

Chapter 27

Zoning

Part 1

Title, Purpose, and Interpretation

- §27-101. Title
- §27-102. Short Title
- §27-103. Purpose
- §27-104. Interpretation

Part 2

Definitions

- §27-201. General
- §27-202. Definitions

Part 3

Community Development Objectives

- §27-301. Community Development Objectives

Part 4

Districts

- §27-401. Establishment of Districts
- §27-402. Classes of Districts
- §27-403. Zoning Map
- §27-404. Interpretation of District Boundaries

Part 5

Use Regulations

- §27-501. Applicability of Regulations
- §27-502. Uses by Right, Uses by Special Exception, and Conditional Uses
- §27-503. Uses Are Subject to Other Regulations
- §27-504. Temporary Accessory Uses
- §27-505. General Performance Standards
- §27-506. Table of Uses and Regulations

Part 6

General Regulations Applicable to All Districts

- §27-601. District Regulations
- §27-602. Lot Area and Yards Required
- §27-603. Spacing of Nonresidential Buildings on the Same Lot
- §27-604. Minimum Lot Area

§27-605.	Minimum Lot Width
§27-606.	Exceptions to Minimum Lot Areas and Lot Widths
§27-607.	Traffic Visibility Across Corners
§27-608.	Front and Side Yards of Corner Lot
§27-609.	Front Yard Regulations
§27-610.	Street Classification
§27-611.	Street Right-of-Way and Cartway Widths
§27-612.	Projections into Front Yards
§27-613.	Fences
§27-614.	Exception to Required Front Yard for Certain Accessory Uses
§27-615.	Front Yard Reduction
§27-616.	Side Yard Requirements
§27-617.	Side and Rear Yard Exception for Secondary Entrances and Exits from Habitable Basements
§27-618.	Rear Yard Requirements
§27-619.	Maximum Heights of the Buildings
§27-620.	Height Exceptions of Maximum Regulations
§27-621.	Building Coverage
§27-622.	Accessory Structures
§27-623.	Environmental Protection Standards
§27-624.	Protection of Areas with Natural Resource Restrictions
Table	Area and Dimensional Requirements

Part 7 Parking

§27-701.	General Regulations Applying to Required Off-Street Parking Facilities
§27-702.	Design Standards for Nonresidential Parking
§27-703.	Parking Requirements for Uses
§27-704.	Off-Street Loading
§27-705.	Design and Layout of Off-Street Loading Facilities

Part 8 Signs

§27-801.	Definition of Sign
§27-802.	Location of Sign
§27-803.	Types of Signs
§27-804.	Area of Sign
§27-805.	Definition and Restrictions on Illumination of Signs
§27-806.	Permit Requirements for Signs
§27-807.	Signs Permitted in the R-1, R-2, R-3 and R-4 Residence Districts
§27-808.	Signs Permitted in the Industrial-Commercial (I-C and I-C 2) Districts and the Limited Industrial (L-I) District
§27-809.	Signs Permitted in the B-C Borough-Commercial Districts
§27-810.	General Sign Regulations

Part 9 Historic District Protection

- §27-901. Purpose
- §27-902. Creation of Ivyland Borough Historic Overlay District
- §27-903. Regulations Applicable to Buildings and Structures Within the Historic District
- §27-904. Violations, Penalties and Enforcement

**Part 10
Nonconformities**

- §27-1001. Definitions
- §27-1002. Continuation
- §27-1003. Alteration or Extension
- §27-1004. Restoration
- §27-1005. Abandonment
- §27-1006. Changes
- §27-1007. Displacement
- §27-1008. District Changes
- §27-1009. Nonconforming Use, Structure, and Lot Registration

**Part 11
Administration**

- §27-1101. Zoning Officer; Powers and Duties
- §27-1102. Zoning Permits Required
- §27-1103. Application Requirements for Zoning Permits
- §27-1104. Fees
- §27-1105. Life of a Permit
- §27-1106. Conditional Use Permit

**Part 12
Zoning Hearing Board**

A. Establishment, Membership and Organization

- §27-1201. Establishment and Membership
- §27-1202. Organization of the Zoning Hearing Board

B. Procedures Before the Board

- §27-1211. Hearings
- §27-1212. Persons Entitled to Initiate Action Before the Board
- §27-1213. Manner of Initiating Action Before the Board
- §27-1214. Time Limitations
- §27-1215. Notice of Hearings
- §27-1216. Parties to Hearings
- §27-1217. Witnesses
- §27-1218. Representation
- §27-1219. Rules of Evidence
- §27-1220. Records
- §27-1221. Communications

- §27-1222. Decisions
- §27-1223. Copies of Decisions
- §27-1224. Appeals to the Courts

C. Functions of the Board

- §27-1231. Appeals from the Zoning Officer
- §27-1232. Challenge to Validity of Zoning Ordinance or Zoning Map
- §27-1233. Variances
- §27-1234. Special Exceptions
- §27-1235. Time Limits on Special Exceptions and Variances

**Part 13
Amendments, Remedies, Penalties**

- §27-1301. Power of Amendment
- §27-1302. Enactment of Zoning Ordinance Amendments
- §27-1303. Submission of Amendments to Planning Commission
- §27-1304. Enforcement Remedies
- §27-1305. Causes of Action
- §27-1306. Complaints of Violations
- §27-1307. Procedures for Curative Amendments

Zoning Map Amendments

Zoning Map

Part 1**Title, Purpose, and Interpretation****§27-101. Title.**

An ordinance regulating and restricting the height, number of stories, and size of buildings and other structures, their construction, alteration, extension, repair, maintenance, and all facilities and services in or about such buildings and structures; the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, and the establishment and maintenance of building, lines and setback lines upon any or all public roads or highways of the Borough of Ivyland.

(Ord. 1996-4, 9/18/1996, §100)

§27-102. Short Title.

This Chapter shall be known and may be cited as the “Ivyland Borough Zoning Ordinance of September 18, 1996.”

(Ord. 1996-4, 9/18/1996, §101)

§27-103. Purpose.

The purpose of this Chapter is the promotion of the public health, safety, morals, and/or the general welfare by:

- A. Encouraging the most appropriate use of land.
- B. Preventing the overcrowding of land.
- C. Conserving the value of land and buildings.
- D. Lessening congestion in the roads and streets.
- E. Avoiding undue congestion of population.
- F. Providing for adequate light and air.
- G. Securing safety from fire, panic, and other damages.
- H. Facilitating the adequate provision of transportation, water, sewerage, parks, and other facilities.
- I. Giving reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses.
- J. Giving effect to the policies and proposals of the Ivyland Borough Comprehensive Plan.

(Ord. 1996-4, 9/18/1996, §102)

§27-104. Interpretation.

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. Where the provisions of this Chapter impose greater

restrictions than those of any statute, other ordinance, or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Chapter, the provisions of such statute, ordinance, or regulation shall be controlling.

(Ord. 1996-4, 9/18/1996, §103)

Part 2**Definitions****§27-201. General.**

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

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, limited liability corporation, company, association, or similar entity, and association as well as the individual.

D. The word “lot” includes the word “plot” or “parcel.”

E. The term “shall” is always 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 used or occupied.”

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

(Ord. 1996-4, 9/18/1996, §200)

§27-202. Definitions.

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

Bankfull flow—the discharge that just fills the water channel to the top of its banks and at a point where the water begins to overflow onto a floodplain. Bankfull discharge is a relatively frequent event with a return rate of 1.4 to 1.6 years. This term is often synonymous with the U.S. Army Corps of Engineers field interpretation of “ordinary high water.” [Ord. 2001-2]

Building—a structure having a roof which is 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 devoted or intended to be devoted to a use which is clearly incidental and subordinate to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building area—the total of the areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, measured from the exterior of outside walls or limits of the accessory buildings.

Building coverage—the proportion of the lot area, expressed as a percentage, that is covered by the maximum horizontal cross section of a building or buildings, accessory

buildings, and outside storage of materials.

Building coverage ratio—The percentage of the lot area covered by building area, measured as building area per lot area.

Building envelope—the building envelope is that area of a lot that has no building restrictions. The building envelope shall not include the area of any required setbacks, (except for driveways which would cross yards), buffer yards, natural features with 100 percent protection standard and the portion of those natural features that may not be developed or intruded upon by the terms of this Chapter.

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 line—

Building line, front—a line parallel to the future right-of-way line at a distance therefrom equal to the depth of the minimum front yard required.

Building line, side—a line parallel to the side lot line at a distance therefrom equal to the depth of the minimum side yard required.

Building line, rear—a line parallel to the rear lot line at a distance from the rear lot line equal to the depth of the minimum rear yard required.

Building setback line—see “building line.”

Decision—final adjudication of any board or other body granted jurisdiction under this Chapter or the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, 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 and the judicial district wherein the Borough lies.

Density—the number of dwelling units per acre.

Determination—final action by an officer, body or agency charged with the administration of this Chapter or applications thereunder, except the Borough Council and Zoning Hearing Board. 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, mining, dredging, filling, grading, paving, excavation or drilling operations.

Driveway—a vehicular accessway connecting a street and a parking area or garage and located within a lot.

Dwelling—a building containing one or more dwelling units.

Dwelling, detached—a building which is designed or occupied as a residence for one family and is substantially separated by side yards from any other structure or structures except accessory buildings.

Dwelling, attached (townhouse)—a single-family dwelling unit from ground to roof with each unit separated by a party wall and having individual outside access. [Ord. 2003-5]

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

Employee—a person employed by a business or commercial or industrial enterprise, whether or not as an employee or as an independent contractor, and who conducts his work on the lot with the business or commercial or industrial enterprise.

Family—one or more persons related by blood, marriage, foster relationship, or adoption, and in addition, any domestic servants or gratuitous guests thereof; or a group of not more than seven persons who need not be so related, and in addition, domestic servants or gratuitous guests thereof, who are living together in a single nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder, or lodger shall not be considered a member of a family.

Fence—any structure of nonliving material erected for the purpose of separating one property from another either to assure privacy or to protect the property screened. For the purpose of this Chapter, a masonry wall is considered to be a fence.

Grade level—the mean elevation of the ground surrounding a building, calculated as an average of the highest and lowest elevations.

Hearing—an administrative proceeding conducted by the Borough Council or the Zoning Hearing Board pursuant to this Chapter.

Height—a vertical distance measured from the elevation of the average grade around the perimeter of the building to the highest point of the roof.

Impervious surface—surfaces which do not absorb water. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces. In addition, other areas determined by the Borough Engineer to be impervious within the meaning of this definition will also be impervious surfaces.

Impervious surface ratio—the impervious surface ratio measured by dividing the total area of all impervious surfaces within a lot by the lot area.

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

Lot area—the area contained within the property lines of the lot shown on a subdivision plan or required by this Chapter, excluding any area within an existing or designated future street right-of-way, and excluding any area required as open space under this Chapter and excluding any area within a stormwater detention facility or drainage easement.

Lot (corner)—a lot which has an interior angle of less than one hundred degrees at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at the points beginning with the lot or at the points of intersection of the said lot lines with the street right-of-way lines intersect at an angle of less than 100 degrees. A corner lot shall have a front yard on both streets and shall have in addition one side yard and one rear yard.

Lot line—any boundary line of a lot.

Lot line (front)—a line abutting the street at the future right-of-way line.

Lot line (rear)—Any lot line which is parallel to or within 15 degrees of being

parallel to a street line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line farthest 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.

Lot width—the distance measured between the side lot lines at the required front building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line.

Mobile home—a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of being again 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 unit 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 for the erection thereon of a single mobile home.

Mobile home park—a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Native plant—a plant native to Pennsylvania, as identified in the most recent edition of the *Vascular Flora of Pennsylvania, Annotated Checklist and Atlas*. [Ord. 2001-2]

Open space—land used for recreation or resource protection, 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. Open space does not include the following land occupied by nonrecreational buildings, roads, future rights-of-way, the yards of lots of single-family dwelling units, minimum yards of other uses, parking areas, driveways, stormwater management facilities, or easements for stormwater management facilities.

Open space ratio—total amount of open space in acres within a lot per acre of site area.

Public hearing—a formal meeting held pursuant to public notice by the Borough Council or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

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

Public meeting—a forum held pursuant to notice under the, Act of October 15, 1998, P.L. 719, No. 93, 65 Pa.C.S.A. §701 *et seq.*, known as the “Sunshine Act.” [Ord. 2011-3]

Reforestation—the process of creating woodlands with three distinct layers of vegetation: canopy trees, understory shrubs or trees, and herbaceous groundcover plants. [Ord. 2001-2]

Report—any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any 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.

Right-of-way—land set aside for use as a street, alley, or other means of travel.

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

Future right-of-way—the right-of-way deemed necessary by the Ivyland Borough ordinances or by the Pennsylvania Department of Transportation as appropriate to provide adequate width for future street improvements.

Riparian buffer—an area adjoining and upgradient from surface water bodies including creeks and streams, and any associated ponds, intermittent watercourses, and wetlands that intercept surface runoff wastewater, subsurface flow, and deeper groundwater flows from upland sources and serve the purpose of removing or buffering the effects of associated nutrients, sediment, organic matter, pesticides or other pollutants prior to entry into surface waters and groundwater recharge areas. This area may also provide wildlife habitat, control water temperature, attenuate flood flow, and provide opportunities for passive recreation. This corridor may or may not contain trees and other native vegetation at the time of ordinance enactment. [Ord. 2001-2]

Roomer or Boarder—a person occupying any room or group of rooms forming a single, habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by prearrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a week at a time shall be classified for purposes of this Chapter not as a roomer, boarder or lodger but as a guest of a commercial lodging establishment (motel, hotel, bed and breakfast).

Site—a parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

Site area—all land area within the site as defined in the deed and as determined by a site survey.

Steep slopes—areas of land where the average slope exceeds 15 percent.

Story—that part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having 75 percent or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof.

Street—a public or private way used or intended to be used for passage or travel by automobile vehicles.

Street line—the dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line provided that:

- A. The street right-of-way line shall be not less than 20 feet from the center line of any road or street.
- B. Where a future right-of-way width for a road or street has been officially

established, then the street right-of-way line shall be the side line of the future right-of-way so established.

Structure—any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Structure accessory—any structure put to an accessory use including, but not limited to, accessory buildings, swimming pools, and the like, but not including the principal building.

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 customary in connection with, the principal use.

Use, principal—the main use on a lot.

Waterway—a stream, creek, river, pond, or other watercourse or waterbody. [Ord. 2001-2]

Wooded areas—areas, groves or stands of mature trees with a continuous canopy covering an area of $\frac{1}{4}$ acre or greater.

Yard—an open space unobstructed from the ground up, except for uses specifically permitted by this Chapter, 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 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 the side building line 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.

(Ord. 1996-4, 9/18/1996, §201; as amended by Ord. 2001-2, 5/9/2001, §1; by Ord. 2003-5, 5/14/2003, §2; and by Ord. 2011-3, 11/9/2011)

Part 3**Community Development Objectives****§27-301. Community Development Objectives.**

1. All regulations and requirements of this Chapter including, but not limited to, the identification of districts, use regulations, and dimensional requirements, and all amendments shall be found to be in conformance with the following community development objectives, based upon and found in the Ivyland Borough Comprehensive Plan, originally adopted April 3, 1968, and as updated by the examination of the community and development of community development objectives listed in this Chapter.

2. *Objectives.*

A. Protect the residential character of the community by limiting nonresidential uses to specified areas provide standards for home offices, accessory offices, and conversions which protect the residential character of the Borough's neighborhoods.

B. Streams, wetlands, floodplains, riparian buffers, woodlands, and other environmental resources are important for flood protection, recreational areas, and wildlife preserves. It is imperative to protect the natural resources of the Borough. [Ord. 2001-2]

C. Future development must be carefully planned to be compatible with existing development by setting standards for new development and by requiring buffer areas between residential and nonresidential areas.

D. Adequate parking should be provided for all land uses.

E. *Residential Areas.* Ivyland Borough is residential in character, and its residential areas and related uses such as schools, churches, fire houses, Borough Hall, should be maintained. Other existing and undeveloped areas to be designated as residential should be low density areas and integrated to the total existing community. The intent of this Chapter is to provide for a mix of housing types and densities, as required by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

F. *Commercial.* Commercial uses which will attract the motoring public should be discouraged. Shopping facilities should be limited to the existing nonconforming uses and only for the convenience and required services of the Borough.

G. *Light Industry.* Clean, spacious, landscaped industrial sites of low density should be encouraged. Buffer strips should be provided on the industrial sites and railway rights-of-way to protect residential or other uses from incompatible industrial uses or activities. Access for main roads and adequate public utilities should be a part of the consideration for future industrial development.

H. Establish zoning standards for public lands subject to reuse so that these areas can develop compatibly with the residential nature of the Borough.

I. Preservation of the existing agricultural and nursery uses within the Borough.

(*Ord. 1996-4, 9/18/1996, §300; as amended by Ord. 2001-2, 5/9/2001, §1*)

Part 4**Districts****§27-401. Establishment of Districts.**

1. Ivyland Borough is 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 are deemed most suitable to carry out the objectives of this Chapter.

2. Every parcel of land and every building or other structure in the Borough, except as otherwise provided by law or by this Chapter, shall be subject to the regulations, restrictions, and requirements specified for the district in which it is located.

(*Ord. 1996-4, 9/18/1996, §400*)

§27-402. Classes of Districts.

For the purpose of this Chapter, Ivyland Borough is hereby divided into districts. The purpose and intent of each of the districts is:

A. *R-1 Residence District.* The purpose and intent of the district is to retain the character of the existing residential areas and permit residential development in line with the character of the existing residential areas. Excluding activities incompatible with residential development and creating conditions conducive to carrying out the broad purposes of this Chapter are additional purposes of the establishment of this district. [*Ord. 2003-1*]

B. *R-2 Residence District.* The purpose and intent of this district is to provide appropriate areas for residential development in order to broaden the Borough's standards provided to prevent overcrowding of land, to regulate the density of population, to avoid undue congestion in the streets, and to allow for the harmonious development of residences, and other uses which are compatible with residential development.

C. *R-3 Residence District.* The purpose and intent of this district is to provide areas for higher density housing of different types, as required by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

D. *R-4 Residence District.* The purpose and intent of this district is to permit the development of a planned residential village pursuant to regulations which encourage development of a character consistent with the character of existing Victorian neighborhood residential development in the Borough. [*Ord. 2000-9*]

E. *I-C Industrial-Commercial Districts.* The purpose and intent of these districts is to permit and encourage commercial and industrial development that will be so located as to constitute a harmonious and appropriate part of the physical development of the Borough, to provide minimum standards for the development and operation of commercial and industrial uses, and to otherwise create conditions conducive to carrying out the broad purposes of this Chapter. The purpose of the IC-2 District is to allow industrial and commercial uses in a compatible fashion

with mobile home parks.

F. *B-C Borough-Commercial District*. The purpose of this district is to allow for small-scale retail activities in areas of the Borough traditionally devoted to nonresidential uses and to establish standards that allow these uses to exist in a manner compatible with nearby residences.

G. *L-I Limited Industrial District*. The purpose of this district is to allow for research and manufacturing activities that can exist in proximity to residential areas and community facilities, where landscaping, buffering, and safe vehicular circulation patterns can be provided.

H. *(GOV) Governmental District*. The purpose and intent of this district is to recognize an existing governmental use, permit and encourage governmental emergency services uses and other governmental uses that will be so located as to constitute a harmonious and appropriate part of the physical development of the Borough, to provide minimum standards for the development and operation of these uses, and to otherwise create conditions conducive to carrying out the broad purposes of this Chapter. [Ord. 2005-13]

(Ord. 1996-4, 9/18/1996, §401; as amended by Ord. 2000-9, 9/20/2000, §1; by Ord. 2003-1, 2/12/2003, §2; and by Ord. 2005-13, 12/14/2005, §1)

§27-403. Zoning Map.

Districts are bounded and defined as shown on the map entitled “Zoning Map of Ivyland Borough” that accompanies and which, with all explanatory matters thereon, is hereby made a part of this Chapter.

(Ord. 1996-4, 9/18/1996, §402)

§27-404. Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries between districts 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 or railroad rights-of-way, such center lines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately coincide with the lot lines or tax map parcel lines, such lot lines or tax map parcels lines shall be construed to be said boundaries.

C. Where boundaries are indicated as approximately coinciding with natural water courses, the center lines of such water courses shall be construed to be such boundaries.

D. Where district boundaries are so indicated that they are approximately parallel to street or railroad rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.

