erected upon the roof or parapet of a building, the entire face of which is situated above the

eaves or highest architectural point of the building to which it is attached and which is wholly or partially supported by said building.

1) *Requirements for a Roof Sign.* Only one (1) roof sign may be erected on a lot fronting onto a public right-of-way.

2) *Area/Height Calculation for a Roof Sign.*

a) *Area.* The maximum area of a roof sign shall not exceed seven and one half percent (7.5%) of the total area of the building facade upon which the roof sign is erected.

b) *Height.* The maximum height that a roof sign may project above the roof line or eaves of a building shall be the equivalent of twenty-five percent (25%) of the height of the facade of the building on which the roof sign is to be erected.

B. *Permitted Temporary Signs.* In addition to permanent signs, the following temporary signs may be erected on any lot, provided they are erected and displayed in conformance with the following regulations.

(1) *Temporary Signs Permitted All Districts.*

(a) One (1) non-illuminated or indirectly illuminated bulletin or announcement board (i.e., cork board) or identification sign for a permitted non-residential building or use, provided that the area of any such sign shall not exceed twelve (12) feet.

(b) One (1) non-illuminated sign advertising the sale or rental of the premises upon which said sign has been erected or one sign indicating that said premises have been sold or rented, provided that the area of any such sign shall not exceed four (4) square feet and such signs shall be removed within twenty (20) days after an agreement of sale or rental has been entered into.

(c) One (1) temporary non-illuminated sign erected in connection with the development or proposed development of the premises by a builder, contractor, developer, or other persons interested in such sale or development; provided, that the area of any such sign shall not exceed four (4) square feet and that the sign shall be removed within twenty (20) days after the last structure has been initially occupied or upon expiration of the building permit, whichever is sooner.

(d) Temporary non-illuminated sign of mechanics or artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided that such sign shall be removed upon completion of work by the mechanic or artisan and the total area of all such signs shall not exceed four (4) square feet.

(e) Non-illuminated signs used for directing patrons, members, or audience to service clubs, churches, or other non-profit organizations,

provided signs indicate only the name of the organization and the place, date, and time of meeting and shall not exceed four (4) square feet in area.

(f) Temporary non-illuminated sign for yard sales may be erected and maintained during the period of and one (1) week prior to yard sales, provided such sign shall be removed upon completion of sale and the total area of such sign shall not exceed three (3) square feet.

(2) *Temporary Signs Permitted Only.*

(a) Temporary signs advertising political parties or candidates for election may be erected or displayed in any district subject to §27-806, provided that:

- 1) The size of any such sign is not in excess of five (5) feet high and eight (8) feet wide.
- 2) The signs shall not be erected or displayed earlier than seventy (70) days prior to the election to which they pertain and shall be removed within five (5) days after the election.
- 3) The owners of lots may allow the display of such signs without permit, registry or fee.
- 4) Whoever posts signs on the property of another without the written consent of the owner or tenant lawfully in possession or occupancy thereof is liable to prosecution under 18 Pa.C.S. §6503 of the Pennsylvania Crimes Code.

(b) A temporary sign or display within a window in conjunction with a promotion, special event, or seasonal sale, provided that:

- 1) Such a sign may be erected only on a lot in commercial use.
- 2) Only two (2) such signs shall be permitted in any window.
- 3) No such sign shall be illuminated.
- 4) No such sign shall be placed where it restricts the view of a permanent window sign.
- 5) No such sign shall exceed forty (40) percent of the total area of the window.

(3) *Permits for Temporary Signs.* The erector of temporary signs permitted under this Section or sponsor of an exhibit, show, event, or proposed development shall apply for and obtain a permit from the Borough Zoning Officer and deposit with the Borough at the time of his/her application a sum as set by resolution of the Borough Council per each one hundred (100) of such signs or fraction thereof, as a guarantee that all such signs will be removed promptly within twenty (20) days after the date of the election, exhibit, show, or event to which such signs relate. Signs for yard sales shall require a deposit of a sum as set by resolution of the Borough Council. At the time of deposit, the erector or authorized agent shall indicate upon which streets such signs are to be located. If such signs are not removed at the end of the twenty (20) day period, the Borough shall cause them to be removed and the deposit guaranteeing removal shall be forfeited to the Borough. In addition, failure to remove such signs as prescribed shall constitute a violation of this Chapter, subjecting offenders to the penalties prescribed in §27-1403 hereof. The intent of this Chapter is to regulate in a constitutional manner the time, place and manner of the posting of temporary sign, and not the content thereof, and to ensure that

obsolescent temporary signs are promptly removed in order to further the objectives stated in §27-801 of this Chapter.

§27-806. General Requirements.

1. *Location of Signs.* A sign may be erected on a lot only if it conforms to this Chapter.

A. *Public Right-of-Way.* In no case, except for a banner sign, shall any sign other than highway or traffic signs be erected within or project out into the present cartway of any street or within ten (10) feet of the shoulder or curb, whichever is greater.