E. Where district boundaries divide a lot the location of such boundaries shall be determined by the use of the scale shown on the Zoning Map unless the boundaries are indicated by dimensions.

(Ord. 1996-4, 9/18/1996, §403)

Part 5**Use Regulations****§27-501. Applicability of Regulations.**

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 in this Chapter. The Zoning Officer, who administers and enforces this Chapter according to §27-1101, shall not issue a zoning permit until provisions of the Ivyland Borough subdivision and land development regulations have been complied with, where applicable.

(Ord. 1996-4, 9/18/1996, §500)

§27-502. Uses by Right, Uses by Special Exception, and Conditional Uses.

1. A use listed in §27-506 is permitted by right in any district under which it is denoted by the letter “Y,” subject to such requirements as may be specified in §27-506.

2. A use listed in §27-506 is not permitted in any district under which it is denoted by the letter “N.”

3. A use listed in §27-506 is permitted by special exception, to be granted by the Zoning Hearing Board, if denoted with an “SE,” and is permitted by conditional use, to be granted by the Borough Council, if denoted with a “CU.”

(Ord. 1996-4, 9/18/1996, §501)

§27-503. Uses Are Subject to Other Regulations.

1. Uses permitted by right, by conditional use or by special exception shall be subject, in addition to use regulations, to such regulation of yard, lot size, lot width, building area, easements, provisions for off-street parking and loading, buffers, and to such other provisions as are specified in other parts of this Chapter.

2. All uses permitted in the Borough shall be subject in addition to these ordinance regulations to all other applicable Borough, County, State or Federal requirements and licensing regulations and to the requirements of any other agency with jurisdiction. These include, but are not limited to, regulations for licensing of human service activities, requirements for accessibility of the disabled, sewage disposal requirements, water supply regulations, soil erosion and sedimentation control requirements, floodplain regulations, State road regulations, fire protection requirements.

3. No zoning permit shall be issued until approval is obtained from the Bucks County Department of Health for sewage disposal, unless the premises are served by public sewage facilities, in which case the agency providing sewage disposal services shall be required to provide evidence that the property will be served by public sewerage.

(Ord. 1996-4, 9/18/1996, §502)

§27-504. Temporary Accessory Uses.

1. The Zoning Hearing Board may grant a special exception for a nonconforming temporary building or use incidental to a construction project when such building or use is reasonable and required for such project.

2. Such special exception shall be granted for an initial period of not more than 1 year, and may be renewed annually by the Zoning Hearing Board two times.

(Ord. 1996-4, 9/18/1996, §503)

§27-505. General Performance Standards.

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

A. *Noise.*

(1) *Purpose.* The purpose of this paragraph 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) *Definitions.* The following definitions will apply for purposes of this paragraph:

A-weighted decibel—the sound level, in decibels, measured with a sound level meter using the A-weighting network or scale as specified in the ANSI S1.4-1983 (specification for sound level meters). The level so read shall be postscripted dB(A) or dBA.

ANSI—the American National Standards Institute, Inc., New York, New York.

Decibel—a unit that describes the sound pressure level or intensity of sound. The sound pressure level in decibels is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar; abbreviated dB.

Noise—any steady-state or impulsive sound occurring on either a continuous or intermittent basis that annoys or disturbs humans or that causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance—any sound which:

- 1) Endangers or injures the safety or health of humans.
- 2) Annoys or disturbs a reasonable person of normal sensitivities.
- 3) Endangers or injures personal or real property.
- 4) Exceeds the applicable maximum permissible sound levels as they appear in Table 27-505-2.

Noise sensitive zone—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 sound standards set forth

within this paragraph, except that all maximum dBA levels shall be reduced by 15 dBA for measurement and enforcement purposes.

Sound level meter—an instrument to measure sound pressure levels that meets or exceeds performance standards for a Type 2 meter as specified by the ANSI.

Sound pressure level—the intensity in decibels (dB) of a sound.

(3) *Inspection.* 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 paragraph exists.

(4) *Testing.*

(a) *Sound Level Meters.* 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 S 1.4-1971 Type 2 sound level meter. A suitable windscreen shall be used in any situation in which it reasonably appears that wind may be affecting the readings.

(b) *Procedure.* The procedure for measuring sound shall be in accordance with ANSI S1.13-1983 with latest revisions, or as follows:

1) Observe the ambient sound level (without the sound source to be measured operating) on a sound level meter for 5 seconds and record the best estimate of central tendency of the indicator needle and the highest and lowest indications.

2) Repeat the observations as many time as necessary to provide that observations be made at the beginning and at the end of a 15-minute period and that there shall be at least as many observations as there are decibels between the lowest low indication and highest high indication.

3) Calculate the arithmetical average of the central tendency indications. This value is the ambient sound level.

4) Observe a sound level meter for 5 seconds with the sound source operating and record the best estimate of central tendency of the indicator needle and the highest and lowest indications.

5) Repeat the observations as many times as necessary to provide that observations be made at the beginning and at the end of a 15-minute period and that there shall be at least as many observations as there are decibels between the lowest low indication and the highest high indication.

6) Calculate the arithmetical average of the observed central tendency indications. This is the sound level of the ambient sound plus the sound source (total sound level).

7) If the difference between the ambient sound and the total

sound level is 10 dBA or greater, the measured total sound level is an accurate measurement of the sound source. This value should be compared to the permitted sound levels in Table 27-505-2.

8) Due to the logarithmic nature of sound, if the difference between the ambient sound level and the total sound level is less than 10dBA, a correction factor shall be applied. The correction factors are listed in Table 27-505-1 below:

Table 27-505-1 Correction Factors Where Difference Between Ambient Sound Level and Total Sound Level is 10 dBA or Less	
Total Sound Level Minus Ambient Sound Level	Correction Factor to Be Subtracted from Total Sound Level
10	0
9	1
8	1
7	1
6	1
5	2
4	2
3	3
2	4
1	7

9) When applicable, the total sound level less the correction factor should be compared to the permitted sound levels in Table 27-505-2.

10) All measurements and relevant data including identification of the person taking the measurements, location of measurements, date, and time of day shall be recorded.

(5) *Impulsive Sounds.* No sound shall be permitted for a duration of more than 5 seconds or more than two incidents within a 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.

(6) *General Sound Standard.* All sound sources shall comply with the general sound standard for the district in which it is located as set forth in Table 27-505-2 below unless covered specifically by another Section herein.

Table 27-505-2 dB(A) Sound Level Limit		
Land Use Category	From 7 A.M. to 10 P.M.	From 10 P.M. to 7 A.M. and Sundays and Legal Holidays
All Residential (R) Districts	60	50
Borough Commercial (BC)	60	50
Government (GOV)	60	50

Land Use Category	From 7 A.M. to 10 P.M.	From 10 P.M. to 7 A.M. and Sundays and Legal Holidays
All Industrial-Commercial (IC and IC-2)	75	65
Light Industrial (LI)	75	65

In determining whether a property meets the requirements of this paragraph, or whether a violation has occurred, the sound level shall be measured from the point on the nearest receiving property that produces the loudest measurement or measurements.

(7) *Exception for Emergency Operations.* 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.

(8) *Variances.*

(a) The Ivyland Borough Zoning Hearing Board is empowered to hold public hearings and to grant variances from the terms of this paragraph, pursuant to the procedure through which the Zoning Hearing Board entertains other requests for variances. 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 paragraph 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.

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

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

(9) *Nonconforming Uses.* Sound emitted from a legal nonconforming use shall, for the purposes of this paragraph, be measured and regulated as though such nonconforming use were located in a zoning district where the nonconforming use would be otherwise permitted as of right, as a special exception, or as a conditional use.

(10) *Other Violations.* 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 paragraph 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 paragraph 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 house of 10 p.m. and 7 a.m. so as to cause a noise disturbance across any nonindustrial real property boundary or within a noise sensitive zone.

(11) *Time for Compliance.* Every person or use shall comply with this paragraph within 30 days of adoption of this paragraph.

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

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

(14) *Terminology.* All technical terminology not defined in this paragraph 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.

[*Ord. 2010-2*]

B. *Smoke.* No smoke shall be emitted from any chimney or other source of visible gray opacity greater than No. 1 on the Ringlemann Smoke Chart as published by the U. S. Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than 4 minutes in any 30-minute period.

C. *Dust, Fumes, Vapors, and Gases.*

(1) The emission of dust, dirt, fly ash, fumes, vapors, or gases which can

cause any damage to human health, to animals, or vegetation, or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.

(2) No emission of liquid or solid particles from any chimney or otherwise shall exceed .03 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in cases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F and 50 percent excess air in stack at full load.

D. *Heat.* No use shall produce heat perceptible beyond its lot lines.

E. *Odor.* 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 most restrictive provisions of Table III (Odor Thresholds) in Chapter 5, *Air Pollution Abatement Manual*, copyright 1951, by Manufacturing Chemists Association, Inc., Washington, D.C.

F. *Glare.* No use shall produce a strong dazzling light or a reflection of a strong dazzling light beyond its lot lines.

G. *Vibration.* No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments with the exception of that vibration produced as a result of construction activity.

H. *Buffer.* Buffer yards are required for all Industrial-Commercial, Limited Industrial, and GOV uses where they abut a residential district or a residential use. Buffer yards are also required in the in R-2 Residential Districts along the district boundary between itself and R-1 Residential Districts, and between R-3 Residential Districts and other residential districts. Buffer yards shall comply with the following standards: [*Ord. 2005-13*]

(1) The buffer yard shall be measured from the lot line.

(2) The buffer yards shall be required in the I-C Industrial-Commercial Districts and L-I Limited Industrial District along the district boundary between I-C Industrial-Commercial and L-I Limited Industrial Districts and any other zoning district.

(3) The buffer yard may overlap with required front, side, or rear yards, and in case of conflict, the larger yard requirements shall apply. Buffer yard dimensions are 50 feet in the I-C Industrial-Commercial and L-I Limited Industrial Districts, and 25 feet in the residential districts.

(4) All buffer yards shall be maintained and kept clean of all debris.

(5) No structure, manufacturing or processing activity, storage of materials, or parking areas shall be permitted in the buffer yard.

(6) All buffer yards shall include a dense screen planting of trees, shrubs or other plant materials, or both, to the full length of the lot line, to serve as a barrier to visibility, airborne particles, glare and noise and shall have a planted area which is a minimum of 15 feet in width. Such fence or screen planting shall be located within the exterior 15 feet of the buffer yard, and

shall be in accordance with the following requirements:

(a) Plant materials used in the screen planting shall be of such species and size as will produce, within 3 years, a complete all season visual screen of at least 8 feet in height. A list of acceptable plant materials is provided in the Borough Subdivision and Land Development Ordinance [Chapter 22].

(b) The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within 1 year.

(c) The screen planting shall be so placed that at maturity it will be not closer than 3 feet from any street or property line.

(d) In accordance with the provisions of §27-607, a clear sight triangle shall be maintained at all street intersections and at all points where private access ways intersect public streets.

(e) The screen planting shall be broken only at points of vehicular or pedestrian access.

(7) No outdoor processing or manufacturing activity, no outdoor storage of materials and no parking lot accommodating more than 10 cars shall be so located to be visible from the adjacent residential district.

(8) Only the front of any proposed building shall be visible from the adjacent residential districts.

(9) Prior to the issuance of any zoning permit or, if subdivision or land development approval is needed, prior to such approval, complete plans showing the arrangement of all buffer yards and 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 Planning Commission and Borough Council.

[*Ord 2003-1*]

(*Ord. 1996-4, 9/18/1996, §504; as amended by Ord. 2003-1, 2/12/2003, §3; by Ord. 2005-13, 12/14/2005, §5; and by Ord. 2010-2, 2/17/2010, §1*)

§27-506. Table of Uses and Regulations.

PRINCIPAL USES	DISTRICTS								
RESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Single-Family Detached A dwelling having: (a) only one dwelling units from ground to roof; (b) independent outside access; and (c) yards on all sides.</p>	Y	Y	Y		Y	N	N	N	N [Ord. 2005-13]
<p>Two-Family Dwelling A building containing two dwelling units, each of which is totally separated from the other by a solid wall extending from ground to roof or a solid ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell.</p>	N	N	Y		N	N	N	N	N [Ord. 2005-13]
<p>Multiple Dwelling Multi-family dwelling units are individual dwelling units which may share a common outside access or which may have individual outside entrances to each unit. They shall contain three or more dwelling units in a single structure and can be townhouses, apartments, condominiums, or any other form of attached dwelling units. Minimum tract or site area eligible for multi-family dwellings: 6 acres Maximum impervious surface ratio: 50 percent Building setbacks: from street line: 50 feet from parking line: 30 feet from other lot lines: 50 feet Maximum building height: 35 ft Maximum density per acre of site area: 8 units per acre Minimum open space (% of site area): 40 percent</p>	N	N	Y		N	N	N	N	N [Ord. 2005-13]
<p>Planned Residential Village I. <i>General Description.</i> A planned residential village is a development of single-family detached dwellings planned and designed to resemble a traditional Victorian style village. A PRV and its houses shall meet the following requirements:</p>	Y	N	N	CU	N	N	N	N	N [Ord. 2005-13]

PRINCIPAL USES		DISTRICTS								
RESIDENTIAL USES		R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
II. <i>Dimensional Requirements.</i> A. Where a Planned Residential Village is proposed in an R-4 Residence District, the following dimensional requirements shall apply: Minimum tract or site area: 20 acres Maximum impervious surface ratio: 50 percent Minimum building setback from property boundary, or where the property is bordered by an easement, from the inside edge of such easement: Principal building 50 feet Accessory structure 5 feet Minimum lot area: 6,500 square feet Minimum average lot area: 7,500 square feet Minimum lot width: 55 feet Minimum front yard depth: 10 feet Minimum side yard: Principal building 5 feet (aggregate) 15 feet Accessory structure 5 feet Minimum rear yard: Principal building 30 feet Accessory structure 5 feet Maximum lot building coverage: 35 percent Maximum lot impervious surface ratio: 50 percent The above-stated maximum lot building coverage and impervious surface ratios are those that are applicable at the time of original development. Subsequent individual property owners may increase maximum lot building coverage to 40 percent and impervious surface ratio to 55 percent for permitted purposes and subject to other applicable zoning requirements.										

PRINCIPAL USES	DISTRICTS								
RESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Maximum building height: 35 feet</p> <p>Maximum density per acre of site area: 3.5 dwellings/acre</p> <p>Open space (percentage):** 20 percent</p> <p>**Required stormwater control facilities shall not be included toward the required open space total. Open space areas must be at least 5,000 square feet in area in order to be included toward the required open space total. At least 50 percent of the required open space shall take the form of a central open space area which shall function as a park, playfield, common green, or other Borough-approved landscaped area. The Borough Council may waive, at its option, all or a portion of this open space requirement, including design requirements, if the Developer agrees to pay a reasonable fee in lieu of required open space, as determined by Borough Council.</p> <p>B. Where a planned residential village is proposed in an R-1 Residence District, the following dimensional requirements shall apply:</p> <p>Minimum tract or site area: 5 acres</p> <p>Maximum building coverage: 35 percent at time of original development; subsequent individual property owners may increase to maximum of 40 percent</p> <p>Maximum impervious surface ratio: 50 percent at time of original development; subsequent individual property owners may increase to maximum of 55 percent</p> <p>Minimum lot area: 10,000 square feet</p> <p>Minimum lot width: Typically 80 feet, except that 20 percent of lots may be less than 80 feet, provided that no lot may be less than 70 feet in width</p> <p>Minimum front yard depth: 21 feet</p>									

PRINCIPAL USES			DISTRICTS								
RESIDENTIAL USES			R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
Minimum side yard:	Principal building	7 feet									
	(aggregate)	16 feet									
	Accessory structure	5 feet									
Minimum rear yard:	Principal building	25 feet									
	Accessory structure	5 feet									
Maximum building height:		35 feet									
Maximum density per acre of site area:		35 dwellings/acre									
III. Exceptions to Side and Front Yard Requirements.											
A. Steps may extend up to 5 feet into required front and side yards, but in no event shall steps extending into a side yard come closer than 5 feet to a side property line.											
B. Chimneys, eaves, overhangs, gutters, and bay windows may extend up to 2 feet into any required front or side yard.											
C. In the R-1 Residence District, open porches may extend up to 8 feet into the required front and side yards, but in no case shall an open porch extending into a side yard be closer than 5 feet to a side property line.											

PRINCIPAL USES	DISTRICTS								
RESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>IV. Victorian Design Appearance. All structures shall incorporate Victorian style architectural details and shall include:</p> <p>A. <i>Homes.</i></p> <ol style="list-style-type: none"> 1. Open porches having a minimum depth of 8 feet and extending a minimum of 16 feet along the front and/or side of the house. 2. Minimum ground floor elevations of 18 inches above ground level or sidewalk level, whichever is higher. <p>B. <i>All Structures.</i> Other appropriate architectural and appearance elements include:</p> <ol style="list-style-type: none"> 1. Appropriate exterior materials such as clapboard, stone, brick, or approved substitutes. Vinyl siding of an appropriate style shall be allowed. 2. Steeply pitched, irregularly shaped roofs. For front-facing gables, the minimum slope shall be 10 over 12. 3. Dominant front-facing gables. 4. Patterned shingles. 5. Cutaway bay windows. 6. Asymmetrical facades. 7. Separation of front yards from sidewalks by means of appropriate ornamental fencing, not exceeding 42 inches in height, or raised front yards with retaining walls constructed of appropriate materials. Stockade or other privacy fences are prohibited in front yards. 8. Two pane over two pane windows. 									

PRINCIPAL USES	DISTRICTS								
RESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Each house must incorporate at least three of the above-mentioned elements. It is provided, however, that Borough Council, with advice from the Planning Commission, shall exercise final approval over the design appearance of all proposed houses, based upon the inclusion of the above-listed design elements. The builder shall be required to construct each house so as to be in reasonable accord with such approved representations.</p> <p>The applicant shall submit sketches showing the typical dwelling units proposed to be built and typical lot layout as to provide Borough Council with the ability to determine general compliance with the above referenced guidelines. Such sketches and plans shall be submitted with the conditional use application.</p> <p>V. Garages, Alleys, and Parking.</p> <p>A. A detached or semi-detached garage having a minimum capacity for two cars shall be required for each house. For the purpose of this requirement, a “semidetached garage” means a separate garage structure connected to the main dwelling by an unenclosed but roofed breezeway.</p> <p>B. In the R-4 Residence District, not less than 40 percent of the required garages shall have access via an alley to the rear of lot. For any lot having a garage that takes access from a street, such garage shall be located not less than 10 feet to the rear of the rear facade of the house. Driveways that take access to a street, rather than an alley, are limited to a maximum width of 10 feet at the street line.</p> <p>C. If provided, alleys shall be constructed as required in the Ivyland Borough Subdivision and Land Development Ordinance [Chapter 22], except that the alleys shall be paved to a minimum width of 12 feet for a one-way alley, and 18 feet for a two-way alley. No parking will be permitted in alleys.</p> <p>D. Each lot shall provide not less than four off-street parking spaces, two of which may be the two spaces required in each garage.</p> <p>VI. Utilities.</p> <p>A. The development shall be served by public water and public sanitary sewer service.</p> <p>B. Electricity, telephone, cable television, and similar services shall be provided by means of underground cable.</p>									

PRINCIPAL USES	DISTRICTS								
RESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>VII. Miscellaneous.</p> <p>A. <i>Street Access.</i> There shall be two means of ingress and egress to the proposed development. One access may be designed as an emergency access way; provided, however, that the means of emergency access shall be not less than 12 feet in width.</p> <p>B. The site shall consist of one or more contiguous parcels in single ownership.</p> <p>C. Notwithstanding the list of approved trees and plantings contained in the Borough's Subdivision and Land Development Ordinance [Chapter 22], native plant species shall be preferred where possible.</p> <p>D. Any applicant for a PRV use shall prepare, at its cost, and submit to the Borough a suitable traffic impact study in accordance with direction from the Borough Engineer. This requirement may be waived by Borough Council.</p> <p>E. The PRV plan shall provide for a street grid system designed to resemble, as nearly as reasonably possible, the neighborhood street grid pattern of Ivyland Borough's central R-1 neighborhood area. It is provided, however, that this requirement may be waived by Borough Council.</p> <p>F. In any instance where these requirements for PRV's conflict with provisions of the Ivyland Subdivision and Land Development Ordinance [Chapter 22], the requirements of the planned residential village use contained in the Ivyland Zoning Ordinance shall prevail.</p> <p>G. Street cartway width shall not exceed 30 feet. On-street parking may be permitted in the R-1 Residence District at the discretion of Borough Council.</p> <p>H. The developer may offer alleys, open space, stormwater control facilities and/or other public improvements for dedication to the Borough; however, the Borough shall not be required to accept such dedication. If the Borough declines to accept dedication, then maintenance of such improvements, including snow plowing, shall be the responsibility of a homeowners association, the form and constitution of which shall be subject to Borough approval.</p> <p>[Ord. 2003-1]</p>									

PRINCIPAL USES		DISTRICTS								
RESIDENTIAL USES		R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
Planned Residential Village–Townhouse		N	N	N	CU	N	N	N	N	N
I. <i>General Description.</i> A planned residential village-townhouse is a development of townhouse dwellings planned and designed with traditional Victorian style design elements. A PRV-T and its houses shall meet the following requirements:										[Ord. 2005-13]
II. Dimensional Requirements.										
Minimum tract or site area:	5 acres									
Minimum lot area:	2,600 square feet									
Minimum lot width:	26 feet									
Maximum lot building coverage:	60 percent									
Maximum on-lot impervious surface ratio:	75 percent									
Minimum building setback	Parking area Pedestrian walkway									
Minimum building spacing	30 feet (except for permitted patio and deck encroachments into required side yards).									
Minimum lot setbacks	Front yard Rear yard Side yard									
Maximum building height:	35 feet									
Maximum density per acre of site area:	6.0 dwellings/acre									
Minimum open space as portion of site area:***	15 percent									
Maximum number of attached townhouse units in a row	4									

PRINCIPAL USES	DISTRICTS								
RESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>*20-foot front yard required if driveway and parking are located in front yard. **Ten-foot side yard required only for end units. ***Required stormwater control facilities shall not be included toward the required open space total. Open space areas must be at least 5,000 square feet in area in order to be included toward the required open space total. At least 50 percent of the required open space shall take the form of a central open space area which shall function as a park, playfield, common green, or other Borough-approved landscaped area. Open space shall abut existing open space on adjacent tracts.</p> <p>III. Exceptions to Side and Front Yard Requirements.</p> <ol style="list-style-type: none"> 1. Steps may extend up to 5 feet into required front and side yards, but in no case shall steps extending into a side yard or come closer than 5 feet to a side property line. 2. Chimneys, eaves, overhangs, gutters, and bay windows may extend up to 2 feet into any required front or side yard. 3. Patios and decks, which may be covered but not enclosed, may extend up to 6 feet into a required side yard. <p>IV. Victorian Design Appearance. All structures shall incorporate Victorian-style architectural details and shall include:</p> <p>A. <i>Homes.</i></p> <ol style="list-style-type: none"> 1. Open porches having a minimum depth of 8 feet and extending the entire width of the dwelling. <p>B. <i>All Structures.</i> Other appropriate architectural and appearance elements include:</p> <ol style="list-style-type: none"> 1. Appropriate exterior materials such as clapboard, stone, brick, or approved substitutes. Vinyl siding of an appropriate style shall be allowed. 2. Steeply pitched, irregularly shaped roofs. For front-facing gables, the minimum slope shall be 10 over 12. 3. Dominant front-facing gables. 									

PRINCIPAL USES	DISTRICTS								
RESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>4. Patterned shingles.</p> <p>5. Cutaway bay windows.</p> <p>6. Asymmetrical facades.</p> <p>7. Separation of front yards from sidewalks by means of appropriate ornamental fencing, not exceeding 42 inches in height, or raised front yards with retaining walls constructed of appropriate materials. Stockade or other privacy fences are prohibited in front yards.</p> <p>8. Two-pane over two-pane windows.</p> <p>Each townhouse must incorporate at least three of the above-mentioned elements. Borough Council, with advice from the Planning Commission, shall exercise final approval over the design appearance of all proposed houses, based upon the inclusion of the above-listed design elements. The Builder shall be required to construct each house so as to be in reasonable accord with such approved representations.</p> <p>The applicant shall submit sketches showing the typical dwelling units proposed to be built and typical lot layout as to provide Borough Council with the ability to determine general compliance with the above referenced guidelines. Such sketches and plans shall be submitted with the conditional use application.</p> <p>V. Parking.</p> <p>A. Each townhouse shall provide not less than two off-street parking spaces.</p> <p>VI. Utilities.</p> <p>A. The development shall be served by public water and public sanitary sewer service.</p> <p>B. Electricity, telephone, cable television, and similar services shall be provided by means of underground cable.</p>									

PRINCIPAL USES	DISTRICTS								
RESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>VII. Miscellaneous.</p> <p>A. <i>Street Access.</i> There shall be two means of ingress and egress to the proposed development. One access may be designed as an emergency access way, provided that the means of emergency access shall be not less than 12 feet in width.</p> <p>B. The site shall consist of one or more contiguous parcels in single ownership.</p> <p>C. No lot shall have reverse frontage on a major arterial road.</p> <p>D. Notwithstanding the list of approved trees and plantings contained in the Borough's Subdivision and Land Development Ordinance [Chapter 22], native plant species shall be preferred where possible.</p> <p>E. Any applicant for a PRV-T use shall prepare, at its cost, and submit to the Borough a suitable traffic impact study in accordance with direction from the Borough Engineer. The applicant may forego this requirement at the discretion of Borough Council.</p> <p>F. The PRV-T plan shall provide for a street grid system designed to resemble, as nearly as reasonably possible, the neighborhood street grid pattern of Ivyland Borough's central R-1 neighborhood areas. The applicant may forego this requirement at the discretion of Borough Council.</p> <p>G. In any instance where these requirements for PRV-Ts conflict with provisions of the Ivyland Subdivision and Land Development Ordinance [Chapter 22], the requirements of the planned residential village-townhouse is contained in this Chapter shall prevail.</p> <p>H. Street cartway width shall not exceed 30 feet.</p> <p>I. The developer may offer alleys, open space, stormwater control facilities and/or other public improvements for dedication to the Borough; however, the Borough shall not be required to accept such dedication. If the Borough declines to accept dedication, maintenance of such improvements, including snow plowing, shall be the responsibility of a homeowners association, the form and constitution of which shall be subject to Borough approval.</p> <p>[Ord. 2003-5]</p>									

PRINCIPAL USES	DISTRICTS								
RESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Mobile Home Park A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.</p> <p>Minimum lot area for mobile home park: 5 acres Maximum density Maximum impervious surface ratio: 30 percent Planted buffer 25 feet in width shall be provided along all lot lines at periphery of site. Minimum open space: 25 percent of site area</p> <p>A mobile home is permitted on any lot where single-family detached dwellings are permitted, in compliance with the lot, area, dimensional, and other requirements for single-family detached dwellings in the district in which the mobile home is located.</p>	N	N	Y		N	N	N	SE	N [Ord. 2005-13]

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Adult-Oriented Business</p> <p>1. An adult-oriented businesses is any establishment or concern that, as a regular and substantial course of conduct, performs or operates as an adult bookstore, adult video store, adult theater, adult motion picture theater, adult cabaret, adult arcade, or any other business or concern that, as a regular and substantial portion of its business, offers its patrons products, merchandise, services, or entertainment that is distinguished or characterized by an emphasis on matter depicting or relating to “specified anatomical areas” or “specified sexual activities” as described below, but not including those uses or activities, the regulation of which is preempted by State law.</p> <p>2. For purposes of this use, the following definitions shall apply: <i>Specified anatomical areas</i>–</p> <ul style="list-style-type: none"> (1) Less than completely and opaquely covered: <ul style="list-style-type: none"> (a) Human genitals or pubic region. (b) Buttocks. (c) Female breasts below a point immediately above the top of the areola. (2) Human male genitals in a discernible turgid state, even if completely opaquely covered. <p><i>Specified sexual activities</i>–the term includes any of the following:</p> <ul style="list-style-type: none"> (1) Human genitals in a state of sexual stimulation or arousal. (2) Acts of human masturbation, sexual intercourse or sodomy, real or simulated. (3) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts. (4) Sadoomasochism and/or bondage in a sexual context. (5) Bestiality. (6) Excretory functions in a sexual context. (7) Any other activity or practice that is intended to provoke a state of human sexual arousal. <p>3. An applicant for an adult-oriented business shall show compliance with the following requirements:</p> <ul style="list-style-type: none"> A. Adult-oriented business uses shall be conducted only within a fully enclosed 	N	N	N	N	N	N	CU	CU	N

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>building.</p> <p>B. No more than one adult-oriented business use shall be located on a zoning lot.</p> <p>C. No such use shall be located within 1,500 lineal feet of any other existing or approved adult-oriented business use.</p> <p>D. For any lot upon which an adult-oriented business use is proposed a 30-foot buffer yard shall be provided along the side and rear lot lines but with plantings of an initial minimum height of 6 feet, planted 10 feet on center maximum.</p> <p>E. No adult-oriented business use shall be located on a lot that has any lot line closer than 300 feet from any lot line of a property that is the location of a residential use, public or private school, place of worship, commercial recreation use, community center, library, museum, municipal recreation facility, day care center, or any other religious, institutional or educational use.</p> <p>F. The proposed use shall provide for one off-street parking space for each three seats provided for patron use or at least one off-street parking space for each 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 additional off-street parking space for each employee, including managers, who are expected to be on the premises at the same time. All parking spaces shall be provided in front of the building where to use is to be conducted, or at the sides of the building provided that no parking shall be permitted further to the rear of the property than the rear building line.</p> <p>G. Exterior areas must be well-lighted as directed by the Borough Engineer.</p> <p>H. The opening and closing hours of operation shall be limited to between 10 a.m. opening and 12 midnight closing on Fridays and Saturdays, and to between 10 a.m. opening and 10 p.m. closing on all other nights of the week.</p> <p>I. The applicant must show that the proposed adult-oriented business use would not adversely affect the character of the surrounding area, including the property value for any property that is likely to be affected. If Council determines that any adverse effect could be eliminated by adequate setbacks between the proposed use and affected properties, then Council may impose such setbacks as a condition of approval. This authority to impose adequate setbacks as a condition should not be construed to limit any other authority that Council has under law to impose conditions on approval.</p>									

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>J. Specific precautions shall be made to prohibit minors from entering an adult-oriented business premises including, but not limited to, checking appropriate identification for persons who reasonably appear to be less than 25 years of age. An owner or operator of an adult-oriented business commits a violation of this Chapter if the owner or operator knowingly or negligently allows a person under the age of 18 years on the premises of an adult-oriented business. It shall not be a defense that the person appeared to be 18 years of age or older. It is the owner's and operator's responsibility to insure that minors are not admitted to the premises. In the event of such a violation, the zoning officer may revoke the zoning or use permit for such adult-oriented business and issue an enforcement notice if the adult-oriented business continues to operate in spite of the revocation of its permit</p> <p>K. No such use shall be permitted for any purpose that violates any Federal, State or Borough law. Any violation of this zoning requirement involving any criminal offense that the owner, proprietor, or operator had continuing knowledge of and allows to occur shall be sufficient reason for the Borough to revoke all Borough permits concerning this use.</p> <p>L. No such use shall be allowed in combination with the sale of alcoholic beverages.</p> <p>M. No materials sold by an adult-oriented business, or activities occurring within a building occupied by an adult-oriented business shall be visible to the outside from any window or door.</p> <p>N. No advertisements, displays, or other promotional materials, other than signs, shall be shown or exhibited so as to be visible to the public from any residence, streets, pedestrian sidewalks, or walkways, or from other areas, public or semi-public.</p> <p>O. No signs shall be placed, erected or used on the premises except as provided for in Part 8 of this Chapter, nor shall any building or structure be painted in garish colors or such other fashion as will effectuate the same purpose as a sign. No sign shall be permitted that portrays any part of the human body naked or in a state of undress or in revealing clothes, or in silhouette or profile that suggests nudity.</p> <p>P. 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.</p> <p>Q. No adult-oriented business use may include live actual or simulated sex acts or any sexual contact between entertainers.</p> <p>R. All patrons within any adult-oriented business shall wear non-transparent garments</p>									

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>that cover their genitals and the female areola.</p> <p>S. In addition to the notice required by §27-1215 of this Chapter, 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 1,000 feet of the subject property at least 10 days prior to the hearing date.</p> <p>T. The applicant shall submit to the Borough a written list of all persons having an ownership interest of more than 1 percent in the business, including shareholders and partners of any corporation, partnership, limited liability company or other entity. 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, except for the Social Security number, be a matter of public record. The applicant or any subsequent owner or operator of such a use must maintain this information in writing with the Borough in a current and accurate status. Failure to keep such information current and accurate shall be a violation of this Chapter and be reason for automatic suspension of Borough permits including occupancy and zoning permits, and the operation of the use shall cease until current and accurate information is provided to the Borough. In the event of suspension for failure to maintain current and accurate information as required under this Section that is not cured within 30 days, any zoning or use permit, and/or the conditional use approval for which such use was granted shall be, at the Borough's option, permanently revoked.</p> <p>U. The applicant shall comply with the conditional use requirements for other lawful uses as set forth in this Chapter.</p> <p>4. Adult-oriented business uses are specifically prohibited in all districts except where specifically permitted by conditional use.</p> <p>[Ord. 2010-4]</p>									

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Bank or Financial Establishment</p>	N	N	N		Y	Y	Y	Y	N [Ord. 2005-13]
<p>Bed and Breakfast</p> <p>The use and occupancy of an existing single-family detached dwelling shall be permitted for accommodating transient guests for rent subject to the following additional conditions and restrictions.</p> <p>Bathrooms—At least one full bathroom shall be provided for each two guest rooms. At least one additional bathroom is required for the owner-occupants of the residence which shall not be used as a guest bathroom.</p> <p>No external alterations, additions or changes to the exterior structure shall be permitted except as required by any governmental agency.</p> <p>The owners of the property shall be full-time residents of the property. The use shall be operated by members of the household who must reside on the premises.</p> <p>There shall be no kitchen or cooking facilities in any guest room.</p> <p>Maximum number of guest rooms in any one facility—four rooms.</p> <p>The maximum uninterrupted length of stay at a guest house shall be 14 days.</p> <p>The use of any amenities provided by the guest house such as swimming pool or tennis courts shall be restricted in use to guests of the establishment.</p> <p>The serving of meals shall be restricted to the guests of the establishment and shall be limited to breakfast.</p> <p>There shall be no use of show windows or display or advertising visible outside the premises to attract guests other than a single, nonilluminated sign which meets the regulations set forth in this Chapter.</p> <p>If the facility is served by an on-lot water supply system and/or an on-lot wastewater disposal system, the applicant shall demonstrate to the satisfaction of the Bucks County Health Department and the Borough Council that these on-lot facilities are adequate to serve the maximum number of guests which could be housed at the facility at any one time.</p> <p>Parking areas shall be separated from adjacent lots with a 7-foot wide planted buffer.</p>	SE	N	N		SE	N	N	N	N [Ord. 2005-13]

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Borough Offices Borough administration building, police station, road maintenance facility, parking lot, municipal authority building, or firehouse. Borough offices shall not be subject to any of the area or dimensional requirements of §27-601.</p>	Y	Y	Y		Y	Y	Y	Y	Y
<p>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. This use is distinct from and in addition to the co-location of commercial equipment on a governmental communications tower as specifically provided for in the use regulations for the GOV District. The following general provisions are in addition to the provisions for particular applications specified below:</p> <ul style="list-style-type: none"> A. The location of the tower and equipment building shall comply with all natural resource protection standards of this Chapter. B. An 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: <ul style="list-style-type: none"> (1) An evergreen screen shall be planted that consists of either a hedge, or evergreen trees planted 3 feet on center maximum. All plantings shall be at least 6 feet in height. (2) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible. D. Towers shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/ETA-222-E Manual, as amended. E. Towers 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 222-E, as amended, shall be submitted to the Borough to document and verify the design specifications of the foundation for the tower and anchors for the guy wires if used. 	N	N	N	N	N	N	CU	CU	N

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>G. Towers and antennae shall be designed to withstand wind gusts of at least 100 miles per hour.</p> <p>H. All towers shall be fitted with anti-climbing devices.</p> <p>I. No sign shall be mounted on the tower structure.</p> <p>J. Towers shall be painted or have a galvanized finish.</p> <p>K. No antenna or tower shall be illuminated except as required by the Federal Aviation Administration or the Federal Communications Commission.</p> <p>L. No antenna or tower may be located on a building or structure that is located within the Borough's Historic District zoning overlay.</p> <p>M. Any addition to, or modification of an existing tower shall comply with all Borough ordinances and shall require Borough approval in advance.</p> <p>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.</p> <p>O. Unless specifically waived by the Borough Council, the applicant shall design and construct the proposed tower and/or antenna so as to conceal or disguise them to appear as a tree, windmill, steeple, or other structure which, in the determination of Borough Council, is most appropriate for the proposed location. Unless the applicant can clearly show technical or economic unfeasibility, the applicant will comply with any reasonable request by the Borough Council relating to appearance and/or potential harmful effects on other properties.</p> <p>P. If the application is approved, but before a zoning permit is issued, the applicant will deposit with the Borough financial security in an amount and in a form approved by the Borough Council sufficient to pay the reasonable costs of dismantling, removing and disposing of the cellular telecommunications facility should the cellular telecommunications use be abandoned and not properly removed by the applicant, operator, or owner in a timely manner as required by this paragraph. A cellular telecommunications facility will be deemed abandoned if it remains unused for a period of 12 consecutive months (i.e., no antenna receives or transmits signals). On request by the Borough, the applicant or operator will certify in writing to the Borough that the facility continues to be in operation and not abandoned as defined in this Chapter. If the applicant or operator fails to provide the written certification of continuing operation within 90 days of a written request by the Borough, then the</p>									

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>facility will be deemed to be abandoned. Once a cellular telecommunications facility has been deemed abandoned, the property owner or facility operator shall dismantle and remove the cellular telecommunications facility within 6 months of the expiration of such 12-month period, provided that the Borough may extend the 6-month removal period at its discretion. If the facility has been removed to the Borough's satisfaction within the 6-month or extended removal period, then the Borough will release the financial security to the applicant. If the cellular telecommunications facility has not been removed at the end of the 6-month period, then the Borough may apply the financial security to the costs of dismantling, removing, and disposing of the cellular telecommunications facility and may enter on to the property for such purpose. Any portion of the financial security that remains after completing the disposition to the Borough's satisfaction will be refunded to the applicant. If the financial security is insufficient to pay the full costs of dismantling, removing and disposing of the cellular telecommunications facility, then the Borough shall have a claim against the property owner and/or the facility operator and/or the applicant for the shortfall, and may file a municipal lien against the property for the shortfall. On the Borough's request, and as a condition of issuing the zoning permit, the applicant and the property owner will enter into a written agreement satisfactory to the Borough concerning abandonment and removal of the facility, and the handling of the financial security.</p> <p>Q. Any applicant proposing construction of a new cellular telecommunications facility shall demonstrate that a good faith effort has been made to obtain permission to mount the antennas on an existing building, structure or cellular telecommunications facility. A good faith effort shall require that all owners of potentially suitable structures within a ½ mile radius of the proposed cellular telecommunications facility site be contacted and that one or more of the following reasons for not selecting such structure apply:</p> <ol style="list-style-type: none"> (1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost. (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost. (3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its 									

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>intended function.</p> <p>(4) The addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation and/or fields.</p> <p>(5) A commercially reasonable agreement could not be reached with the owner of such structures. Applicant shall provide written reports or evidence that a good faith effort was made and that co-location was not possible.</p> <p>R. All towers and support structures shall be designed to permit accommodation of future users in a manner approved by the Borough.</p> <p>S. <i>Parking.</i> A minimum of two off-street parking spaces shall be provided for a cellular telecommunications facility.</p> <p>T. <i>Sole Use on a Lot.</i> In addition to the other requirements of this Chapter, a cellular telecommunications facility is pertained as a sole use on a lot subject to the following additional requirements:</p> <p>(1) Minimum lot size: 20,000 sq. ft.</p> <p>(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.</p> <p>(3) Maximum tower height: 175</p> <p>(4) Maximum equipment structure size: 600 sq. ft.</p> <p>U. <i>Combined with Another Use.</i> In addition to the other requirements of this Chapter, a cellular telecommunications facility is permitted with an existing or proposed use, subject to the following additional requirements:</p> <p>(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.</p> <p>(2) The cellular telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.</p> <p>(3) Minimum lot area: The minimum lot area shall be the area needed to accommodate the tower (including guy wires if used), the equipment structure,</p>									