B. *Entrance or Exit to a Building.* No signs shall be erected or installed in such a way as to block or obstruct any exit or entrance including emergency exits or entrances of any building or other structure, nor shall any sign obstruct or interfere with or be attached to any part of any fire escape or fire tower.

C. *Signs on Public Property.* No signs shall be erected or maintained on any property owned by the Borough except with the express permission of the Borough given by the Council at its duly convened public meeting.

D. *Signs Placed in a Parking Area or Fire Lane.* No sign shall be erected or maintained in any parking space or any fire lane so as to obstruct, impede or impair the free use and access of such parking space or fire lane.

E. *Signs That Cause Traffic or Pedestrian Hazards.* No sign shall be placed in such a position that it will be a danger to traffic on a street, or traffic entering a street. All signs shall conform to the following standards:

(1) No sign shall obstruct the sight distance from any vehicle leaving a driveway. The minimum setback from a driveway shall be ten (10) feet from the nearest edge of the driveway to the nearest position of the sign.

Proposed Distance From the Outside Edge of the Shoulder or Curb	Minimum Setback from Driveway	Minimum Height Restriction
Greater than 20 feet	5 feet	0 feet
Less than 20 feet	10 feet	5 feet

2. *General Sign Design Standards.*

A. For lots with more than one (1) frontage onto a public right-of-way, signs for each frontage shall be calculated separately.

B. Each sign shall be erected so that it can be seen most easily from the public right-of-way for which it was calculated.

C. A freestanding or projecting sign having two (2) sides back-to-back on any one 180° horizontal angle, or any V shaped sign with a horizontal angle not greater than 90°, is entitled to the maximum calculated sign area on each side.

D. A sign supported by more than one means (therefore neither a freestanding, wall, nor projecting sign) shall have its area and height calculation determined by that portion of the sign which has the most restrictive standards.

E. The maximum sign area shall include all framing, border, and trim, but it shall not include the structural supports.

F. The maximum and minimum height of a freestanding sign shall be measured from the elevation of the shoulder of the road. In the case where there is a sidewalk, the height of the sign shall be measured from the elevation of the sidewalk.

G. For a projecting, wall, or roof sign, the maximum height shall be determined by the height of the facade of the building or the maximum building height permitted in this Chapter, whichever is smaller.

3. *Copy Area Calculation.* The copy area of all signs, except those listed below shall not exceed 75% of the total area of the sign.

A. The following signs are exempted from this copy area restriction:

(1) Window signs.

(2) Single occupancy residential signs.

(3) Wall signs consisting of single and separate letter or script without an enclosed background, so that the entire wall functions as the background of the sign.

4. *Maintenance.* All signs must be constructed of durable materials and must be kept in good condition and repair at all times.

§27-807. Permit Requirements of Signs.

All new signs shall have a sign permit indicating compliance with the requirements and regulations of this Chapter. No sign, except for those exemptions designated below, shall be erected or altered until such a permit has been issued.

A. Exemptions. The following signs shall be exempt from the requirements for a sign permit, provided they conform to the requirements and regulations of this Chapter and have no electrical parts or usage:

(1) Any sign listed in §27-803, "Signs Exempt from this Chapter."

(2) A permanent residential sign.

(3) A temporary real estate sign.

(4) A temporary mechanics or artisans sign.

B. Application Requirements.

(1) To obtain a sign permit, an applicant shall make application on a form provided by the Borough.

(2) A sketch of the proposed sign(s) including the following information:

(a) Name and address of owner.

(b) Name and address of applicant.

(c) Date and scale (at 1/8" per foot or greater).

(d) Location of the lot, building, and proposed sign in relation to each public right-of-way, building and driveway.

(e) An elevation of the building facade (1/8" or 1/4" = 1') including the location, height and dimensions of the proposed sign(s).

(f) Copy area and ratio to sign area.

(g) All applicable sign requirements.

§27-808. Nonconforming Signs.

Any sign existing and lawful at the time of the passage of this Chapter that does not conform to use, location, height, or size with the regulations of the district in which such sign is

located, shall be considered a non-conforming sign and may continue in use in its present location. Non-conforming signs may be replaced, repainted or repaired provided that such replacement, repainting or repair does not increase the extent of the non-conformity existing on the effective date of this Chapter.

§27-809. Definitions.

Area of a Sign - the area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed (but not including any supporting framework and bracing which are incidental to the display itself).

Outdoor Advertising Sign - billboard.

Copy - any letter, number, symbol, figure, character, mark, plan, design, picture, stroke, stripe, trade mark or combination thereof.

Copy Area of a Sign - the actual area taken up by the letters, numbers, words and symbols on a sign, computed by drawing parallel lines as close as possible around the letters, numbers, words and symbols.

Eaves - the lowest horizontal line of a sloping roof.

Erect - to build, construct, attach, hang, suspend, affix, alter, structurally repair, remove, relocate, demolish, modernize or to paint on a wall.

Frontage - the portion of a premises which abuts a public right-of-way measured in lineal feet.

Occupant (occupancy) - the legal account of a building or premises licensed to engage in a business, occupation, or profession, or exempt from license due to governmental, educational, religious or other privileged status.