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>security fence and buffer planting, in addition to the minimum lot area required to accommodate the original existing use on the lot.</p> <p>(4) If the applicant is not the owner of the property, the applicant shall provide written indication (for example, a written lease, easement, or licensing agreement) of the property owner's authorization for the applicant to use the property as the location of a cellular telecommunications facility.</p> <p>(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.</p> <p>(6) Access: The vehicular access to the equipment structure shall, whenever feasible, be provided along the circulation driveways of the existing use.</p> <p>(7) Maximum tower height: 175 ft.</p> <p>(8) Maximum equipment structure size: 600 sq. ft.</p> <p>V. <i>Combined with an Existing Structure.</i> In addition to the other requirements of this Chapter, where possible an antenna for a cellular telecommunications facility shall be attached to an existing tower or structure subject to the following additional conditions:</p> <p>(1) Maximum height: 50 feet above the existing tower or structure, but overall combined height of not more than 175 feet.</p> <p>(2) Minimum setbacks: The distance from the base of the tower to the nearest point on the lot line shall not be less than the full height of the tower including any proposed additions or extensions.</p> <p>(3) If the Applicant proposes to locate the related equipment in a separate structure, the structure shall comply with the minimum setback requirements for the district.</p> <p>[Ord. 2010-6]</p>									

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Commercial Communications Tower</p> <p>A structure intended for transmitting or receiving radio, television, microwave, or telephone communication for commercial purposes. It may be a principal use or an accessory use, and all the following requirements must be met.</p> <p>Maximum height: 60 feet</p> <p>The tower and all of its supporting guys and/or structural supports shall be a minimum of 90 feet or 1.5 times its height, whichever is less, from any property line. Height is to be measured from the grade level of the ground to the top of the tower.</p> <p>The transmitter must be licensed by the Federal Communications Commission, and must be reviewed and approved by the Federal Aviation Authority, and by any and all other regulatory authorities with jurisdiction.</p>	N	N	N		N	N	S	S	Y
<p>Commercial Recreation</p> <p>A private commercial sports facility, indoor or outdoor, such as tennis club, skating rink, fitness club, swimming pool, bowling alley, skating rink, billiard hall, indoor movie theater, theater, miniature golf course, game arcade, subject to the following additional requirements:</p> <p>Minimum lot area: 1 acre</p> <p>No outdoor active recreational area shall be located nearer to any lot line than 50 feet.</p> <p>Outdoor play areas shall be sufficiently screened so as to protect the neighborhood from noise and other disturbances. Buffer yards of a minimum width of 30 feet planted in accordance with the standards of this Chapter shall be provided if the use is located within a residential district or adjacent to a residential use.</p> <p>No audio speakers or equipment shall be installed inside or outside the location of such use which would cause sounds to emanate to the exterior of the establishment.</p>	N	N	N		N	SE	Y	Y	N [Ord. 2005-13]
<p>Community Center</p> <p>A community center is an educational, social or recreational center operated by an educational, philanthropic, or religious institution, which is not conducted as a commercial enterprise and which is not a use which is customarily carried on as a business and which does not include residential facilities for chronically ill or other persons who need institutional care due to illness, disability, or who are part of a criminal justice program. A buffer area between any outdoor recreational areas and adjoining residential properties or residential districts is required and must have a width of 12 feet, planted in accordance with the requirements of this Chapter.</p>	SE	N	N		SE	N	N	N	N [Ord. 2005-13]

PRINCIPAL USES	DISTRICTS								
	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>NONRESIDENTIAL USES</p> <p>Contractor Offices and Shops Such as building, cement, electrical, heating, masonry, painting, roofing, plumbing, carpentry where the primary place of business is on the premises and which includes offices and equipment storage. Within the B-C Borough-Commercial District storage of equipment shall be within an enclosed structure.</p>	N	N	N		Y	N	Y	Y	N [Ord. 2005-13]
<p>Convenience Store A retail store offering primarily groceries, prepared food items, and other small consumer items intended for quick carry-out trade. Where sale of gasoline or fuel is proposed, the use shall be located only in a district where the use service station is permitted and only where the requirements for the service station use are met. Separate accessways shall be provided for the safe and convenient egress and ingress of motor vehicles. No accessway shall exceed 35 feet in width. There shall be no more than one access point into the facility from each street on which the facility has frontage. No drive-through windows are permitted. Trash receptacles shall be located and landscaped so as to not create an intrusion upon adjacent properties. Convenience stores shall provide a trash storage area to the rear of the building which shall be screened from the street and adjacent properties by an enclosed fence at least 6 feet in height to prevent trash from blowing from the area and to serve as a visual screen for the trash area. The use must have direct access to an arterial street.</p>	N	N	N		N	N	SE	N	N [Ord. 2005-13]
<p>Day Care Center Day care service or nursery school for more than six children, providing out-of-home care for part of a 24-hour day to children under 16 years of age, excluding care provided by relatives and care provided by places of worship during religious services. A. The facility shall meet all applicable design, site and area standards of the Pennsylvania Department of Public Welfare, Day Care Division, and must obtain a license from the Department of Public Welfare. B. Buffer yards of a minimum width of 12 feet planted in accordance with the standards of this Chapter shall be provided if the use is located within a residential district or adjacent to a residential use.</p>	N	N	N		SE	Y	Y	Y	N [Ord. 2005-13]

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Eating Place Eating place for the sale and consumption of food and beverages without drive-through service.</p>	N	N	N		SE	SE	SE	SE	N [Ord. 2005-13]
<p>Emergency Services Fire, ambulance, rescue and other emergency services of a municipal or volunteer nature.</p>	N	N	N		N	N	Y	Y	Y
<p>Feed Mill; Retail Sales of Farm and Garden Supplies</p>	N	N	N		Y	N	Y	Y	N [Ord. 2005-13]
<p>Fuel, Oil and/or Coal Distributors, Including Storage Facilities and Facilities for Residential Deliveries There shall be a maximum of 250,000 gallons of storage of liquid fuels per acre. Any acreage used for the purpose of such storage must be used exclusively for the storage of liquid fuels. There shall also be a limit of 500,000 gallons of storage of liquid fuels in any inter-connected facilities. The dike of any storage facility may not be closer than 100 feet from the nearest point on any building, may not be closer than 100 feet from the nearest point on any lot line not adjacent to a residential district, and may not be closer than 300 feet from the nearest point on any boundary line of any residential district. These restrictions and requirements shall be concurrent, and if more than one requirement is applicable, the most restrictive requirement shall govern. All other requirements of this Chapter, as amended, and any and all State and Federal regulations shall also apply. Where inconsistencies or conflicts between the requirements of this Section, this Chapter, as amended, and/or State and Federal regulations occur, the most restrictive requirement shall govern; except that there shall be no side or rear yard required between the dike of any storage facility and the lot or property line of any land used for the sole purpose of a railroad. This use does not include an automobile service station.</p>	N	N	N		N	N	Y	Y	N [Ord. 2005-13]

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Governmental Communications Tower</p> <p>The use of a tower by a governmental entity or agency intended for transmitting or receiving radio, television, microwave, telephone communications, or other electromagnetically generated communications primarily for governmental communication uses. The co-location of commercial antennas and related necessary equipment or other use of the tower for commercial transmissions shall also be permitted so long as the tower is owned by a governmental unit and the tower is used primarily for governmental communications.</p> <p>The maximum height for such a tower is 175 feet as measured from grade level of the ground to the top of the tower.</p> <p>The tower and all of its supporting guys and/or structural supports shall be located not less the tower's height from all residentially occupied buildings.</p> <p>The transmitter must be licensed by the Federal Communications Commission, reviewed and approved by the Federal Aviation Administration, as well as all other entities having jurisdiction.</p> <p>This use may include a related building for the purpose of housing equipment, storage, or providing office space for operations related to use of the tower, provided that such a building must comply with other applicable ordinances and regulations.</p> <p>Notwithstanding any other provision of this Chapter regarding fences, a governmental communications tower, including its supporting wires and structures, or the parcel of land upon which such tower is located, shall be surrounded by a fence of 8 feet in height, constructed of materials approved by Borough Council. [Ord. 2007-1].</p> <p>A governmental communications tower and its related building (if any), and required security fence owned by a governmental unit in a GOV District shall not be considered to be an intrusion upon the minimum buffer yard required by §27-505.H(5) of this Chapter. All other provisions of §27-505.H shall, however, be applicable.</p> <p>[Ord. 2005-13]</p> <p>Notwithstanding any other provision of this Chapter, parking space dimensions for a use authorized in the GOV District may be reduced to 9 feet by 18 feet. [Ord. 2007-1]</p> <p>Notwithstanding any other provision of this Chapter, the maximum height of a building in the GOV District shall not exceed 45 feet. [Ord. 2007-1]</p>									<p>N [Ord. 2005-13]</p>

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Library or Museum A facility open to the public or connected with a permitted educational use, and not conducted as a private gainful business.</p>	Y	Y	Y		Y	Y	N	N	N [Ord. 2005-13]
<p>Lumber Yard</p>	N	N	N		N	N	Y	Y	N [Ord. 2005-13]
<p>Nursing Home or Personal Care Boarding Home A care facility licensed and approved by the Commonwealth of Pennsylvania to provide personal care, intermediate care, or full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, require such care. Nursing homes must be licensed by the Pennsylvania Department of Health; facilities providing personal care boarding must be licensed by the Pennsylvania Department of Welfare.</p>	N	N	N		N	N	Y	Y	N [Ord. 2005-13]
<p>Medical Office Office or clinic for medical or dental examination or treatment of persons as outpatients including laboratories incidental thereto; veterinary offices; provided, however, that a medical office shall not include a facility intended primarily for the treatment or rehabilitation of persons experiencing a substance abuse or addiction problem such as alcoholism or alcohol addiction, illegal or prescription drug addiction, etc. [Ord. 2010-1]</p>	N	N	N		Y	Y	Y	Y	N [Ord. 2005-13]
<p>Municipal Recreational Facilities Recreational facilities owned or operated by the Borough or other governmental agency.</p>	Y	Y	Y		Y	Y	Y	Y	N [Ord. 2005-13]
<p>Office, Business or Professional Offices for business or professional use, including offices providing legal, engineering, design, insurance, brokerage, or other similar services, and which do not include retail activities and which are distinct from home offices. No accessory outside storage is permitted and all activities must take place within an enclosed building.</p>	N	N	N		Y	Y	Y	Y	N [Ord. 2005-13]

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
Place of Worship Structure or structures used for religious worship or religious instruction, including social, educational, and administrative rooms accessory thereto. A place of worship may include a nursery school or day care facility as an accessory use.	Y	Y	Y		Y	N	N	N	N [Ord. 2005-13]
Printing, Publishing, Binding	N	N	N		N	Y	Y	Y	N [Ord. 2005-13]
Production, Processing, Cleaning, Testing and Distribution of Materials, Goods, Foodstuffs, and Products.	N	N	N		N	Y	Y	Y	N [Ord. 2005-13]
Repair Shop Any business for the repair of consumer goods but not including repair of automobiles, motor vehicle or motorcycles and not including the repair of other items which, as part of the repair process, causes noise, fumes, or other disturbances to emanate to the property line of the establishment.	N	N	N		Y	SE	Y	Y	N [Ord. 2005-13]
Research, Testing or Experimental Laboratory	N	N	N		N	Y	Y	Y	N [Ord. 2005-13]
Retail Trade and Services Establishments engaged in selling goods or merchandise to the general public for personal or household consumption or use and rendering services incidental to the sale of such goods; or establishments primarily engaged in providing services involving the care of a person or his or her household goods, apparel, or other belongings. Such use does not include an eating place, eating place with drive-through service, or other use specifically designated in this Chapter as a separate use.	N	N	N		Y	N	SE	SE	N [Ord. 2005-13]
School Religious, sectarian and non-sectarian, denominational private school, or public school which is not conducted as a private gainful business, and is licensed under the proper governmental authority to provide education for pre-kindergarten through grade twelve.	Y	Y	Y		Y	N	Y	Y	N [Ord. 2005-13]

PRINCIPAL USES	DISTRICTS								
NONRESIDENTIAL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Utilities Transformer station, pumping station, relay station, substations, switching center and excluding a commercial communications tower. In residential districts, such uses shall be permitted only where all the following conditions are met: Such installation is essential to serve such residential areas; and No public business office or any storage yard or storage building is operated in connection with it; and A 50-foot buffer yard shall be provided along all property lines which shall include adequate means for visual screening and fencing where required to protect the facility from trespassers. Minimum lot area: lot area shall be adequate for the facility, necessary off- street parking, and a 50-foot buffer along all lot lines.</p>	Y	Y	Y		Y	Y	Y	Y	N [Ord. 2005-13]
<p>Warehousing Warehousing or distribution facilities as a principal use</p>	N	N	N		N	SE	Y	Y	N [Ord. 2005-13]
<p>Wholesale Business and Storage in a Roofed Structure</p>	N	N	N		N	SE	Y	Y	N [Ord. 2005-13]

PRINCIPAL USES	DISTRICTS								
ACCESSORY USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Home Occupation</p> <p>An office for a business of a resident who may be self-employed or who may work for another employer, or contract or consult with another company or individual which does not involve any visiting by clients or patients and which does not use any employees on the premises and which does not involve any display of merchandise on the property. It is permitted on the same lot with and must be clearly incidental to a permitted dwelling in which the operator of the home office resides and may be permitted where it conforms with the following regulations.</p> <ul style="list-style-type: none"> A. The home office shall be accessory to a single-family residence and carried on wholly indoors and within the dwelling or other structure accessory thereto and shall be clearly incidental and subordinate to the residential use of the property; B. The home occupation must be carried on by the individual who resides at the property. No outside employees or contractors, other than members of the immediate family who also reside at the property, may be employed in the home office. C. There shall be no use of show windows or display or advertising visible outside the premises to attract customers or clients. No signs of any type are permitted. D. There shall be no exterior storage of materials. E. No external alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation. F. There shall be no retail sales on the property. G. There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries. H. The floor area devoted to a home occupation shall not be more than 25 percent of the floor area of the principal residential structure. I. The use may include a contractor who provides services off the premises. 	Y	Y	Y		Y	N	N	N	N [Ord. 2005- 13]

PRINCIPAL USES	DISTRICTS								
ACCESSORY USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Accessory Family Apartment</p> <p>One apartment accessory to a single-family detached dwelling shall be permitted provided the following conditions are met.</p> <ul style="list-style-type: none"> A. The accessory family apartment shall occupy no more than 25 percent of the total floor area of the principal residence. B. Accessory family apartments may contain separate cooking, sleeping, living, and bathroom facilities. C. Accessory family apartments shall be part of the principal residence or may be contained in an 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. D. The required off-street parking for the principal dwelling plus one additional off-street parking space for the accessory apartment shall be provided. E. Accessory family apartments shall be noncommercial in nature and shall not be created for the purpose of creating multifamily housing in areas where single-family housing is intended. F. There shall be no changes to the exterior of the residence which suggest that the dwelling unit is other than a single-family detached dwelling or which otherwise detract from the single-family character of the neighborhood. G. No more than one accessory family apartment shall be permitted per single-family detached dwelling. H. Each accessory family apartment shall be registered with the Borough Zoning Officer who shall keep a record of its use to insure that the intent of this Chapter is being met. 	SE	SE	SE		SE	N	N	N	N [Ord. 2005- 13]

PRINCIPAL USES	DISTRICTS								
ACCESSORY USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Accessory Office</p> <p>An office for a professional business of a resident which does involve visiting by clients or patients and which does use employees on the premises but which does not involve any display of merchandise on the property. It is permitted on the same lot with and must be clearly incidental to a permitted dwelling in which the operator of the home office resides and may be permitted where it conforms with the following regulations:</p> <ul style="list-style-type: none"> A. The area devoted to the permitted accessory office use shall be located within either the practitioner's dwelling or a building accessory thereto. B. The floor area devoted to such business use shall be equivalent to not more than 25 percent of the total floor area of the residence, excluding the ground area covered by an attached garage or such other similar building. C. Not more that two employees, assistants or associates, in addition to the resident practitioner, shall be employed on the premises. D. No external alterations shall be made which involve construction features not customary to dwellings. E. No signs shall be permitted, except an accessory use sign in accordance with the provisions of Part 8. No sign shall be illuminated. F. Minimum lot area for residences with accessory offices: 25,000 square feet. G. All parking shall be located to the side or rear of the residence and shall be separated from adjoining properties by a planting strip 5 feet in width. H. An accessory office is limited to single-family detached dwelling units. I. No more than three parking spaces shall be permitted in addition to the two spaces allowed for the principal residential use. 	SE	SE	N		SE	N	SE	SE	N [Ord. 2005-13]
<p>Noncommercial Residential Accessory Structure</p> <p>Structure such as greenhouse, toolshed, swimming pool, or similar accessory use customarily incidental to a permitted use and not normally conducted as an independent principal use, provided that any use accessory to a use only under a special exception shall be established only if and as provided in such exception. Swimming pools shall meet all requirements of the Borough Building Code.</p>	Y	Y	Y		Y	N	N	Y	N [Ord. 2005-13]

PRINCIPAL USES	DISTRICTS								
ACCESSORY USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Nonresidential Accessory Structure or Accessory Use Structure or use customarily incidental to a permitted use and not normally conducted as an independent use. Outside storage and any other use listed as a principal use shall not be considered an accessory use.</p>	N	N	N		Y	Y	Y	Y	N [Ord. 2005-13]
<p>Outside Storage or Display 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 regulations:</p> <ul style="list-style-type: none"> A. 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. B. Outside storage and display areas shall occupy an area of less than one-half the existing building coverage. C. Outside storage and display area shall be shielded from view from public streets. D. <i>Exceptions to Limitations.</i> Uses requiring more substantial amounts of land area for storage or display may be granted as a special exception by the Zoning Hearing Board where the following conditions are met: <ul style="list-style-type: none"> (1) No more than 25 percent of the lot area shall be used in outdoor storage or display. (2) Uses eligible for outside storage are: automobile sales, lumber yard/planing mill, fuel storage and distribution. Uses not eligible for outside storage exceptions to limitations are: retail and service stores, repair shops, automobile service station, wholesale business and storage, and contractor offices. 	N	N	N		Y	SE	Y	Y	N [Ord. 2005-13]

PRINCIPAL USES	DISTRICTS								
OTHER LAWFUL USES	R-1	R-2	R-3	R-4	B-C	L-I	I-C	I-C 2	GOV
<p>Other Lawful Uses</p> <p>Any lawful use that is permitted by the Municipalities Planning Code or other applicable law, and which is not otherwise permitted in other use categories of this Chapter, may be permitted as a conditional use when approved by the Borough Council and provided that the applicant for such conditional use establishes that the proposed use meets the following criteria as well as the other applicable requirements of this Chapter.</p> <ul style="list-style-type: none"> A. The use must comply with the lot, area, dimensional, and design criteria for the IC and IC-2 districts. B. Where applicable, the applicant must show that the proposed use will comply with all permit requirements for any governmental agency having jurisdiction or regulatory authority. C. A buffer area shall be established in accordance with the conditions imposed upon the granting of the conditional use approval which is sufficient to adequately screen the lawful permitted use from other uses in the vicinity. The buffer area shall be in accordance with Part 6 of this Chapter and shall be of sufficient width to protect the surrounding area from objectionable effects of the proposed use including, but not limited to, noise, dust, vibration, odor, illumination, visual effects, and the like. D. The applicant must show that reasonable parking, loading, and access facilities, appropriate to the proposed use, will be provided. E. The applicant must show that reasonable provisions for the preservation of public safety, appropriate to the proposed use, will be made. F. The owner, operator, or manager of such use must provide the Borough with a telephone number by means of which the Borough Police and Borough Code Enforcement Officer may reach the owner, operator, or manager at any time, 24 hours per day, and 7 days per week. <p>[Ord. 2010-1]</p>	N	N	N	N	N	N	CU	CU	N

(Ord. 1996-4, 9/18/1996, §505; as amended by Ord. 2000-9, 9/20/2000, §§3 and 4; by Ord. 2003-1, 2/12/2003, §§1, 4; by Ord. 2003-5, 5/14/2003, §1; by Ord. 2005-13, 12/14/2005, §§3, 4; by Ord. 2007-1, 12/10/2006, §§1, 2; by Ord. 2010-1, 1/13/2010, §§1, 2; by Ord. 2010-4, 6/9/2010, §§1, 2; and by Ord. 2010-6, 8/11/2010, §§1, 2)

Part 6**General Requirements Applicable to All Uses and Districts**

§27-601. District Regulations. (See Table, “Area and Dimension Requirements,” at end of this Part)

The regulations for each district pertaining to minimum lot area, minimum lot width, minimum front yard, minimum side yard, minimum rear yard, maximum height, maximum impervious surface, maximum building coverage, and any other area or dimensional requirements, shall be as specified in this Section, “Table of Dimensional Requirements,” subject to the further applicable provisions of Part 5, Part 6, and this and other Borough ordinances.