Occupant, single - only one (1) legal occupant per a premise or lot.

Occupant, multiple - two (2) or more occupants per a premises or lot.

Parapet - the top of a building wall or facade which is raised above the roof.

Person - any person, firm, partnership, association, corporation, company or organization of any kind.

Portable Sign - see "temporary signs."

Premises - any individual tax map parcel within the Borough as determined by the Bucks County Recorder of Deeds.

Roof Line - the highest continuous horizontal line of a roof. On a sloping roof, the roof line is the principal ridge line, or the highest line common to one (1) or more principal slopes of roof. On a flat roof, the roof line is the highest continuous line of the roof.

Sign - any copy so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, which is used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article or merchandise, and is displayed in any manner whatsoever which can be seen from the right-of-way of a public street or highway, including permanent window signs placed inside windows to attract attention of those outside in the public right-of-way.

Part 9

Nonconformities

§27-901. Registration of Nonconforming Uses and Structures.

The Zoning Officer shall, upon adoption of this Chapter or amendment thereof, identify and register all nonconforming uses and structures when possible.

§27-902. Continuation.

The lawful use of a building or structure, or the lawful use of any land as existing and lawful at the time of the enactment of this Chapter, or in the case of an amendment to this Chapter, then at the time of such amendment, may be continued except as hereinafter provided, although such use does not conform to the provisions of this Chapter or subsequent amendments.

§27-903. Extension or Alteration.

1. Non-conforming structures may be altered, reconstructed, or enlarged, provided that such alteration, reconstruction, or enlargement does not increase the extent of the non-conformity existing on the effective date of this Chapter. In the case of a non-conforming structure which is used by a non-conforming use, such alteration, extension, or enlargement shall also meet the requirements of subsection 3. of this Section.

2. Non-conforming lots are subject to the applicable provisions of §27-701.2.B, "Exceptions to Minimum Lot Size" and §27-701.3.B, "Exceptions to Minimum Lot Width."

3. Non-conforming uses shall not be altered, reconstructed, extended or enlarged, except in accordance with the following provisions:

A. Such alterations, reconstruction, extension, or enlargement shall be only upon the same lot as in existence at the date the use became nonconforming, and shall be prohibited from encroaching on another parcel or land subsequently added to the original parcel.

B. Any increase in volume or area shall not exceed an aggregate of more than fifty percent (50%) of the volume or area existent at the date the use became non-conforming, during the life of the non-conformity, and in any event shall be permitted only by special exception under the provisions of Part 12, "Zoning Hearing Board." Structures or land uses that have reached their maximum expansion allowance under previous Chapters are not eligible for any increase in volume or area under this Chapter.

C. All other uses or structures that do not conform with the other requirements of this Chapter and the district in which it is located, may not be extended more than one hundred percent (100%) in floor area, land area, or building volume. Such extension shall be permitted only by special exception.

§27-904. Restoration.

A non-conforming building, or any building containing a non-conforming use less than seventy-five (75%) destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed and used for the same non-conforming use, provided that

reconstruction of the building shall be commenced within one (1) year and completed within two (2) years from the date the building was destroyed or condemned. No further expansion of the original non-conforming use will be permitted.

§27-905. Ownership.

It is the intent of this Section to insure that the level of nonconformity is not increased when a non-conforming use is transferred or sold. Whenever a lot, which is non-conforming by virtue of use, except agricultural land or residential uses, is transferred or sold to a new owner, a previously non-conforming use may be continued by the new owner after review by the Borough Council. The landowner shall prove that the level of nonconformance will not be increased or changed. Should the landowner propose any changes or alterations to the non-conforming use, the Borough Council may impose conditions regarding layout, circulation, and performance it deems necessary to insure that the change or alteration is in the best interest of the Borough, the convenience of the community, and the public welfare. The landowner may appeal such conditions to the Zoning Hearing Board subject to the provisions of Part 13 of this Chapter.

§27-906. Abandonment.

If a non-conforming use of a building or land is abandoned for a continuous period of one (1) year, subsequent use of such building or land shall be in conformity with the provisions of this Chapter. For the purposes of this Chapter, abandonment shall commence when the nonconforming use ceases.

§27-907. Changes.

Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another non-conforming use only under all of the following conditions:

- A. Such change shall be permitted only as a special exception by the Zoning Hearing Board.
- B. The applicant shall show that a non-conforming use cannot reasonably be changed to a permitted use.
- C. The applicant shall show that the proposed change will be less objectionable in external effects than the existing non-conforming use, with respect to:
 - (1) Traffic generation and congestion including truck, passenger car, and pedestrian traffic.
 - (2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
 - (3) Storage and waste disposal.
 - (4) Appearance.

Part 10

Conditional Uses and Other Matters for Borough Council

§27-1001. Applicability of Conditional Uses.

1. Jurisdiction. Dublin Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approvals of planned residential developments under Article VII pursuant to the provisions of §702 of the Act.

B. All applications pursuant to §508 for approval of subdivisions or land developments under Article V of the Act.

C. Applications for conditional use under the express provisions of this Chapter pursuant to §603(c)(2) of the Act.

D. Applications for curative amendment to a zoning ordinance pursuant to §§609.1 and 916.1(a)(2) of the Act.

E. All petitions for amendments to land use ordinances. Any action on such petitions shall be deemed legislative acts.

F. Other matters vested in Bucks County by the Act.

2. Borough Council Functions; Conditional Uses. Dublin Borough shall hold hearings on and decide requests for conditional uses in accordance with specified standards and criteria. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the Act and this Chapter.

§27-1002. General Conditions for Conditional Uses.

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

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

A. In accordance with the Dublin Borough Comprehensive Plan.

B. In the best interests of the Borough, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity.

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

D. In conformance with all applicable requirements of this Chapter and all Borough ordinances.

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

F. In accordance with sound standards of subdivision and land development practice where applicable.

3. Review of Conditional use by the Planning Commission. The Borough Council shall request an advisory opinion from the Planning Commission on any application for a conditional use; the Planning Commission is to submit a report of such advisory opinion prior to the date of the public hearing held by the Borough Council or an application the Planning Commission may request a report from the Borough Engineer.

§27-1003. Application Requirements for Conditional Uses.

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

2. The application shall be accompanied by plans and other materials describing the use or development proposed. Such plans and other materials shall provide a sufficient basis for evaluating the applicants' requests. Information required by this Chapter shall accompany the application.

3. Application Requirements for Conditional Uses. The applicant shall pay for the cost of a conditional use hearing. These costs shall include, but not be limited to:

- A. Stenographer's fee.
- B. Solicitor's fee and other related legal costs.
- C. Advertising costs.
- D. Borough Office administration costs.
- E. All other costs incurred by the Borough in holding hearings.

§27-1004. Review Procedures for Conditional Uses.

The Borough Council shall conduct hearings and make decisions in accordance with the following:

A. The parties to the hearing shall be the Municipality, any persons affected by the application who have made timely appearance of record, and any other persons including representatives of civic or community organizations permitted to appear by the Borough Council. The Borough Council may require that all persons who wish to be considered parties enter appearances in writing on forms provided for that purpose.

B. The chairman or acting chairman 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.

C. 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.

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

E. A stenographic record and transcript of the proceedings shall be kept, and copies of graphic or written material received in evidence shall be made available to any party, at cost.

F. The Borough Council shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and where all parties have opportunity to participate. The Borough Council shall not take

notice of any communication, report, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearing with any party unless all parties are given an opportunity to be present.

G. The Borough Council shall render a written decision on the application within 45 days after the last hearing before the Borough Council. Conclusions based on the provision of any act of the Commonwealth, or ordinance, rule or regulation, shall contain a reference to the provisions relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the Borough Council fails to render its decision within 45 days, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing to an extension of time.

H. A copy of the final decision of the findings shall be delivered to the applicant personally or mailed to him via certified or registered letter not later than the day following its date. To all other persons who have filed their name and address with the board, prior to the close of the hearings, the Board shall mail a brief notice of the decision or findings and a notice of the place where they may examine the full decision or findings.

Part 11

Administration

§27-1101. Zoning Officer; Duties and Powers.

1. The provisions of this Chapter shall be administered and enforced by the Zoning Officer, who shall be appointed by the Borough Council.
2. It shall be the duty of the Zoning Officer and he/she shall have the power to:
 - A. Receive and examine all applications for zoning permits.
 - B. Process zoning permit applications or uses listed and described in Part 5.
 - C. The Zoning Officer shall issue permits only where there is compliance with the provisions of this Chapter, with other Borough ordinances, and with the laws of the Commonwealth. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits requiring approval by the Borough Council shall be issued only after receipt of approval from the Borough Council.
 - D. Receive applications for conditional uses, curative amendments, and zoning changes, forwarding requests to the Borough Council, Planning Commission and other appropriate agencies.
 - E. Receive applications for special exceptions and variances and to forward these applications to the Zoning Hearing Board for action thereon.
 - F. Following refusal of a permit, to receive applications for interpretation, appeals and variances. These applications will then be forwarded to the Zoning Hearing Board for action thereon.
 - G. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Chapter.
 - H. Issue stop, cease and desist orders, and order in writing correction of all conditions found to be in violation of the provisions of all applicable Borough ordinances. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Chapter. It shall be unlawful for any person to violate any such order issued lawfully by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Chapter.
 - I. With the approval of the Borough Council, or when directed by them, institute in the name of the municipality any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation, so as to prevent the occupancy or use of any building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.
 - J. Revoke any order or zoning permit issued under a mistake of fact, or contrary to the law or the provisions of this Chapter.
 - K. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be a public record.

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

M. In the case of applications for zoning permits for uses listed in Part 5, with the exception of single-family detached dwelling accessory other than home occupations, the Zoning Officer shall refer subject applications to the Planning Commission, and when directed to do so by the Borough Council, to the Borough Engineer for review.

N. Register non-conforming structures, uses and lots in accordance with provisions of Part 9.

§27-1102. Duties of the Dublin Borough Planning Commission.