(Ord. 1996-4, 9/18/1996, §600)

§27-602. Lot Area and Yards Required.

The lot area and yards required 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 area and yard 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.

(Ord. 1996-4, 9/18/1996, §601)

§27-603. Spacing of Nonresidential Buildings on the Same Lot.

Where two or more main buildings for one permitted use other than residential use are proposed to be built upon property in one ownership, front, side, and rear yards are required only at lot lines abutting other property.

(Ord. 1996-4, 9/18/1996, §602)

§27-604. Minimum Lot Area.

Where a minimum lot area is specified no principal building or use shall be erected or established on any lot of lesser area.

(Ord. 1996-4, 9/18/1996, §603)

§27-605. Minimum Lot Width.

Where a minimum lot width is specified no principal building shall be erected on any part of a lot which has a width of less than is specified, except as may be permitted by §27-606.

(Ord. 1996-4, 9/18/1996, §604)

§27-606. Exceptions to Minimum Lot Areas and Lot Widths.

The provisions of §§27-601, 27-604, and 27-605, shall not prevent the construction of a building, provided the yard requirements are observed, on any lot which was lawful when created and which prior to the effective date of this Chapter was in separate

ownership duly recorded by plan or deed. This exception shall not apply to any two 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.

(Ord. 1996-4, 9/18/1996, §605)

§27-607. Traffic Visibility Across Corners.

No building, fence, planting, or other structure shall be maintained between a plane 2 feet above curb level and a plane 7 feet above curb level so as to interfere with traffic visibility across the corner within that part of the required front or side yard which is within a triangle bounded by the street lot line and a straight line drawn between points on each such lot line 25 feet from the intersection of said lot lines or extension thereof.

2. At each point where a private accessway intersects a public street or road, a clear-sight triangle bounded by the street lot line and a straight line drawn between points on the street lot line and on each side of the accessway, 10 feet from the intersection of said lot lines and accessway or extension thereof, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than 2 feet above the street grade.

(Ord. 1996-4, 9/18/1996, §606)

§27-608. Front and Side Yards of Corner Lot.

On a corner lot the street side yard shall equal to the required front yard for lots facing that street.

(Ord. 1996-4, 9/18/1996, §607)

§27-609. Front Yard Regulations.

Where a minimum depth of front yard is specified in §27-601, 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 hereafter.

(Ord. 1996-4, 9/18/1996, §608)

§27-610. Street Classification.

Streets are classified as follows:

A. *Arterial Street.* Designed for large volumes and high speed traffic with access to abutting properties restricted.

B. *Collector Street.* Designed to carry a moderate volume of fast moving traffic from secondary streets to arterial streets, with access to abutting properties restricted.

C. *Secondary Street.* Designed to provide access to abutting properties and carry traffic from secondary streets to collector streets, and designed primarily to provide access to abutting properties.

(Ord. 1996-4, 9/18/1996, §609)

§27-611. Street Right-of-Way and Cartway Widths.

Street rights-of-way and cartways shall have a minimum width of a 50-foot right-of-way and a 26-foot paved cartway where on-street parking is prohibited and a 60-foot right-of-way and 36-foot cartway where on-street parking is permitted. Streets under the jurisdiction of the Pennsylvania Department of Transportation shall have the right-of-way and cartway required by PennDOT.

(*Ord. 1996-4, 9/18/1996, §610*)

§27-612. Projections into Front Yards.

Ground story windows and porches not over half the length of the front wall may project into any front yard 3½ feet. Chimneys, flues, columns, sills, and ornamental features may project not more than 1 foot and cornices and gutters not more than 2 feet into a required front yard.

(*Ord. 1996-4, 9/18/1996, §611*)

§27-613. Fences.

Fences and walls, which are man-made structures erected to enclose or screen areas of land, are permitted subject to the following regulations:

A. Allowable Height and Solid Area for Fences for Yards Adjacent to Streets.

(1) Fences in any portion of a front yard shall not exceed 4 feet in height except for (a) fences in a planned residential village or a planned residential village–townhouse use where fences may not exceed 42 inches in height as provided in the zoning regulations for those uses, and (b) fences along Bristol Road or Jacksonville Road where fences shall not exceed 6 feet in height. Height shall be measured from the mean ground level surrounding the fence.

(2) Privacy fences are not permitted in any portion of a front yard. Additionally, in the case of a principal structure having any type of front porch, whether covered or uncovered, or enclosed or unenclosed, no side yard privacy fence shall extend further toward a front yard than a line parallel to the street line and even with the rear-most portion of the front porch. A “privacy fence” is a fence that is constructed so that over 50 percent of the fence is of a solid substance, except that no fence 2 feet high or less shall be subject to these restrictions. [*Ord. 2006-6*]

(3) For purposes of this paragraph .A only, a corner lot, as defined in §27-202, shall have one front yard, one rear yard, and two side yards. The front yard shall be the yard between the street line of the lot’s mailing address street to the principal structure.

(4) Fences in side and rear yards shall not exceed a height of 6 feet. A side yard shall not include any portion of a front yard.

[*Ord. 2005-5*]

B. Fences and walls in side and rear yards shall not exceed a height of 6 feet. A side yard shall not include any portion of a front yard.

C. No fences or walls may be constructed in the clear sight triangle or in any portion of the street right-of-way or in a public easement or in any portion of a public easement where the easement agreement prohibits fences or walls.

D. No fence or wall may be erected for the purpose of cutting off the light or

air of any adjoining property or be erected of unsightly materials for the purpose of annoyance or harassment of spite.

E. Materials permitted for fence or wall construction include wood, brick, metal, stone, or other materials customarily utilized for the construction of residential fences or walls.

F. Fences or walls surrounding tennis courts may be no more than 10 feet in height but may not be located in any portion of the required front yard.

G. These regulations shall not apply to the following:

(1) Fences or walls needed to secure swimming pools, which shall be constructed so as to meet the swimming pool fencing requirements of this Chapter and the Borough Building Code [Chapter 5, Part 1].

(2) Fences or walls around or associated with agricultural or horticultural uses.

(*Ord. 1996-4, 9/18/1996, §612; as amended by Ord. 2005-5, 6/8/2005, §§1, 2; and by Ord. 2006-6, 12/13/2006, §1*)

§27-614. Exception to Required Front Yard for Certain Accessory Uses.

Subject to §27-607, the front yard requirements of §27-601 shall not apply to accessory signs and off-street parking facilities.

(*Ord. 1996-4, 9/18/1996, §613*)

§27-615. Front Yard Reduction.

Where there is an existing building on each of two lots adjacent on either side to a lot on which a proposed building is to be erected, where both such existing buildings have an alignment nearer to the street than the required front depth elsewhere specified in this Chapter, and when both such existing buildings are within 100 feet of the proposed building, the average of the existing front yard depths of such adjacent lots shall be the minimum required front yard depth of the lot on which the proposed building is to be erected.

(*Ord. 1996-4, 9/18/1996, §614*)

§27-616. Side Yard Requirements.

Where a minimum width of side yard is specified in §27-601, no building or structure shall be erected within the specified distance from either side lot line except as specifically permitted by this Chapter.

(*Ord. 1996-4, 9/18/1996, §615*)

§27-617. Side and Rear Yard Exception for Secondary Entrances and Exits from Habitable Basements.

Structures that consist of second or additional entrance and exits from habitable basement spaces, including Bilco doors and basement window emergency exit structures, may intrude into required rear and side yards for any district; provided that such structures may not be located less than 5 feet from any property line.

(*Ord. 1996-4, 9/18/1996, §615-A; as added by Ord. 2006-5, 7/12/2006, §1*)

§27-618. Rear Yard Requirements.

No building or structure shall be built within the minimum depth from the rear lot line specified in §27-601, except as may be specifically permitted by this Chapter.

(Ord. 1996-4, 9/18/1996, §616)

§27-619. Maximum Heights of the Buildings.

No building or structure shall exceed a maximum height of 35 feet, unless specifically permitted by the terms of this Chapter for specific uses.

(Ord. 1996-4, 9/18/1996, §617)

§27-620. Height Exceptions of Maximum Regulations.

1. Height limits specified in §27-619 may be exceeded by 1 foot for each foot by which the width of the front, rear and side yards is increased beyond the minimum yard requirements, up to a maximum height limit of 40 feet.

2. The provisions of §27-619 shall not apply to farm buildings, church spires, belfries, or chimneys normally built above the roof and not devoted to human occupancy. Such structures, however, shall be erected only to such heights and of such areas as are necessary to accomplish the purpose they are normally intended to serve and shall not include commercial communications towers as regulated by this Chapter.

(Ord. 1996-4, 9/18/1996, §618)

§27-621. Building Coverage.

For any building or group of buildings on a lot, the lot coverage shall not exceed the maximum specified in §27-601.

(Ord. 1996-4, 9/18/1996, §619)

§27-622. Accessory Structures.

1. *Residential Accessory Structures.* Residential accessory building or structure or use are limited to the following which must meet the requirements listed below:

A. Parking spaces for parking of passenger automobiles; parking of commercial vehicles not exceeding $\frac{3}{4}$ ton loading capacity within a completely enclosed building.

B. Structures such as fences, walls, decks, and private swimming pools.

C. Buildings such as garages, storage sheds, bath houses, and private greenhouses; provided, that the maximum number of garage buildings permitted on any single lot is one. [Ord. 2001-1]

D. *Area and Dimensional Requirements for Accessory Buildings or Structures.*

(1) No accessory building or structure except for fences and walls shall be permitted in front yards.

(2) Completely detached accessory buildings of less than 290 square feet in total floor area and 12 feet or less in height on properties located within R-1 Residence Zoning Districts may occupy or intrude into a required side or rear yard, but shall not be located closer than 5 feet from any side or rear property

line, and shall not be located closer than 15 feet from any dwelling.

(3) Completely detached accessory buildings of less than 340 square feet in total floor area and 12 feet or less in height on properties located within R-2 Residence Zoning Districts may occupy or intrude into a required side or rear yard, but shall not be located closer than 5 feet from any side or rear property line, and shall not be located closer than 15 feet from any dwelling.

(4) (a) Completely detached accessory buildings of not more than 80 square feet in total floor area and 12 feet or less in height on properties located within R-3 Residence Zoning Districts may occupy or intrude into a required rear yard, but shall not be located closer than 15 feet from any other building. Subject to the foregoing restrictions, it is specifically contemplated that such accessory buildings may be located directly on a lot line, although they must not intrude into a neighboring property. It is specifically provided, however, that no such detached accessory structure shall be permitted under this subsection unless the appearance of such structure and the location thereof have been approved in writing by a properly constituted unit owners association of which the property owner is a member. If the property for which an application is requested under this Section is not subject to a unit owners association, then no zoning permit under this Section may be issued without first obtaining a suitable variance from the Zoning Hearing Board.

(b) With regard to units located in the Ivy Meadows Development, the rear yard is defined as the area to the rear of each unit and which is provided for the benefit of each unit as more specifically set forth in any applicable provision of the rules, regulations and/or bylaws for Ivy Meadows. No such accessory structure may be located closer than 15 feet from any portion of the Ivy Meadows perimeter fence. It is further provided that no provision of this Chapter shall be construed so as to be less restrictive than any provision of the applicable rules, regulations, bylaws, or Association rulings for Ivy Meadows. In the event of a conflict between this Chapter and the rules, regulations, bylaws, or Association rulings for Ivy Meadows, the more restrictive provision shall apply. No zoning permit for an accessory building in Ivy Meadows shall be issued unless the proposed accessory building has been approved in writing by the Ivy Meadows Home Owners Association.

[Ord. 2008-2]

(5) Completely detached accessory buildings of less than 100 square feet in total floor area and 12 feet or less in height on properties located within R-4 Residence Zoning Districts may occupy or intrude into a required side or rear yard, but shall not be located closer than 5 feet from any side or rear property line, and shall not be located closer than 15 feet from any dwelling.

(6) No accessory building shall be closer to the street line than the principal building.

(7) Uncovered, unenclosed patios or decks may extend not more than 10 feet into the required rear yard only.

(8) Accessory swimming pools and the paving or coping surrounding it or

associated with it shall not be located closer to the street than the front building setback line and not closer than 10 feet to any other property line.

[Ord. 2001-1]

2. *Nonresidential Accessory Structures.* No nonresidential accessory structures are permitted in front yards.

(Ord. 1996-4, 9/18/1996, §620; as amended by Ord. 2001-1, 2/7/2001, §§1, 2; and by Ord. 2008-2, 5/14/2008, §1)

§27-623. Environmental Protection Standards.

All applicants for subdivision, land development or building permits shall meet the following standards of environmental protection. Site alterations, regrading, filling, or clearing of vegetation prior to the submission of plans for development shall be a violation of this Chapter:

A. *Floodplains.*

(1) The Floodplain District shall include all areas subject to inundation by waters of the 100-year flood. The basis for the delineation of this district shall be the Flood Insurance Rate Map for the Borough of Ivyland, Bucks County, Pennsylvania as may have been prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration (HUD/FIA).

(a) In areas of the Borough where no detailed flood profiles or elevations have been provided by a Flood Insurance Study or by the Flood Insurance Rate Map, the Floodplain District shall include land areas which contain soil characteristics clearly indicative of flooding conditions, hereinafter referred to as “floodplain soils.” In these undesignated areas, the floodplain soils shall be subject to the Floodplain District regulations contained herein. The floodplain soils shall include any one or combination of the following soil classifications as defined in the 1975 Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, prepared by the U.S. Department of Agriculture, Soil Conservation Service:

Symbol	Name
AE	Alluvial land
AIA	Alton gravelly loam
Bo	Bowmansville silt loam
Ha	Hatboro silt loam
Mh	Marsh
PoA	Pope loam
Ro	Rowland silt loam

(b) Where the specific 100-year elevation has not been detailed on the Flood Insurance Study or Flood Insurance Rate Map, the floodplain soils

shall govern unless the applicant for a proposed use, development or activity determines the floodplain elevation in accordance with hydrologic and hydraulic engineering techniques. A study for the 100-year flood prepared in accordance with the Federal Emergency Management Agency Flood Insurance Study requirements shall be submitted to the Borough for review.

(2) The following land uses are permitted in the Floodplain District provided they are permitted in the underlying district, provided that they do not require any structure, fill, or storage of materials and, further provided, that such uses do not involve encroachments, including fill, new construction, or any other development that would result in any increase in the 100-year flood elevations:

(a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture.

(b) Public and private recreational uses and activities such as open space, parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, bicycling and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries.

(c) Residential accessory uses such as yard areas, gardens, and play areas.

(d) Industrial and commercial undeveloped yard areas containing no structures.

(3) The following uses and activities may be permitted by the Zoning Hearing Board as special exceptions provided they are in strict compliance with all other applicable provisions of this Chapter.

(a) Utilities, public facilities, and improvements such as railroads, streets, bridges, transmission lines and pipe lines.

(b) Storage of materials and equipment, provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, and provided, that such material and equipment is firmly anchored to prevent flotation or movement.

(4) The placement of any mobile or manufactured home in the Floodplain District is prohibited.

(5) *Alteration or Extension.* Structures or uses that lawfully exist as of the date of the initial enactment of a floodplain ordinance by the Borough which are not in conformity with the provisions of this Chapter may be altered or extended upon approval by the Zoning Hearing Board subject to the following conditions:

(a) Only upon the same lot that was in existence at the date this Chapter was enacted.

(b) No extension or alteration shall be permitted to any structure which would cause any increase in the 100-year flood level.

(c) The alteration or extension must conform to all applicable regulations of this Chapter.

(d) Any modification, alteration, repair, reconstruction, or improvement of any kind to an existing structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred, shall be considered a substantial improvement and shall not be permitted.

(e) Any increase in volume or area shall not exceed an aggregate of more than 25 percent of such volume or area during the life of the structure.

(f) Any extension or alteration shall be designed or modified so as to be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; constructed by methods and practices that minimize flood damages; and constructed with electrical, heating, ventilation, plumbing and air conditioning equipment that are designed and/or located so as to prevent water from entering or accumulating within components during conditions of flooding.

(g) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic forces on exterior walls.

(6) *Obstructions Posing a Special Hazard.* In accordance with the administrative regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, the following obstructions and activities are prohibited if located entirely or partially within an identified floodplain area:

(a) The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

- 1) Hospitals (public or private).
- 2) Nursing homes (public or private).
- 3) Jails or prisons.

(b) The commencement of, or any construction of, a new mobile home or manufactured home park or mobile or manufactured home subdivision, or substantial improvement to an existing mobile home or manufactured home park or mobile home or manufactured home subdivision.

(c) Any new or substantially improved structure which will be used for the storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises. This list shall be considered to be the minimum list of hazardous substances. Due consideration shall be given to any and all substances which may be hazardous or may cause pollution or danger to life or property and to any and all Federal, State or County regulations of these or similar substances.

- 1) Acetone.
- 2) Ammonia.
- 3) Benzene.
- 4) Calcium carbide.
- 5) Carbon disulfide.
- 6) Celluloid.
- 7) Chlorine.
- 8) Hydrochloric add.
- 9) Magnesium.
- 10) Nitric acid and oxides of nitrogen.
- 11) Petroleum products (gasoline, fuel oil, etc.).
- 12) Phosphorus.
- 13) Potassium.
- 14) Sodium.
- 15) Sulfur and sulfur products.
- 16) Pesticides (including insecticides, fungicides, rodenticides).
- 17) Radioactive substances, insofar as such substances are not otherwise regulated.

B. *Steep Slopes.* In areas of steep slopes, the following standards shall apply:

(1) *Land Areas with Slopes of Between 15 Percent and 24 Percent.* No more than 30 percent of such areas shall be developed and/or regraded or stripped of vegetation.

(2) *Land Areas with Slopes of 25 Percent or More.* No more than 15 percent of such areas shall be developed and/or regraded or stripped of vegetation.

C. *Wooded Areas.* No more than 25 percent of any wooded areas and its associated understory plants and trees may be cleared or developed. The remaining 75 percent shall be retained.

D. *Lakes, Ponds, Waters of the Commonwealth, or Watercourses.* These areas shall not be altered, regraded, developed, filled, piped, diverted, or built upon except as specifically authorized herein and/or where required permits and approvals have been obtained authorizing such activities from the Department of Environmental Protection and/or the U.S. Army Corps of Engineers.

E. *Large Trees.* Trees measuring 16 inches or more in diameter shall be preserved or shall be replaced where preservation is not feasible. For every tree which exceeds 16 inches in diameter which is removed, replacement trees with a minimum diameter of 3 inches shall be planted on the site so that the total diameter-inches of replacement trees is equal to one-half the total diameter-inches of trees removed.

F. *Wetlands.* Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for

life in saturated soil conditions. Wetlands shall not be altered, regraded, developed, filled, piped, diverted, or built upon except as specifically authorized herein and where required permits and approvals have been obtained authorizing such activities from the Pennsylvania Department of Environmental Protection and the U.S. Army Corps of Engineers.

G. *Riparian Buffer*. The measurement of the riparian buffer shall extend a minimum of 75 feet from each defined edge of an identified watercourse or surface water body at bankfull flow or shall equal the extent of the 100-year floodplain, whichever is greater. The riparian buffer area is composed of two distinct protection zones. No land disturbance shall be permitted within any riparian buffer except as permitted below.

(1) *Zone 1*. This buffer zone will begin at the edge of the identified watercourse and occupy a margin of land with a minimum width of 25 feet measured horizontally on a line perpendicular to the edge of water at bankfull flow.

(a) Permitted uses in Zone 1 include the following:

1) Open space uses that are primarily passive in nature such as wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas for public or private parklands, reforestation and stream bank stabilization.

2) Regulated activities permitted by the Commonwealth and Borough for stream or wetland crossing or other encroachment (i.e., recreational trails, roads, sewer or water lines, and utility transmission lines) provided that any disturbance is offset by riparian corridor improvements outlined in subparagraph (6) below, and as approved by the Borough Council. In addition, the following conditions should be met:

a) The width of the crossing shall be as small as possible.

b) The crossing is designed to cross the riparian corridor at a right angle or close to a right angle.

c) Any proposed crossing of the riparian corridor shall be located at least 500 feet from any other existing crossing. In cases where this separation is not feasible, the Borough Council may permit a shorter separation distance upon conditional use approval.

d) All proposed crossings shall be capable of passing the ultimate 100-year flood event. Bridges shall be used in place of culverts when crossing would require a 72-inch or greater diameter pipe. When culverts are installed, they shall consist of slab, arch or box culverts and not corrugated metal pipe. Culverts shall be designed to retain the natural channel bottom to ensure the passage water during low flow or dry weather periods.

e) Corridor crossings by underground utility lines or pipes shall be located at least 3 feet below the stream invert.

3) Vegetation management in accordance with an approved

landscape or open space management plan. This may include streambank stabilization, removal of invasive plants, the cleaning out of trash, the planting of noninvasive plants, the correction of soil erosion problems, and the proper care of existing riparian plants.

4) Runoff or wastewater to be buffered or filtered by Zone 1 will be limited to sheet flow or subsurface flow only. Concentrated flows must be converted to sheet flow or subsurface flows as approved by the Borough Engineer prior to entering Zone 1.

(2) *Zone 2.* This buffer zone will begin at the outer edge of Zone 1 and occupy a minimum width of 50 feet in addition to Zone 1. However, where the width of the 100-year floodplain extends greater than 75 feet from the waterway, Zone 1 shall remain a minimum of 25 feet and Zone 2 shall extend from the outer edge of Zone 1 to the outer edge of the 100-year floodplain.

(a) Uses permitted in Zone 2 include the following:

1) Open space uses that are primarily passive in nature such as wildlife sanctuaries, nature preserves, forest preserves, passive areas for public or private parklands, recreational trails and reforestation.

2) Customary agricultural practices in accordance with a soil conservation plan approved by the Bucks County Conservation District.

3) Regulated activities permitted by the Commonwealth and Borough for stream or wetland crossing or other encroachment (i.e., recreational trails, roads, sewer or water lines, and utility transmission lines) provided that any disturbance is offset by riparian corridor improvements as outlined in subparagraph (7) below and as approved by the Borough Council.

4) Selective cutting of trees when removal is approved by the Borough. A proposed removal shall be consistent with a long-term forest management plan prepared by a professional forester.

5) Naturalized stormwater basins approved by the Borough provided the entire basin is located a minimum of 25 feet from the defined edge of the identified watercourses.

6) Vegetation management in accordance with an approved landscape or open space management plan. This may include reforestation, removal of invasive plants, the cleaning out of trash, the planting of noninvasive plants, the correction of soil erosion problems, and the proper care of existing riparian plants.

(3) *Prohibited Uses.* Any use or activity not authorized within subparagraphs (1) and (2) above shall be prohibited within the riparian buffer. The following activities and facilities are specifically prohibited:

(a) Clear cutting of trees and other vegetation.

(b) Selective cutting of trees and/or the clearing of other vegetation, except where such clearing is necessary to prepare land for a use permitted under subparagraph (1) or (2) above, or where removal is necessary as a means to eliminate dead, diseased or hazardous trees.

Removal is subject to revegetation by native plants that are most suited to the riparian corridor as approved by the Borough.

- (c) Storage of any hazardous or noxious materials.
- (d) Roads or driveways, except as permitted as corridor crossings by the Borough.
- (e) Parking lots.
- (f) Any type of structure including fences except as needed for a permitted use under subparagraph (1) or (2) above.
- (g) Subsurface sewage disposal areas.
- (h) Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendation of the Bucks County Conservation District.
- (i) Dumping of man-made materials or dumping large concentrations or amounts of natural materials.
- (j) Dumping of any natural materials within an identified waterway, measured at bankfull flow.
- (k) Removal or disturbance of vegetation in a manner that is inconsistent with erosion control and corridor protection.
- (l) Buildings and any other type of permanent structure except as specifically permitted in this Chapter.

In cases where the 100-year floodplain and the riparian buffer coincide or overlap, the more restrictive protection regulation shall apply.

(4) *Reforestation of Riparian Buffer.* The edge of water features and stream corridors should be in forest cover to further the ecological and environmental benefits of the riparian corridor. Any use and/or activity, including all proposed subdivisions and/or land developments, proposed along the riparian corridor after the effective date of this Chapter shall be required to replant in Zone 1 of the riparian buffer if any of the following conditions apply:

- (a) Trees and shrubs do not exist within all of, or portions of, the 25-foot wide setback (Zone 1) along the stream bank, because the riparian vegetation had previously been removed, striped or degraded.
- (b) Areas that have been mowed and used as lawn or other open space areas that contain less than one tree per 250 square feet of Zone 1 area.
- (c) Any other open or vacant area along the stream corridor deemed necessary to by the Borough Council to further the goal of this Chapter.

(5) *Reforestation Standards.* Replanting of native vegetation shall be required in such open areas as follows:

- (a) Three layers of vegetation are required when replanting. These layers include herbaceous plants that serve as ground cover, understory shrubs and trees, and trees that form an overhead canopy. Native vegetation approved by the Borough must be used in replanting efforts. The reforestation plan shall be prepared by a qualified professional, such

as a landscape architect or engineer, and shall comply with the following minimum requirements, unless modified by the Borough Council:

1) *Ground Cover Layer.* Ground cover must be provided along the portion(s) of the stream corridor where little or no riparian vegetation exists. The ground cover layer must consist of a native seed mix extending a minimum of 25 feet in width from the edge of the identified watercourse or surface water body. Appropriate ground cover includes native herbs and forbs exclusive of noxious weeds as defined by the Pennsylvania State Department of Agriculture. This 25-foot wide planted area shall be designated on the plan as a “no mow zone” and shall be left as natural cover except in accordance with the landscape maintenance instructions stated on the plan.

2) *Tree and Shrub Layers.* These planting layers include trees that form an overhead canopy and understory trees and shrubs. Overstory trees are native deciduous or evergreen trees that include oak, hickory, maple, gum, beech, sycamore, hemlock and pine. Evergreen and deciduous understory trees and shrubs include serviceberry, hornbeam, witchhazel, spicebush, elderberry, viburnum, azalea, rhododendron, holly, laurel, and alders. These plants shall be planted in an informal manner clustered within Zone 1 of the riparian buffer. These plants shall be provided at a rate of at least one overstory tree, one understory tree and three shrubs for every 25 linear feet of waterway. Plant size should be varied to create a gap and clump pattern. A minimum caliper of 1-inch is required for trees. At least 25 percent of the required trees shall be 1½ inch in caliper or greater. Shrubs should also vary in height with a minimum height of at least 2 feet.

3) *Landscape Maintenance Plan.* A riparian buffer management plan shall be provided as required by subparagraph (6) below.

(6) *Riparian Buffer Management Plan.* Within any riparian buffer area, no use, activity, development, or encroachment shall be permitted unless a management plan is submitted and approved by the Borough Council, and the effects of such development are mitigated by the implementation of the plan. The riparian buffer management plan shall comply with the following requirements unless the Borough Council determines otherwise:

(a) *Plan Contents.* The riparian buffer management plan shall contain the following information:

1) Existing conditions including the boundaries of Zones 1 and 2, swales, wetlands, streams, ponds, floodplain, woodlands, other vegetation, and existing structures. A written description of any unusual or significant conditions should also be included.

2) Proposed activities including a scaled plan which shows all activities in Zone 1, Zone 2, and land adjacent to the corridor. The plan shall differentiate areas that will be disturbed from those that will be protected and preserved.

3) Proposed management including when the construction,

planting or other activities are to begin and end. The plan shall address long and short-term maintenance, mitigation, and improvement activities necessary for preservation of the corridor, including the application of herbicides, removal of invasive plants, spacing and types of newly planted trees and shrubs, mowing schedules, and other related functions.

(b) *Management Practices.* The following management practices shall be integrated into the plan when practical.

1) Existing woody and other vegetation should be preserved to the greatest extent possible.

2) Fallen branches and other organic material should be allowed to remain where they have fallen.

3) Stream crossings should be done at a 90-degree angle to the stream.

4) An undisturbed vegetative strip should be kept between agricultural uses and stream corridors.

5) Streambanks should be stabilized in accordance with *A Streambank Stabilization and Management Guide for Pennsylvania Landowners*, by the Pennsylvania Department of Environmental Protection.

6) Degraded landscapes should be restored or converted to a more effective landscape.

(c) *Vegetation Selection.*

1) In Zone 1, dominant vegetation shall be composed of a variety of native riparian tree and shrub species and appropriate plantings necessary for streambank stabilization.

2) In Zone 2, dominant vegetation shall be composed of native riparian trees and shrubs necessary to stabilize the soil.

3) Disturbed areas shall be revegetated with native riparian plants.

4) The Borough may require species suitability to be verified by qualified experts in the County Conservation District, Natural Resources Conservation Service, Morris Arboretum, Pennsylvania Fish and Boat Commission, the U.S. Fish and Wildlife Service, or State and Federal forest agencies.

(7) *Mitigation Measures.* Permitted uses that involve disturbance of vegetation within the riparian corridor shall be mitigated by at least one of the following measures:

(a) *Increasing the Width of the Corridor.* The width of the riparian corridor, measured from the defined edge of a water body, is increased to at least 150 feet and the total amount of mitigated area, measured horizontally, is equal to or greater than the total amount of disturbed area, measured horizontally.

(b) *Converting to a More Effective Landscape.* The existing landscape

may be converted to a more effective landscape and the total amount of mitigated area, measured horizontally, is at least double the total amount of disturbed area, measured horizontally. The following landscapes are listed in order of effectiveness, from most effective to least effective:

- 1) Woodland Meadow Shrub.
- 2) Old field.
- 3) Lawn Pasture.

(c) *Increasing the Effectiveness of the Corridor by Reforestation.* Reforestation of a degraded wooded area along the riparian corridor may be undertaken. Three distinct layers of vegetation shall be planted including canopy trees, understory trees and shrubs, and herbaceous plants that serve as ground cover. All three layers shall be planted at a density sufficient to create a fully-functioning, naturalized riparian corridor and the total amount of mitigated area, measured horizontally, shall be a least three times the total amount of disturbed area, measured horizontally.

[Ord. 2001-2]

(Ord. 1996-4, 9/18/1996, §621; as amended by Ord. 2001-2, 5/9/2001, §1)

§27-624. Protection of Areas with Natural Resource Restrictions.

1. Areas with natural resource restrictions due to slopes, wooded areas, wetlands, floodplains, floodplain soils, streams, watercourses, riparian buffers, and tree protection areas should be left undisturbed to the extent specified herein and not occupied by structures, driveways, or other improvements. No portion of the building envelope or yard areas in which parking or accessory structures are permitted shall be occupied by natural resources as defined above. This area shall not include any lands which have a resource protection requirement of 100 percent nor shall this area contain any portion of those resource restricted lands that may not be developed or disturbed in accordance with §27-622. [Ord. 2001-2]

2. Areas outside of the building envelope of the lot (the area of the lot excluding all required yard areas, setbacks, and easements) may contain natural resources as defined herein, provided that those areas so affected must be identified on the recorded plans for the subdivision or land development or on the building permit application and shall be subject to a deed restriction to prevent any disturbance or development of these areas.

(Ord. 1996-4, 9/18/1996, §622; as amended by Ord. 2001-2, 5/9/2001, §1)

**Table
Area and Dimensional Requirements**

District	Use	Min. Lot Area (square feet)	Min. Lot Width (feet)	Max. Building Coverage (percent)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. impervious surface ratio
Residence 1	Single-family dwelling	10,000	80	–	21	Agg. 16' Min. 7'	25	35%
	Any other use	10,000	80	–	21	Agg. 16' Min. 7'	25	35%
Residence 2	Single-family dwelling	25,000	100	–	50	Agg. 16' Min. 7'	30	30%
	Any other use	25,000	100	–	50	Agg. 30' Min. 12'	30	30%
Residence 3	Multi-family dwelling	refer to §27-506	§27-506	§27-506	§27-506	§27-506	§27-506	§27-506
	Single-family dwelling	same regulations as R-1						
	Any other use	25,000	100	25	50	Agg. 30' Min. 12'	30	30%
Residence 4 [Ord. 2000-9]	Single-family planned residential village dwelling	6,500 (7,500 site average)	55	35	18 feet to building; 10 feet to required front porch; 15 feet to porch maximum	Agg. 15' Min. 5'	30	50%
	Any other use	25,000	100	–	50	Agg. 30' Min. 12'	30	30%
B-C Borough- Commercial	All uses except manufacturing, fuel distribution, fee mill, wholesale*	5,000 sq. ft.	45	50	15	10	20	75%
I-C-2	Mobile Home Park	See §27-506						
L-I, I-C, and I-C-2	All uses except manufacturing, fuel distribution, fee mill, wholesale*	1 acre	150	25	50	25	50	65
GOV [Ord. 2005- 13]	All uses	1 acre	150	25	50	25	50	65

* Manufacturing, fuel distribution, feed mill, and wholesale uses shall meet the area and dimensional requirements for these uses in the I-C Industrial-Commercial District.

(*Ord. 1996-4*, 9/18/1996, §600, Table; as amended by *Ord. 2000-9*, 9/20/2000, §5; and by *Ord. 2005-13*, 12/14/2005, §6)

Part 7**Parking****§27-701. General Regulations Applying to Required Off-Street Parking Facilities.**

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

2. *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 of this Chapter the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of this Chapter.

3. *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.

4. *Continuing Obligation.* All required parking 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 when such reduction is in conformity with the requirements of this Chapter. 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 unreasonable impediment to traffic.

5. *Joint Use.* Two or more uses in the same zoning district 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 under Part 10 if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking need for the uses are so different that a lower total will provide adequately for all uses served by the facility.

6. *Fractional Spaces.* Where the computation of required parking space results in a fractional number, only the fraction of one-half or more shall be counted as one.

7. *Location of Parking Spaces.* Required off-street parking spaces shall be on the same lot with the principal use served.

8. *Maintenance of Parking Areas.* For parking areas of three or more vehicles the area not landscaped or so maintained including driveways shall be graded, surfaced with asphalt or other suitable paving material, and drained 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.

9. *Spaces for Disabled Persons.* There shall be one accessible space for every 25 spaces in a parking area; lots with more than six spaces but fewer than 25 spaces shall have one disabled-accessible space. Requirements for disabled person parking shall be in accordance with the Americans with Disabilities Act. Such parking spaces shall be

13 feet by 20 feet, with an 8-foot area for parking and a 5-foot aisle on the passenger side.

10. Where possible, off-street parking spaces shall be located and designed so that vehicles can enter the street forwards as opposed to backing out into a street.

(Ord. 1996-4, 9/18/1996, §700)

§27-702. Design Standards for Nonresidential Parking.

1. The minimum dimensions of stalls and aisles shall be as follows:
 - A. Stall width shall be at least 10 feet.
 - B. Stall depth shall be at least 20 feet for all angle parking and 22 feet for parallel parking.
 - C. Minimum width of aisle providing access to a stall for one-way traffic only, varying with the angle shall be as follows:

Angle of Parking	Minimum Aisle Width
Parallel	12 feet
30 degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	24 feet

D. Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet.

2. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.

3. 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 for each 400 feet of lot frontage of any single street and their center lines shall be spaced at least 80 feet apart. On all corner properties there shall be a minimum distance of 60 feet measured at the lot line between the center line of any entrance or exit drive and the centerline of the street parallel to said access drive.

4. In no case shall parking areas be designed to require or encourage cars to back into a public street in order to leave the lot.

5. All parking spaces and access drives shall be at least 5 feet from any lot line except in those districts where buffer requirements shall require a greater separation.

6. Except where entrance and exit drives cross street lines, all parking areas shall be physically separated from any public street by a planting strip a minimum of 10 feet in width.

7. In any parking area of three or more spaces in a residence district or abutting a residence district, all spaces not within a building shall be provided with a suitable fence, wall or evergreen planting at least 4 feet in height, designed to screen noise, odors, visibility and headlight glare, and located between such parking spaces and any

lot in a residence district that abuts directly or across a street.

8. 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 neighboring areas or any lot in a residential district that abuts directly or across a street.

(Ord. 1996-4, 9/18/1996, §701)

§27-703. Parking Requirements for Uses.

1. *Residential Uses.*

A. *All Dwellings.* Two off-street parking spaces per dwelling unit, unless otherwise specified for the use in Part 5 in which case the requirements of Part 5 shall be met.

2. *Nonresidential Uses.*

A. *Bank or Financial Establishment.* One off-street parking space for each 100 square feet of gross area used or intended to be used for servicing customers.

B. *Bed and Breakfast.* One off-street parking space for each guest room, in addition to those required for the residence in which the use is located.

C. *Cemetery.* None.

D. *Commercial Communications Tower.* Two off-street parking spaces, or one space per employee, whichever requires the greater number of spaces.

E. *Commercial Recreation.* One off-street parking space for each four seats provided for patron use, or at least one off-street parking space for each 100 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.

F. *Community Center.* One off-street parking space for each 200 square feet of floor area used or intended to be used for service to customers, patrons, clients, guests, or members.

G. *Contractor Services.* One off-street parking space for every employee on the largest shift, plus one space for each company vehicle normally stored on the premises, plus one additional space for visitor parking.

H. *Convenience Store.* One off-street parking space for every 100 square feet gross floor area.

I. *Day Care Center.* One off-street parking space for each teacher, administrator, and maintenance employee, plus one additional space for each five children.

J. *Feed Mill.* One off-street parking space for every 500 square feet of retail sales area.

K. *Eating Place.* One off-street parking space for each 50 square feet of total floor area devoted to patron service.

L. *Emergency Services.* Three off-street parking spaces for every four employees on the two major shifts at maximum employment.

M. *Fuel Storage and Distribution.* One off-street parking space for every employee on the largest shift, plus one space for each company vehicle normally stored on the premises.

N. *Library/Museum*. One space per 250 square feet of gross floor area.

O. *Lumber Yard/Planing Mill*. One off-street parking space for every employee on the largest shift, plus one space for each company vehicle normally stored on the premises.

P. *Manufacturing*. One off-street parking space for every employee on the largest shift, plus one space for each company vehicle normally stored on the premises, plus five additional spaces for visitor parking.

Q. *Nursing Home or Personal Care Boarding Home*. One space for every three patient beds.

R. *Office, Business or Professional*. One off-street parking space for each 250 square feet of gross floor area.

S. *Office, Borough*. One off-street space for every 300 square feet of gross floor area. Parking may be provided off-site for Borough offices.

T. *Office, Medical*. One off-street parking space per 150 square feet of gross floor area.

U. *Place of Worship*. One off-street parking space for each three seats provided in the main assembly area.

V. *Public Recreation Facility*. One off-street parking space for each five persons of total capacity.

W. *Repair Shop*. One off-street parking space for each 300 square feet of gross floor area.

X. *Research*. One off-street parking space for every employee on the largest shift, plus one space for each company vehicle normally stored on the premises, plus five additional spaces for visitor parking.

Y. *Retail Trade and Services*. One off-street parking space 200 square feet of gross floor area used or intended to be used for servicing customers.

Z. *School*.

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

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

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

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

AA. *Utilities*. Two off-street parking spaces, or one space per employee, whichever requires the greater number of spaces.

BB. *Veterinary Office*. Three off-street parking spaces for each doctor plus one per employee.

CC. *Warehousing and Distribution*. One off-street parking space for every employee on the largest shift, plus one space for each company vehicle normally stored on the premises.

3. *Accessory Uses.*

A. *Accessory Home Office.* Three off-street parking spaces in addition to spaces otherwise required for the residence. Maximum of six on-lot spaces is permitted.

B. *Home Occupation.* None in addition to those required for residential use.

4. *Parking for Mixed Use or Combination of Uses.* Where a single lot contains more than one type of use, the parking requirements for each use included on the property shall be calculated on the basis of the amount of floor area or employees devoted to each use, in accordance with the above standards.

(Ord. 1996-4, 9/18/1996, §702)

§27-704. Off-Street Loading.

1. Off-street loading requirements as specified below shall be provided on any lot on which a single use exceeding 6,000 square feet of gross floor area for business or industry is hereafter erected.

A. Every nonresidential establishment exceeding 6,000 square feet shall have at least one off-street loading space. Where there is an aggregate gross floor area of 20,000 square feet or more arranged, intended or designed for such use, there shall be provided off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Aggregate Gross Floor Area devoted to each use	Required No. of Berths
6,000–19,999	1
20,000–79,999	2
80,000–127,999	3
128,000–191,999	4
192,000–255,999	5
256,000–319,999	6
320,000–391,999	7
For each additional 75,000 sq. ft.	1 additional berth

(Ord. 1996-4, 9/18/1996, §703)

§27-705. Design and Layout of Off-Street Loading Facilities.