The Planning Commission shall review applications for Zoning Permits referred to it under §27-1101.M to ensure compliance with the terms of this Chapter and other such applications as referred to in §27-1101.D. In reviewing such applications, the Planning Commission shall follow the same procedure employed in reviewing subdivision or land development plans. The Planning Commission shall submit its recommendations and findings to the Borough Council within 30 days of receipt of the application from the Zoning Officer. Should the Planning Commission fail to submit a report and recommendations to the Borough Council within 45 days from receipt of the application from the Zoning Officer, the application shall be deemed acceptable to the Planning Commission.

§27-1103. Zoning Permits Required.

Hereafter, no use listed in Part 5 may be established or changed; no structure shall be erected, constructed, reconstructed, altered, razed, removed, and no building used or occupied, or changed in use, until a zoning permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, alteration, or moving of structures, the applicant shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work or occupancy and use have been inspected and approved as being in conformity with the provisions of this Chapter.

§27-1104. Application Requirements for Zoning Permits.

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

A. A statement as to the proposed use of the building or land.

B. A site layout drawn to scale showing the location, dimensions, and height of proposed buildings, structures, or uses and any existing buildings in relation to property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.

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

D. The location, size, arrangement, and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.

E. The dimensions, location, and methods of illumination for signs, if applicable.

F. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.

G. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.

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

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

J. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.

K. Any other data deemed necessary by the Zoning Officer, Planning Commission or Borough Council to enable them to determine the compliance of the proposed development with the terms of this Chapter.

2. No permit for any new use or construction which will involve the on-site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, shall be issued until a certificate of approval has been issued by the Bucks County Department of Health.

§27-1105. Fees.

All applicants for zoning permits, special exceptions, and interpretation and variance appeals shall, at the time of making application, pay to the Zoning Officer for use of the Borough a fee in accordance with a fee schedule adopted by resolution of the Borough Council upon the enactment of this Chapter or as such schedule may be amended by resolution of the Borough Council.

§27-1106. Life of a Permit.

Any erection, construction, reconstruction, alteration, or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced, and

any change in use of a building or land authorized by a zoning permit shall be undertaken within 1 year after the date of issuance of the permit. If not, the permit shall be considered null and void. However, in case of erection or construction of a building, the right to proceed with construction may be extended annually without additional fees for an aggregate period of not more than three (3) years; provided, that the construction pursuant to said permit has commenced within the first one (1) year period.

§27-1107. Certificate of Occupancy.

1. Hereafter no structure erected, constructed, reconstructed, extended or moved, and no land or building changed in use under a zoning permit, shall be occupied or used in whole or in part for any use whatsoever, until the owner or authorized agent has been issued a certificate of occupancy by the Zoning Officer, indicating that the building or use complies with the terms of zoning as provided in this Chapter.

2. No certificate shall be issued until the premises in question have been inspected and found by the Zoning Officer to be in compliance with this Chapter. No fee shall be charged for a certificate of occupancy.

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

§27-1108. Appeals of Reports, Determination and Decisions.

General Rule. The intent of this Part as amended, is to follow the structure of the Act in order to eliminate multiple or cross-appeals. There is no appeal from a “report.” A “determination” is a response to an application to an administrative officer which constitutes a final decision in the administration of this Chapter. These bodies make decisions which are appealable to court under the Act.

Part 12

Zoning Hearing Board

§27-1201. Establishment of Zoning Hearing Board.

A Zoning Hearing Board is established under the Act.

§27-1202. Members, Terms of Office.

1. The membership of the Dublin Zoning Hearing Board shall consist of five residents of the Borough appointed by Borough Council. The terms of office shall be five (5) years. Members of the Board shall hold no other office in the Borough. The terms shall be fixed so that the term of office of one member shall expire every year.

2. Alternate Members.

A. The Borough Council may appoint by resolution at least one, but no more than three, residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years.

B. Alternate members shall hold no other office in the Borough. Any alternate member may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor receive any compensation (if compensation exists) unless designated as a voting alternate member.

C. If, by reason of absence or disqualification of a Board member, a quorum is not reached the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate member was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate member shall be made on a case by case basis in rotation according to declining seniority among all alternates.

§27-1203. Removal of Members.

Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§27-1204. Organization of Board.

1. The Board shall elect from its own membership its officers, who shall serve annual terms as such, and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but 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 §908 of the Act.

2. If, by reason of absence or disqualification of a member, a quorum is not reached the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue

to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate shall be made on a case by case basis in rotation according to declining seniority among all alternates.

3. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the municipality and shall submit a report of its activities to the Borough as requested by the Borough.

4. Expenditures for Services. Within the limits of funds appropriated by Dublin Borough, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by Dublin Borough, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Dublin Borough [Council]. Alternate members of the Board may receive compensation, as may be fixed by Dublin Borough, for the performance of their duties when designated as alternate members pursuant to §1202(1), but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Dublin Borough Zoning Hearing Board.

§27-1205. Powers and Duties; Interpretation.

Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall decide any questions:

A. Involving the interpretation of any provisions of this Chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

B. Where it is alleged there is error in any order, requirement, decision, or determination including any order requiring an alleged violation to stop, cease and desist, made by the Zoning Officer in the enforcement of this Chapter.

C. An appeal of the decision of the Zoning Officer will not act as a stay of a cease and desist order.

§27-1206. Zoning Hearing Board's Functions; Variances.

1. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made, where relevant, in a given case:

A. That there are unique physical circumstances of 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 this Chapter in the neighborhood or district in which the property is located.

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

- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E. 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.

2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Act and this Chapter.

§27-1207. Powers and Duties; Special Exceptions.

1. *Functions.* Where this Chapter states special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Act and this Chapter.

2. *Conditions and Standards.* In granting a special exception, the Zoning Hearing Board shall make findings of fact consistent with the provisions of this Chapter. The Board shall not approve a special exception except in conformance with the conditions and standards outlined in this Chapter.

3. *The General Requirements and Standards Applicable to All Special Exceptions.* The Board shall grant a special exception only if it finds adequate evidence presented by the applicant that the proposed special exception is duly authorized under provisions of this Chapter, that the application falls within the terms of the specific provisions allowing for special exceptions, and that the proposed use complies with all other requirements of this Chapter. The Zoning Hearing Board shall refuse an application for special exception where opponents to the application establish by a preponderance of evidence that the application is contrary to the health, safety, and morals or general welfare of the community at large. The Zoning Hearing Board, in granting a special exception, may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Chapter. The Board shall, among other things, require that any proposed use and location be:

- A. In accordance with the Dublin Borough Comprehensive Plan and consistent with the spirit, purposes and the intent of this Chapter.
- B. In the best interests of the Borough, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity.
- C. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
- D. In conformance with applicable requirements of this Chapter.
- E. Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
- F. In accordance with sound standards of subdivision and land development practice where applicable.

4. The Zoning Hearing Board may impose whatever conditions regarding layout, circulation, and performance it deems necessary to ensure that any proposed development will secure substantially the objectives of this Chapter.

5. *Applicability of Special Exceptions.* The Zoning Hearing Board shall have the power to approve special exceptions when this Chapter specifically requires the obtaining of such approval and for no other purpose. [Ord. 187]

6. *General Conditions for Special Exceptions.* In granting a special exception, the Zoning Hearing Board shall make findings of fact consistent with the provisions of this Chapter. The Zoning Hearing Board, in approving a special exception, may attach such reasonable conditions and safeguards in addition to those expressed in this Chapter as it may deem necessary to implement the purposes of this Chapter.

A. The Zoning Hearing Board shall grant a special exception only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements, as well as any specific requirements and standards listed herein for the proposed use. The Zoning Hearing Board shall, among other things, require that any proposed use and location be:

(1) In accordance with the Dublin Borough Comprehensive Plan.

(2) In the best interests of Dublin Borough, the convenience of the community, the public welfare and be a substantial improvement to the property in the immediate vicinity.

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

(4) In conformance with all applicable requirements of this Chapter and all Borough ordinances.

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

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

B. The Zoning Hearing Board shall request an advisory opinion from the Planning Commission on any application for a special exception; the Planning Commission is to submit a report of such advisory opinion prior to the date of the public hearing held by the Zoning Hearing Board on an application. The Planning Commission may request a report from the Borough Engineer.

7. *Application Requirements for Special Exceptions.* Special exception applications shall be governed by the following:

A. The landowner shall make a written request to the Zoning Hearing Board that it hold a hearing on his application. The request shall contain a statement reasonably informing the Zoning Hearing Board of the matters that are in issue.

B. The application shall be accompanied by plans and other material describing the use or development proposed. Such plan and other materials shall provide a sufficient basis for evaluating the applicant's request. Information required by this Chapter shall accompany the application.

C. The Zoning Hearing Board shall hold a hearing upon the request, commencing not later than 60 days after the request is filed, unless the applicant requests or consents in writing to an extension of time.

8. *Review Procedures for Special Exceptions.* The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following:

A. The parties to the hearing shall be Dublin Borough, any persons affected by the applicant who have made timely appearance of record, and any other persons, including representatives of civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board may require that all persons who wish to be considered parties enter appearances in writing on forms provided for that purpose.

B. The Chairman or Acting Chairman 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 and papers, including witnesses and documents requested by the parties.

C. 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.

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

E. A stenographic record and transcript of the proceedings shall be kept, and copies of graphic or written material received in evidence shall be made available to any party, at cost.

F. The Zoning Hearing Board shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and where all parties have opportunity to participate. The Zoning Hearing Board shall not take notice of any communication, report, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearing with any party unless all parties are given an opportunity to be present.

G. The Zoning Hearing Board shall render a written decision on the application within 45 days after the last hearing before the Zoning Hearing Board. Conclusions based on the provision of any Act of the Commonwealth or ordinance, rule or regulation shall contain a reference to the provisions relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the Zoning Hearing Board fails to render its decision within 45 days, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing to an extension of time.