1. Off-street loading facilities shall be designed to conform to the following specifications:

A. Each required space shall be located entirely on the lot being served.

B. There shall be appropriate means of access to a street as well as adequate maneuvering space.

C. The maximum width of driveways and sidewalk openings measured at the street line shall be 35 feet; the minimum width shall be 20 feet.

D. All accessory driveways and entrance ways shall be graded, surfaced, and drained to the extent necessary to prevent nuisances of dust, erosion, or excessive water flow across public ways.

E. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance or a hazard or unreasonable impediment to traffic.

F. The screening and lighting requirements of §27-702.8. shall be met when applicable.

2. All required loading facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve and shall not be reduced in total extent after their provision, except when such reduction is in conformity with the requirements of this Chapter.

(Ord. 1996-4, 9/18/1996, §704)

Part 8**Signs****§27-801. Definition of Sign.**

Sign—any permanent or temporary structure or part thereof, or any device attached, painted, or represented directly or indirectly on a structure or other outdoor surface that shall display or include any letter, word, insignia, flag, or representation used as, or which is in the nature of an advertisement, visual communication, direction, or is designed to attract the eye or bring the subject to the attention of the public.

(Ord. 1996-4, 9/18/1996, §800)

§27-802. Location of Sign.

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

2. *Off-Premises Sign*. A sign which directs attention to a person, business, profession, product, home occupation or activity not conducted on the same lot.

(Ord. 1996-4, 9/18/1996, §801)

§27-803. Types of Signs.

1. *Freestanding Signs*. A sign supported by means of poles or standards either on the ground or on the roof of a building. The height of a freestanding sign shall be measured from the curb closest to the sign.

2. *Parallel Sign*. A sign mounted parallel to a wall or vertical building surface or painted thereon. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted, or shall not project more than 12 inches from its surface.

3. *Projecting Sign*. A sign mounted to a wall or other vertical building surface other than a parallel sign.

4. *Window Sign*. A temporary or permanent sign which is oriented to the public right-of-way, is legible to persons in vehicles, and is located on the outside or inside of a window to direct attention to an activity conducted on the same lot.

(Ord. 1996-4, 9/18/1996, §802)

§27-804. Area of Sign.

1. 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.

2. The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording, and accompanying designs or symbols together with any backing associated with the sign.

3. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the

smallest rectangle or other shape which encompasses all of the letters and symbols.

4. In computing square foot area of a double-face sign, only one side shall be considered provided both faces are identical. If the interior angle formed by the two faces of the double-face sign is greater than 25 degrees, then both sides of such sign shall be considered in calculating the sign area.

(Ord. 1996-4, 9/18/1996, §803)

§27-805. Definition and Restrictions on Illumination of Signs.

1. The following types of sign illumination are permitted:

A. *Indirectly Illuminated Sign.* A sign illuminated with a separate external light. Such light shall be shielded so that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs.

B. *Nonilluminated Sign.* A sign which is not illuminated either directly or indirectly.

2. The following types of sign illumination are not permitted:

A. *Directly Illuminated Sign.* A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign including, but not limited to, neon and exposed lamp signs.

B. Festoon lighting is a directly illuminated sign comprised of either:

(1) A group of incandescent light bulbs hung or strung overhead or on a building or structure.

(2) Light bulbs not shaded or hooded or otherwise screened to prevent the direct rays of the light from shining on an adjacent property or right-of-way.

C. *Flashing Sign.* An illuminated sign in which the light is not maintained stationary and constant in intensity or color.

(Ord. 1996-4, 9/18/1996, §804)

§27-806. Permit Requirements for Signs.

All on-premises signs over 2 square feet in area and all off-premises signs except governmental signs regardless of size shall require the issuance of a zoning permit before erection or replacement. All signs must comply with all of the regulations contained herein, irrespective of whether a permit is required.

(Ord. 1996-4, 9/18/1996, §805)

§27-807. Signs Permitted in R-1, R-2, R-3 and R-4 Residence Districts. [Ord. 2000-9]

The following signs are permitted provided no directly illuminated signs shall be allowed.

A. *On-Premises Signs.*

(1) Official traffic signs and other official Federal, State, County and Borough governmental signs.

(2) Signs displaying only the name and address of the occupant of the premises; provided, that the area of any such sign shall not exceed 1 square

foot and not more than one such sign shall be erected for each occupant of a premises, unless such property fronts on more than one street, in which case, one such sign may be erected on each street frontage. No signs are permitted to advertise home occupations.

(3) Residential accessory office identification signs displaying the name and profession of the person conducting the residential accessory office use. Such signs shall not exceed 2 square feet.

(4) Signs for bulletin or announcement boards or for identification of permitted nonresidential buildings or uses provided that the area of any such sign shall not exceed 10 square feet in total area and shall not exceed 6 feet in height; not more than one such sign may be placed on each street frontage.

(5) Signs advertising the sale, lease or rental of property; provided, that the area of any such sign shall not exceed 6 square feet and not more than one such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one street. Such signs shall be removed within 30 days after an agreement of sale or rental has been entered into.

(6) Trespassing signs indicating the private nature of a road, driveway, or premises, provided that the area of any such sign shall not exceed 2 square feet.

(7) One temporary 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 on any side of any such sign shall not exceed 12 square feet and such sign shall be removed within 20 days after the last structure has been initially occupied.

(8) Temporary signs 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 signs shall be removed upon completion of work by the mechanic or artisan, and the total areas of all such signs shall not exceed 24 square feet.

(9) Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization. Such signs shall not exceed 12 square feet in area and shall be removed immediately upon completion of the campaign, drive, or event.

B. Off-Premises Signs.

(1) Signs directing patrons, members, or audience to noncommercial, temporary exhibits, shows, or events located in the Borough and signs erected in conjunction with a political election subject to the following requirements:

(a) No such sign shall exceed 25 square feet in area.

(b) Signs shall be removed within one week after the date of the exhibit, show, event, or election and shall not be erected for longer than 30 days in total.

(c) No permit shall be issued for the erection of such signs until a deposit shall be made with the Zoning Officer in accordance with a fee schedule adopted by Borough Council to guarantee removal within the

time prescribed. Failure to remove such signs within the time prescribed shall result in forfeiture of the deposit.

(d) No such sign shall be posted earlier than 3 weeks before the occurrence of the event to which it relates with the exception of political signs which shall be posted not earlier than 1 month prior to an election.

(2) Signs necessary for the direction, regulation and control of traffic, street name, signs, legal notices, warnings at railroad crossings, and other official signs which are similarly authorized or erected by a duly constituted governmental body.

(Ord. 1996-4, 9/18/1996, §806; as amended by Ord. 2000-9, §6)

§27-808. Signs Permitted in the Industrial-Commercial (I-C and I-C 2) Districts and the Limited Industrial (L-I) District.

No sign shall be permitted except as follows:

A. *On-Premises Signs.*

(1) All signs permitted in §27-807 at the standards prescribed therein except as otherwise provided in this Section.

(2) Signs for permitted nonresidential uses provided:

(a) All parallel and projecting signs shall not exceed 10 percent of the area of the building face to which they are attached and painted or 50 square feet, whichever is less.

(b) Free-standing signs shall not exceed 1 square foot of sign area for each foot of lot frontage. The maximum area of any freestanding sign may not exceed 32 square feet and not more than one such sign shall be placed on property in single and separate ownership unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.

B. *Off-Premises Signs.* All signs permitted in §27-807.B in accordance with the standards prescribed therein.

C. *Signs for Uses Abutting Residential Districts.* Signs for uses on properties abutting residential districts shall meet the following additional standards:

(1) Sign design and materials shall be in keeping with the residential nature of abutting properties.

(2) Signs shall not be illuminated with internal lights, and any lights focused on the sign shall be located and shielded so that no light shines onto the residential properties.

(3) Signs on properties abutting residential districts shall be reviewed by Borough Council prior to issuance of a sign permit.

(Ord. 1996-4, 9/18/1996, §807)

§27-809. Signs Permitted in the B-C Borough-Commercial Districts.

No sign shall be permitted except as follows:

A. *On-Premises Signs.*

(1) All signs permitted in §27-807 at the standards prescribed therein except as otherwise provided in this Section.

(2) Signs for permitted nonresidential uses provided:

(a) All parallel and projecting signs shall not exceed 5 percent of the area of the building face to which they are attached and painted or 32 square feet, whichever is less.

(b) Free-standing signs shall not exceed ½ square foot of sign area for each foot of lot frontage. The maximum area of any freestanding sign may not exceed 16 square feet and not more than one such sign shall be placed on property in single and separate ownership unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.

B. *Off-Premises Signs.*

All signs permitted in §27-807.B in accordance with the standards prescribed therein.

(Ord. 1996-4, 9/18/1996, §808)

§27-810. General Sign Regulations.

The following requirements shall apply to all signs:

A. Signs may be illuminated by indirect lighting but shall have such lighting shielded so no direct light will shine on abutting properties or in the normal line of vision of the public using the streets or sidewalks.

B. No sign shall be so located or arranged that it interferes with traffic through glare, through blocking of reasonable sight lines for streets, sidewalks or driveways, through confusion with a traffic control device (by reason of color, location, shape or other characteristic), or through any other means.

C. Signs existing at the time of passage of this Chapter and which do not conform to the requirements of this Chapter shall be considered nonconforming signs and once removed shall be replaced only with conforming signs; however, nonconforming signs may be repainted or repaired provided such repainted or repaired sign does not exceed the dimensions of the existing sign.

D. All signs except temporary signs shall be constructed of durable material and kept in good condition and repair. Electrical signs shall be subject to Underwriters Laboratory, Inc., inspection and approval.

E. All on-premises signs over 2 square feet in area and all off-premises signs regardless of size shall require the issuance of a zoning permit before erection or replacement. All signs must comply with all of the regulations contained herein, regardless of whether a permit is required.

F. If an establishment has walls fronting on two or more streets, the sign area for each street may be computed separately.

G. No signs except those of a duly constituted governmental body, including traffic signs and similar regulatory notices, shall be allowed within the street right-of-way unless specifically authorized by other ordinances and regulations of the Borough of Ivyland.

H. No portion of any freestanding sign shall be located closer to any lot line than one-half the required yard for the district in which it is located. If this requirement cannot be met then freestanding signs shall be prohibited on such properties.

I. Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose but becomes a primary purpose in itself shall be considered a freestanding sign and as such be subject to the provisions regarding freestanding signs in the district in which such vehicle is located.

J. No sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered only elsewhere than upon the premises where it is displayed shall be established nearer than 100 feet to a residential district.

K. Special promotional devices, signs or displays such as flood lights, banners, pennants, etc., shall be permitted for a period not exceeding 15 days in any 1 calendar year. All other portable or moveable signs are prohibited at all times in all districts.

L. Flashing signs, revolving lights, and festoon lighting shall be prohibited in every district.

M. No freestanding sign shall be higher than 8 feet.

N. No sign shall be erected on a building roof or shall extend higher than the highest point of the building.

O. The Zoning Officer shall issue a zoning permit for all temporary signs for all temporary uses which shall be considered as uses which operate for a period of 4 months out of a year. Said temporary signs shall not exceed 7 square feet and shall be removed within 30 days of the termination of the use.

P. Where a use or structure is located in another municipality and the sign for such use is to be located within Ivyland Borough, the sign regulations of Ivyland Borough shall be applicable.

Q. Novelty signs including, but not limited to, objects such as tires, automobiles, food products, pennants, banners, balloons, bulletin boards, and animated signs are prohibited.

(Ord. 1996-4, 9/18/1996, §809)

Part 9**Historic District Protection****§27-901. Purpose.**

The purposes of this Chapter shall be:

A. To protect existing unique historical and architectural resources within the designated Historical District of Ivyland Borough.

B. The Borough's historic resources have been studied and evaluated by the Borough and the Ivyland Borough Historic District has been officially designated by the Pennsylvania Historical and Museum Commission. It is the purpose of this Chapter to protect the district and the resources within the Historic District.

C. The following regulations shall apply to all applications for building permits, zoning permits, subdivision and land developments for any property within the officially designated Ivyland Borough Historic District.

(*Ord. 1996-4, 9/18/1996, §8-A01; as added by Ord. 2004-4, 9/8/2004, §1*)

§27-902. Creation of Ivyland Borough Historic Overlay District.

The Historic District encompasses the historic center of Ivyland Borough and contains valuable resources that reflect the historic development patterns of the Borough. This area includes the area and buildings designated by the Pennsylvania Historical and Museum Commission and listed in the National Register of Historic Places. This district is generally identified as the original grid of Borough streets as originally laid out, and is further indicated as the shaded area on the map of the Ivyland Borough Historic District attached hereto and incorporated herein at the end of this Part. In addition, the Historic District shall include that portion of the Borough known as "Breadyville" on Bristol Road (T.M.P.'s 17-3-117, 17-5-1, 17-5-2, 17-5-22, 17-4-2, 17-4-3, 17-4-4, 17-4-5, the "Holly Tree Farm" property on Bristol Road (T.M.P. 17-5-14), the Guarano Property (T.M.P. 17-003-002), and the "Springhouse" property (T.M.P.# 17-5-13).

(*Ord. 1996-4, 9/18/1996, §8-A02, as added by Ord. 2004-4, 9/8/2004, §1*)

§27-903. Regulations Applicable to Buildings and Structures Within the Historic District.

1. To protect this area and the architectural and historic resources, the following regulations shall apply and are enacted in accordance with §605(2)(vi) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10605(2)(vi).

A. Any building or structure within the Historic District, the construction of which began any time before December 31, 1931, shall be considered an "historic resource" and shall be preserved unless the applicant can demonstrate to the satisfaction of the Borough Council the need to demolish the historic resource as a conditional use under the criteria set forth below.

B. Historic Resources shall not be demolished except as a conditional use meeting the following criteria, for which the applicant shall have the burden of

proof, as well as other criteria for conditional uses set forth in this Chapter. In considering such applications, the presumption shall be that demolition is not warranted. For purposes of this Chapter, "demolition" means the dismantling or tearing down of all or part of any building or any operations incidental to such building, including neglecting routine maintenance and repairs that can lead to deterioration and decay.

(1) The applicant must show by competent and substantial evidence that the building or structure is in irreparable and, in the case of a building, uninhabitable condition and cannot be adapted and used for the use intended or for any other use by right, special exception, conditional use, or as a nonconforming use.

(2) The applicant must prepare and submit an accurate plot plan drawn to scale showing all buildings, structures, foundations, walls, ruins, trees, and any other features on the site.

(3) The applicant must submit recent interior and exterior photographs of the building or structure.

(4) The applicant must identify and document all parties having an ownership interest, legal and equitable, in the property on which the building or structure is located.

(5) The applicant must explain the reasons why the demolition is desired and must describe the method proposed for the demolition. The applicant must show that the proposed demolition will comply with all applicable Borough ordinances, resolutions, and regulations. The applicant must show that such demolition method will be safe, will not pose an unreasonable danger to the environment, can be accomplished without disrupting traffic, and that it presents no unreasonable risk to any other building or structure.

(6) The applicant must describe future proposed uses of the site and the materials from the demolished resource.

(7) The applicant must provide any other information requested by the Borough Council that is reasonably related to the request for demolition.

C. Notwithstanding the preceding requirement of conditional use approval for demolition of a historic resource, in the event of a fire or other catastrophic occurrence that causes a historic resource to become, in the opinion of the Building Code Official, an immediate threat or immediate danger to the public safety, the Building Code Official may authorize the demolition of the historic resource if the Building Code Official finds that immediate demolition is necessary to protect the public safety.

D. Where demolition is determined by the Borough Council to be unavoidable, the future development of the property shall be undertaken in a manner which preserves the character, front yard setback, and the visible exterior design of the building or structure removed, as observable from any public street or way, notwithstanding the front yard setback that may apply within the applicable zoning district. New or reconstructed buildings and structures shall maintain the setback of the original building(s) and structure(s) and shall maintain the general publicly visible exterior architectural style, scale, bulk and design of the building or structure removed. New or reconstructed buildings or structures shall maintain

the original footprint unless otherwise permitted by conditional use.

E. No building or structure shall be demolished except in compliance with all applicable Borough regulations. A permit must be granted for demolition.

F. *Regulations Applicable Within the Historic District.* These regulations shall be in effect throughout the Historic District.

(1) Parking areas shall be located to the side or rear of the principal structures and may not be located within the front yard or in front of the principal structure, except for on-street parking as otherwise permitted under Borough parking regulations.

(2) Architectural drawings showing the proposed exterior facades that will be visible from any public street or way shall be required for any new building or addition to an existing historic resource. All new principal use buildings shall be of an external architectural style, as visible from any public street or way, that is reasonably consistent with any existing historic resource(s) within 300 feet from any property line for the property on which the new building will be located. Any addition to an existing historic resource shall be of an external architectural style as visible from any public street or way that is consistent with the historic resource's predominant architectural style.

(3) Before a zoning and/or building permit may be issued for a new structure on a previously vacant lot, the Planning Commission shall review the application or applications and provide an advisory opinion to the Building Code Official and/or the Zoning Officer.

(4) No individual use shall exceed 4,000 square feet of gross floor area (basement not to be included in floor area calculation), which shall be calculated as a total of all floors within any building.

(5) Nothing in this Chapter shall be construed as requiring the use of any particular building material, or any particular color scheme in the construction, reconstruction, addition to, repair of, or remodeling of any Historic Resource. In addition, nothing in this Chapter shall be construed as prohibiting decks, patios, swimming pools, or replacement of doors, windows, or gutters with new doors, windows or gutters. Further, no provision of this Chapter shall be construed to prevent the ordinary maintenance or repair of any historic resource where such work does not require a building permit and where the purpose of such work is to correct any deterioration or decay of, or damage to an historic resource, and to restore the historic resource to its condition prior to the occurrence of such deterioration, decay, or damage.

(6) *Demolition by Neglect.* In addition to the requirements of the Borough Property Maintenance Code [Chapter 5, Part 2], the following shall apply:

(a) No historic resource shall be demolished by neglect. The exterior of every historic resource shall be kept in good repair. The interior portions of such buildings and structures also shall not be neglected where neglect may otherwise cause or tend to cause the exterior to deteriorate, decay, become damaged, or otherwise fall into a state of disrepair.

(b) In the event of a conflict between the provisions of this Chapter and the Borough's Property Maintenance Code [Chapter 5, Part 2], the

more stringent requirements shall apply.

(*Ord. 1996-4, 9/18/1996, §8-A03; as added by Ord. 2004-4, 9/8/2004, §1*)

§27-904. Violations, Penalties and Enforcement.

1. *Violations and Penalties.* Any person who violates the terms of this Part shall be subject to the fines and penalties imposed under this Chapter, as well as applicable fines and penalties imposed under the Borough Building Code [Chapter 5, Part 1A]. In addition:

A. Any person who alters a historic resource in violation of the provisions of this Part or in violation of any conditions or requirements specified in a building permit issued for a historical resource shall be required to restore the building or structure to its appearance before the violation. Such restoration shall be in addition to and not in-lieu of any penalty or remedy available under this Chapter or any other applicable law.