H. A copy of the final decision of the findings shall be delivered to the applicant personally or mailed to him via certified or registered letter no later than the day following its date. To all other persons who have filed their name and address with the Board, prior to the close of the hearing, the Boards shall mail a brief notice of the decision or findings and a notice of the place where they may examine the full decision or findings.

§27-1208. Hearings.

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as shall be designated by Ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provisions, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing.

A. Dublin Borough may prescribe reasonable fees by resolution with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

B. The first hearing before the Board or hearing officer shall be commenced within 60 days from the date of receipt of the applicants application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within 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 100 days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall ensure that the applicant receives at least 7 hours of hearings within 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicants case-in-chief. An applicant may, upon request, be granted additional hearing 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 of the record by the applicant and Borough be granted additional hearings to complete their opposition to the application provided the applicant be granted an equal number of additional hearings for rebuttal.

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

3. The parties to the hearing shall be Dublin Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations, permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearance in writing on forms provided by the Board for that purpose.

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.

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.

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

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

8. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be resent.

9. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. When 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, 53 P.S. §10101 et seq., 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. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make representations thereon to the Board prior to final decision or entry of findings, and the Board's decisions shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under §916.1 of the Municipalities Planning Code, 53 P.S. §10916.1, where the Board fails to render a decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in subsection 1.B, 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 as provided in subsection .1 of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

§27-1209. Powers and Duties; Unified Appeals.

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

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to §§609.1 and 916.1(a)(2) of the Act.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of Dublin Borough and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to Court.

C. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

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

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the Act.

F. Applications for special exceptions under this Chapter or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1.

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

H. Appeals from the Zoning Officer's determination under §916.2 of the Act.

I. Appeals from the determination of the Zoning officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as they relate to development not involving Articles V or VII (of the Act) applications.

§27-1210. Zoning Hearing Board Powers and Duties; Procedural Appeals.

1. The Dublin Borough Zoning Hearing Board shall hear challenges regarding minor procedural questions or alleged defects in the process of enactment or adoption to this Chapter or any amendment to this Chapter. These challenges must be raised within 30 days after the effective date of this Chapter or amendment of this Chapter by certified or registered mail to the Borough Manager.

2. Minor procedural challenges include, but are not limited to, advertising and/or notification requirements.

§27-1211. Zoning Hearing Board Powers and Duties; Appeal of Engineer or Zoning Officer in Certain Classes.

The Board shall hear challenges to the determination of the Zoning Officer and/or the Engineer regarding the following NOT involving a subdivision or planned residential development. Such challenges include issues over:

- A. Sedimentation and erosion control.
- B. Stormwater management.

Part 13

Appeals and Amendments

§27-1301. Land Use Appeals.

The procedures set forth in the Act shall constitute the exclusive mode for securing review of any decision rendered or deemed to have been made under this Chapter.

§27-1302. Validity of Chapter; Procedural Questions.

Questions of an alleged defect in the process of enactment or adoption of any ordinance or map shall be raised by an appeal taken directly from the action of the Dublin Borough Council to the Bucks County Court of Common Pleas not later than 30 days from the effective date of the ordinance or map.

§27-1303. Validity of Ordinance; Substantive Questions.

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 or development of land in which he has an interest shall submit the challenge either:

A. To the Zoning Hearing Board under §909.1(a) of the Act.

B. To the Borough Council under §909.1(b)(4) of the Act, together with a request for a curative amendment under §609.1 of the Act.

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 on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under §909.1 (a) (1) of the Act.

3. The submissions referred to in subsections .1 and .2 shall be governed by the following:

A. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment under §609.1 of the Act, his application to the Borough Council shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.

B. If the submission is made by the landowner to the Borough Council under subsection .1.B, the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.

C. If the submission is made to the Borough Council, the Borough Solicitor shall represent and advise it at the hearing or hearings referred to in Section 909.1(b)(4) of the Act.

D. The Borough Council may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.

E. Based upon the testimony presented at the hearing or hearings, the Borough Council or the Zoning Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by a Borough Council is found to have merit, the Borough Council shall proceed as provided in §609.1 of the Act. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

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

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

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

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

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

F. The Borough or the Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing.

G. If the Borough or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in paragraph (6), a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.

4. The Zoning Hearing Board or Borough, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.

5. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.

6. The challenge shall be deemed denied when:

A. The Zoning Hearing Board or Borough, as the case may be, fails to commence the hearing within the time limits set forth in subsection 4.

B. The Borough notifies the landowner that it will not adopt the curative amendment.

C. The Borough adopts another curative amendment which is unacceptable to the landowner.

D. The Zoning Hearing Board or Borough, as the case may be, fails to act on the request forty –five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and the Borough.

7. Where, after the effective date of this Chapter, a curative amendment proposal is approved by the grant of a curative amendment application by the Borough pursuant to §909.1(b)(4) of the Act or a validity challenge is sustained by the Zoning Hearing Board pursuant to §909.1(a)(1) of the Act or the Court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary or tentative approval pursuant to Articles V or VII of the Act. Within the two (2) year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of §508(4) of the Act shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one (1) year within which to file for a building permit. Within the one (1) year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the Court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

§27-1304. Validity of Ordinance; Substantive Questions; Appeals by Persons Aggrieved.

In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under §914.1 of the Act by the following procedure:

A. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.

B. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such

notice shall include a general description of the proposed use or development and its location, by some readily-identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under §914.1 of the Act and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

§27-1305. Power of Amendment.

The Borough Council may from time to time amend, supplement, change, modify, or appeal this Chapter, including the Zoning Map. When doing so, the Borough Council shall proceed in the manner prescribed in this Part.

§27-1306. Who May Initiate.

Proposals for amendment, supplement, change, modification or repeal may be initiated by the Borough Council on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

A. If the amendment is prepared by other than the Dublin Borough Planning Commission, the Borough Council shall submit the amendment to the Dublin Borough Planning Commission at least thirty (30) days prior to the public hearing to be conducted by Borough Council to provide the Dublin Borough Planning Commission an opportunity to submit recommendations.

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

(2) Any amendment affecting a zoning map change shall be conspicuously posted at the Dublin Borough Municipal Building and properties directly affected by the zoning map change at least seven (7) days prior to the date of the hearing to notify potentially interested citizens.

(3) Before voting on enactment of the proposed amendment, Borough Council must hold a public hearing with proper public notice.

(4) Proper notice shall be considered publishing the proposed amendment or a summary of the proposed amendment in one newspaper of general circulation not more than sixty (60) days nor less than seven (7) days prior to passage.

(5) Borough Council must vote to enact the proposed amendment within sixty (60) days of publication notice and ninety (90) days of the last public hearing. If the scheduled date of the vote is later than one of the aforementioned requirements, then either another advertisement or public hearing, as appropriate, must be accomplished.

(6) If substantial changes are made to the proposed amendment, the Borough Council shall re-advertise the revised proposed amendment one time at least ten (10) days prior to the scheduled date of enactment with a brief summary of all of the proposed amendment's provisions, together with a summary of the changes.

(7) Within thirty (30) days after enactment, a copy of the amendment of the ordinance shall be forwarded to the Bucks County Planning Commission.

B. Proposals Originated by the Planning Commission. The Planning Commission may at any time transmit to the Borough Council any proposal for the amendment, supplement, change, modification, or repeal of this Chapter.

C. Proposals Originated by a Citizen's Petition. Each petition by one or more owners of property to be affected by a proposal for amendment, supplement, change or modification shall be signed and acknowledged, and submitted in writing to the Secretary of the Borough Council. On receipt of said petition, the Borough Council shall transmit a copy of the petition to the Planning Commission.

D. Within thirty (30) days after its submission to the Planning Commission, the Commission shall submit to the Borough Council a report containing the Commission's recommendation, including any additions to or modifications of the original proposal.

§27-1307. Impact Statement for Proposed Amendments.

Proposals for amendment shall include a detailed impact statement. A change of zoning generally means a deviation from the previously planned growth pattern of the Borough. Such changes invariably have an impact on the community, on the environment or on taxes. A detailed statement of these impacts is therefore to be submitted with a citizen's petition pursuant to this Part. Such statement shall contain the following:

- A. Transportation impact.
- B. Sewer facilities impact - Use Department of Environmental Resources format.
- C. Water facilities and supplies impact.
- D. School services impact.
- E. Other public facilities impact.
- F. Regional housing needs impact. This is to include some statement of impact in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter.
- G. Natural resources impact - This is to include the following:
 - (1) Soils.
 - (2) Slopes.
 - (3) Woodlands.
 - (4) Wetlands.
 - (5) Floodplains.
 - (6) Aquifers.
 - (7) Other natural resources and features.
- H. Environmental impact.
- I. Impact on preservation of agriculture and other land uses essential to public health and welfare.

§27-1308. Hearing, Amendment, Notice.

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

2. In the case of an amendment other than that prepared by the planning agency, the Borough shall submit each such amendment to the planning agency at least 30 days prior to the hearing on such proposed amendment to provide the planning agency an opportunity to submit recommendations.

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

Part 14

Enforcement

§27-1401. Jurisdiction.

Unless otherwise provided by law or in this Chapter, no building or structure shall be constructed, erected, or extended, and no building, structure, or land shall be used or occupied, except for the purposes permitted herein.

§27-1402. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Chapter, the Borough Council or the Zoning Officer, with the approval of the Borough Council, may institute in the name of the Borough any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, 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. The rights and remedies provided in this Chapter are cumulative and are in addition to all other remedies provided by law.

§27-1403. Enforcement Notice and Remedies.

1. Enforcement Notice.
 - A. If it appears to Dublin Borough that a violation of the Zoning Ordinance enacted under the Act or prior enabling laws has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
 - B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
 - C. An enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom the Borough intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing, in each instance, the applicable provisions of the ordinance.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
2. *Enforcement Remedies.*

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this or predecessor Zoning Ordinances enacted under the Act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$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 payable until the dates 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 such violation until the 5th day following the date of the determination of a violation by the district justice, and, thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of Zoning Ordinances shall be paid over to the Borough.

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

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

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