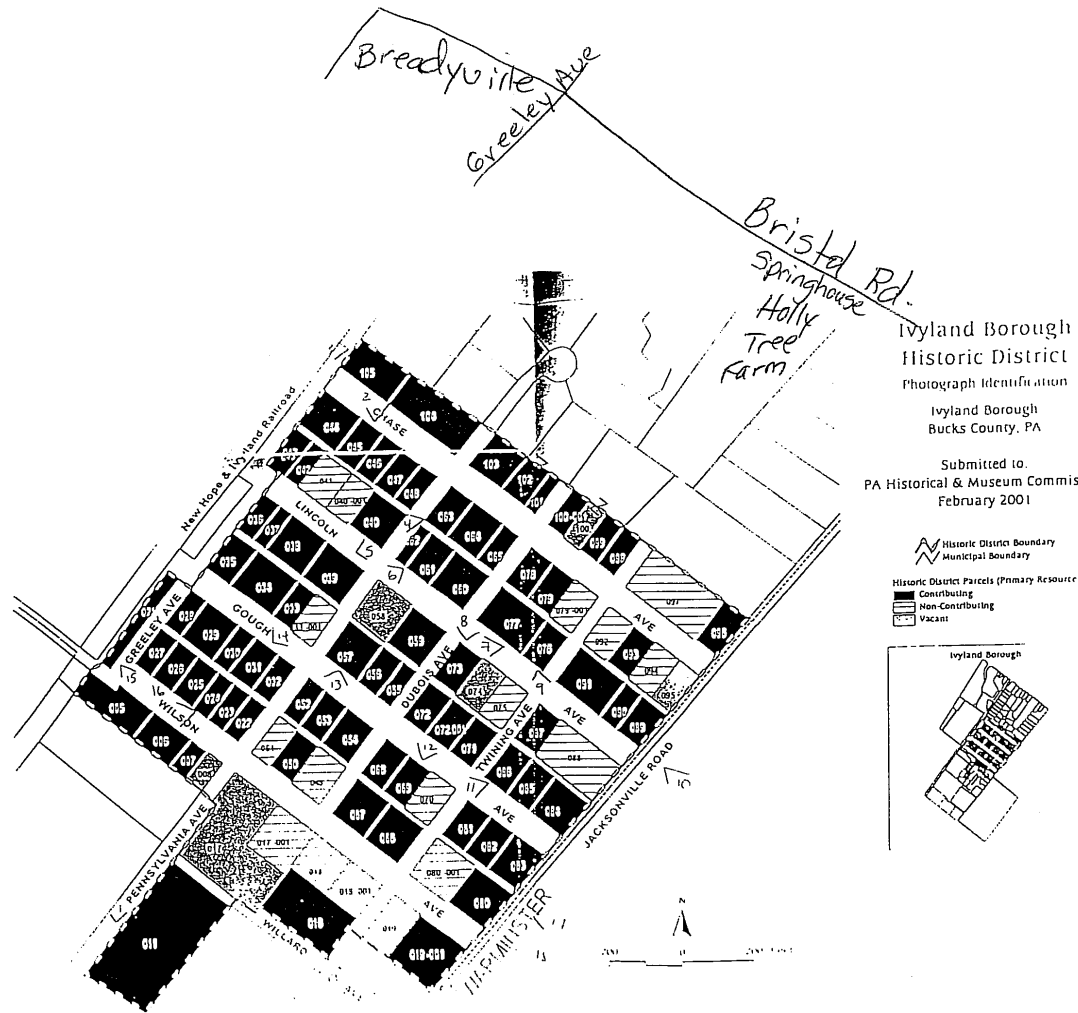
B. The Borough shall withhold issuing any building permit, for a minimum of 1 year, for any property which, at the date of enactment of this Part, was occupied by a historic resource that was subsequently demolished in violation of this Part.

2. *Enforcement.*

A. The Code Enforcement Officer, or such other person or agency charged by the Borough Council with enforcement of the provisions of this Chapter, shall review the progress and status of any change being made to a historic resource, and shall provide such reports to the Borough Council as may be necessary to assure compliance with the provisions of this Part and any conditions attached to a zoning permit, building permit, demolition permit, variance, and/or conditional use approval.

B. In addition to the above remedies, the Borough Council may take any other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Part.

(*Ord. 1996-4, 9/18/1996, §8-A04; as added by Ord. 2004-4, 9/8/2004, §1*)



Part 10**Nonconformities****§27-1001. Definitions.**

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

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

Nonconforming use—a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter 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 this Chapter or amendment to its location by reason of annexation.

(Ord. 1996-4, 9/18/1996, §900)

§27-1002. Continuation.

The lawful use of any structure or land existing at the effective date of this Chapter may be continued although such use does not conform with the provisions of this Chapter except as otherwise provided in this Chapter.

(Ord. 1996-4, 9/18/1996, §901)

§27-1003. Alteration or Extension.

1. *Nonconforming Structures.* Nonconforming structures may be altered, reconstructed or enlarged provided that such alteration, reconstruction or enlargement does not increase the extent of the nonconformity existing on the effective date of this Chapter. In the case of a nonconforming structure which is used by a nonconforming use, such alteration, extension, or enlargement shall also meet the requirements of subsection .3.

2. *Nonconforming Lots.* Nonconforming lots are subject to the applicable provisions of Part 5.

3. *Nonconforming Uses.* Nonconforming uses shall not be altered, reconstructed, extended or enlarged, except in accordance with the following provisions:

A. Such alteration, reconstruction, extension, or enlargement shall be permitted only by special exception under the provisions of Part 11 by the Zoning Hearing Board.

B. Such alteration, reconstruction, extension, or enlargement shall be only upon the same lot as in existence at the date the use became nonconforming.

C. Any increase in volume or area, of the nonconforming use shall not exceed

an aggregate of more than 50 percent of said volume or area during the life of the nonconformity.

(*Ord. 1996-4, 9/18/1996, §901*)

§27-1004. Restoration.

1. *R-1 Residence Districts, R-2 Residence Districts, R-3 Residence Districts and R-4 Residence Districts.* [*Ord. 2000-9*]

A. No structure damaged by fire or other natural causes to the extent of more than 75 percent of the structure, shall be repaired, reconstructed, or used except in conformity with the regulations of this Chapter. Structures with damage to the extent of 75 percent or less of the structure may be reconstructed, repaired, or used for the same nonconforming use subject to the following provisions:

(1) The reconstructed structure shall not exceed the height, area, or volume of the damaged structure except as provided in §27-1003.

(2) Reconstruction shall begin within 1 year from the date of the damage and shall be carried on without interruption.

2. *I-C Industrial-Commercial Districts, L-I Limited Industrial Districts and B-C Borough-Commercial Districts.*

A. Structures in the I-C Industrial-Commercial and I-C-2 Industrial-Commercial Districts, L-I Limited Industrial Districts, and B-C Borough-Commercial Districts, existing prior to the adoption of this Chapter and which are used for a permitted use of the I-C, I-C-2, L-I or B-C Districts shall be considered nonconforming structures and shall not be required to meet the requirements of this Chapter.

B. In the event of the partial or total destruction of any structure described in paragraph .A by fire or any other cause, said structure may be repaired, reconstructed or used for the same nonconforming use without meeting the requirements of this Chapter subject to the following provisions:

(1) The reconstructed structure shall not exceed the height, area, or volume of the damaged structure except as provided in §27-1003.

(2) Reconstruction shall begin within 1 year from the date of the damage and shall be carried on without interruption.

(*Ord. 1996-4, 9/18/1996, §902; as amended by Ord. 2000-9, 9/20/2000, §7*)

§27-1005. Abandonment.

Whenever a nonconforming use has been discontinued for a period of 1 year and such use has been abandoned, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this Chapter.

(*Ord. 1996-4, 9/18/1996, §903*)

§27-1006. Changes.

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions:

A. Such change shall be permitted only by special exception granted by the Zoning Hearing Board.

B. The applicant shall show that a nonconforming use cannot reasonably be changed to a permitted use in the district where such nonconforming use is located.

C. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming 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.

(Ord. 1996-4, 9/18/1996, §904)

§27-1007. Displacement.

No nonconforming use shall be extended to displace a conforming use. No nonconforming use on a lot shall be extended onto another lot.

(Ord. 1996-4, 9/18/1996, §905)

§27-1008. District Changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses or structures existing therein.

(Ord. 1996-4, 9/18/1996, §906)

§27-1009. Nonconforming Use, Structure and Lot Registration.

Borough Council will require the Zoning Officer to identify and register nonconforming uses, structures and lots, together with the reasons why the Zoning Officer identified them as nonconformities.

(Ord. 1996-4, 9/18/1996, §907)

Part 11**Administration****§27-1101. Zoning Officer; Duties and Powers.**

1. For the administration of this Chapter, a Zoning Officer who shall not hold any elective office in the Borough, shall be appointed by Borough Council. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning. The Zoning Officer shall administer this Chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform with this Chapter.

2. It shall be the duty of the Zoning Officer who shall have the power to:

A. Receive and examine all applications for zoning permits.

B. Issue permits only where there is compliance with the provisions of this Chapter, and 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 a recommendation from the Council.

C. Receive applications for special exceptions and forward these applications to the Zoning Hearing Board for action thereon.

D. Following refusal of a permit, to receive applications for interpretation appeals and variances and forward these applications to the Zoning Hearing Board for action thereon.

E. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Chapter.

F. Enforce the provisions of this Chapter and to institute civil enforcement proceedings as provided in §27-1305 of this Chapter, when acting within the scope of his employment.

(1) If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided herein. 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.

(2) The enforcement notice shall state at least the following:

(a) The name of the owner of record and any other person against whom the Borough intends to take action.

(b) The location of the property in violation.

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

of this Chapter.

(d) That the owner of record or other person against whom the Borough intends to take action has 15 days from the date of notice to commence steps to comply with this Chapter and 30 days from the date of notice within which to complete such steps to be in compliance with this Chapter, unless such times are extended in writing by the Zoning Officer, for cause shown.

(e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 30 days of the date of the enforcement notice or no later than the expiration of any extension granted, in writing, by the Zoning Officer.

(f) That failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with sanctions clearly described.

G. With the approval of the Borough Council, or when directed by them, institute in the name of the Borough any appropriate action or proceedings to 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 of or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

H. Revoke by order a zoning permit issued under a mistake of fact or contrary to the law or the provision of this Chapter.

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

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

K. Maintain a map of all nonconforming uses and special exception uses in the Borough and a file of each such use.

L. Upon the request of the Borough Council, the Planning Commission, or the Zoning Hearing Board, present facts, records, or reports which they may request to assist them in making decisions.

(Ord. 1996-4, 9/18/1996, §1000)

§27-1102. Zoning Permits Required.

1. No structure, except on-premises signs under 2 square feet in area, shall be erected, constructed, reconstructed, altered, moved 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 completed or as permanently effective until the Zoning Officer has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this Chapter.

2. All structures for which permits have been obtained and the construction of which or a portion of which has been begun, or for which a contract or contracts have

been let pursuant to a permit issued prior to the passage of this Chapter may be completed and used in accordance with the plans on which said permit was granted. Zoning permits shall not be required for general maintenance work; painting; tilling the soil; landscaping.

(*Ord. 1996-4, 9/18/1996, §1001*)

§27-1103. Application Requirements for Zoning Permits.

1. All applications for zoning permits shall be made 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 consist of two parts:

A. A written statement including:

(1) An identification of the proposed use of the building or land.

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

(3) A description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.

(4) In the case of application for interpretation, variances, and special exceptions, the additional information specified in Part 11.

(5) 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.

B. A site plan drawn to scale showing:

(1) 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 which is 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.

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

(3) 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 if required under Part 6.

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

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

(6) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply, and storm drainage.

(7) 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.

2. No zoning permit for any new use or construction which will involve the on-site disposal of sewage or waste and no zoning 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.

(Ord. 1996-4, 9/18/1996, §1002)

§27-1104. 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.

(Ord. 1996-4, 9/18/1996, §1003)

§27-1105. 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 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 the case of erection or construction of a building, the right to proceed with construction may be extended annually without payment of additional fees for an aggregate period of not more than 2 years, provided that the construction pursuant to said permit has commenced within 1 year following issuance of the permit.

(Ord. 1996-4, 9/18/1996, §1004)

§27-1106. Conditional Use Permit.

1. The Borough Council shall have the power to approve conditional uses at a public hearing following public notice for any of the uses for which this Chapter requires such approvals and for no other use or purpose. Application to the Borough Council shall be made on the form approved by the Borough Council and shall be accompanied by the fee set by the Borough Council.

2. 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 grant a conditional use except in conformance with the conditions and standards stated in this Chapter.

3. *General Requirements and Standards Applicable to Conditional Uses.* The Borough Council shall grant a conditional use only if it finds adequate evidence that any proposed use submitted for a conditional use will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The Borough Council shall among other considerations require that any proposed use and location be:

A. In accordance with the Ivyland Borough Comprehensive Plan and consistent with the spirit, purpose, and intent of this Chapter.

B. The best interest 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 with the existing or intended character of the general vicinity.

D. In conformance with all applicable requirements of this Chapter.

E. Suitable in terms of effects on street traffic and safety with adequate access arrangements to protect major streets from undue congestion and hazard.

(Ord. 1996-4, 9/18/1996; as added by Ord. 2003-5, 5/14/2003, §4)

Part 12**Zoning Hearing Board****A. Establishment, Membership and Organization****§27-1201. Establishment and Membership.**

1. A Zoning Hearing Board, consisting of three members appointed by resolution of Borough Council for overlapping terms of 3 years each, is established for the purpose of carrying out the functions of the Zoning Hearing Board as provided by law. Members of the Board shall be residents of the Borough and shall hold no other office in the Borough.

2. *Alternate Members.* The Borough Council may appoint by resolution at least one but no more than three residents of the Borough to serve as alternate member of the Board. An alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the Borough, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated unless designated as a voting alternate member. In the absence of the chairman, a regular member of the Board, not an alternate member, shall serve as chairman.

3. 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.

(*Ord. 1996-4, 9/18/1996, §1100*)

§27-1202. Organization of Zoning Hearing Board.

The Board shall elect a chairman from its membership, and within the limits of funds appropriated by Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel consultants and other technical and clerical services.

(*Ord. 1996-4, 9/18/1996, §1101*)

B. Procedures Before the Board**§27-1211. Hearings.**

The Board shall meet as needed to hear and consider all such matters which shall properly come before it. All such meetings shall be open to the public.

(Ord. 1996-4, 9/18/1996, §1102)

§27-1212. Persons Entitled to Initiate Action Before the Board.

Appeals from the Zoning Officer pursuant to §27-1231 hereof and proceedings to challenge an ordinance under §27-1232 hereof may be filed by any officer or agency of the Borough or by any person aggrieved. Requests for a variance under §27-1233 and for a special exception under §27-1234 hereof may be filed by any landowner or tenant with the permission of such landowner.

(Ord. 1996-4, 9/18/1996, §1103)

§27-1213. Manner of Initiating Action Before the Board.

All action before the Board shall be initiated by a written application for hearing. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. All applications shall be made on forms specified by the Board, and no application form shall be accepted unless the same shall be fully and legibly completed and unless all exhibits and supplemental material required by the application shall be attached.

(Ord. 1996-4, 9/18/1996, §1104)

§27-1214. Time Limitations.

All appeals from determinations adverse to a landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

(Ord. 1996-4, 9/18/1996, §1105)

§27-1215. Notice of Hearings.

Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, and to all persons who shall own real estate within 200 feet of any property which shall be the subject of the application, and to any other 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 the 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. All notices required by this Section shall be given in accordance with the public notice requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(Ord. 1996-4, 9/18/1996, §1106)

§27-1216. Parties to Hearings.

The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic and community organizations permitted to appear by the Board.

(*Ord. 1996-4, 9/18/1996, §1107*)

§27-1217. Witnesses.

The chairman or acting chairman of the Board 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.

(*Ord. 1996-4, 9/18/1996, §1108*)

§27-1218. Representation.

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

(*Ord. 1996-4, 9/18/1996, §1109*)

§27-1219. Rules of Evidence.

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

(*Ord. 1996-4, 9/18/1996, §1110*)

§27-1220. Records.

The Board 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 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.

(*Ord. 1996-4, 9/18/1996, §1111*)

§27-1221. Communications.

The Board 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 upon advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

(*Ord. 1996-4, 9/18/1996, §1112*)

§27-1222. Decisions.

The Board shall render a written decision or, when no decision is called for, make written findings on an application within 45 days of the hearing thereon. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of any statute, 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. Where the Board has power to render a decision and fails to do so within the 45-day period above prescribed, or where the Board fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, 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 hold the required hearing within 60 days from the date of the applicant's request or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

(Ord. 1996-4, 9/18/1996, §1113)

§27-1223. Copies of Decisions.

A copy of the final decision or, when 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.

(Ord. 1996-4, 9/18/1996, §1114)

§27-1224. Appeals to the Courts.

Zoning appeals may be taken to the Court by any party before the Board or any officer or agency of the Borough, as provided by law.

(Ord. 1996-4, 9/18/1996, §1115)

C. Functions of the Board

§27-1231. Appeals from the Zoning Officer.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in any appeals from a determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any enforcement order or the registration or refusal to register any nonconforming use, structure, or lot.

2. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in any appeals from a determination of the Zoning Officer or the Borough Engineer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

3. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in any appeals from the determination of the Zoning Officer or the Borough Engineer with reference to the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving a subdivision or land development.

4. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in any appeals from a determination of the Zoning Officer under §916.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10916.2.

(Ord. 1996-4, 9/18/1996, §1116)

§27-1232. Challenge to the Validity of Zoning Ordinance or Zoning Map.

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 Pennsylvania Municipalities Planning Code, 53 P.S. §§10609.1, 10916.1(a)(2).

B. Challenges to the validity of a land use ordinance [Chapter 22] 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.

(Ord. 1996-4, 9/18/1996, §1117)

§27-1233. Variances.

1. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the appellant. The Board may grant a variance provided the following findings are made where relevant in a given case.

A. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter in the neighbor-

hood or district in which the property is located.

B. 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. Such unnecessary hardship has not been created by the appellant.

D. 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. 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 this Chapter.

(*Ord. 1996-4, 9/18/1996, §1004*)

§27-1234. Special Exceptions.

Where this Chapter has provided for stated special exceptions to be granted or denied by the Board, the Board shall hear and decide requests for such special exceptions in accordance with the standards and criteria listed below. 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 Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter. The Board shall pursue the following procedure:

A. The Board's decision to grant a special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception use.

B. The Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of this Chapter. The Zoning Hearing Board may grant a special exception if, in its judgment, the use meets all, specific provisions and criteria contained in this Chapter and the following general provisions:

(1) The proposed use is in accordance with the spirit, purpose and intent of the Comprehensive Plan and in conformance with all applicable requirements of this Chapter.

(2) It is in the best interests of the Borough, the convenience of the community, and the public welfare.

(3) There are adequate sanitation and public safety provisions, where applicable, and that a certificate of adequacy of sewage and water facilities from a governmental agency has been obtained.

(4) All public, commercial or industrial parking, loading, access or service

areas shall be adequately illuminated at night while in use and that such lighting, including sign lighting, shall be arranged so as to protect the highway and the neighboring properties from direct glare or hazardous interference of any kind.

(5) Off-street parking be provided in accordance with the provisions of this Chapter.

(6) Such use conforms to the minimum area and yard requirements of the district and to the buffer requirements contained in this Chapter.

(Ord. 1996-4, 9/18/1996, §1119)

§27-1235. Time Limits on Special Exceptions and Variances.

The granting of a special exception or a variance by the Zoning Hearing Board shall expire 180 days after said approval unless the applicant has applied for and has been granted a building permit to implement the action approved by the variance or special exception. Where the applicant must also receive subdivision or land development approval, the 180-day period shall commence upon receipt of the final subdivision or land development approval. This expiration date may be extended by the Borough Council where good cause is shown.

(Ord. 1996-4, 9/18/1996, §1120)

Part 13**Amendments, Remedies, Penalties****§27-1301. Power of Amendment.**

Borough Council may, from time to time, amend this Chapter, including the Zoning Map.

(*Ord. 1996-4, 9/18/1996, §1200*)

§27-1302. Enactment of Zoning Ordinance Amendments.

1. Before voting on an enactment of an amendment to this Chapter, the Borough Council shall hold a public hearing thereon, pursuant to public notice. If the proposed amendment involves a Zoning Map change, notice of the proposed public hearing on said change shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing.

2. Proposed zoning ordinance and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed ordinance or amendment once in a newspaper of general circulation in the Borough in accordance with the requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

3. In the event substantial amendments are made in the proposed ordinance or amendment, before voting on enactment, the Borough Council shall at least 10 days prior to enactment readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendment.

4. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Bucks County Planning Commission.

(*Ord. 1996-4, 9/18/1996, §1201*)

§27-1303. Submission of Amendments to Planning Commission.

In the case of an amendment other than one prepared by the Ivyland Borough Planning Commission, Borough Council shall submit each such amendment to the Borough Planning Commission at least 30 days prior to the hearing in order to provide the Planning Commission an opportunity to submit recommendations. At least 30 days prior to the public hearing on the proposed amendment, the Borough shall submit the proposed amendment to the Bucks County Planning Commission for recommendations.

(*Ord. 1996-4, 9/18/1996, §1202*)

§27-1304. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable 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 be payable until the date of the determination of a violation by the magisterial district judge. 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 magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge 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 this Chapter shall be paid over to the Borough. [*Ord. 2011-3*]

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, suspending the accumulation of the per diem fine pending a final adjudication of the violation and judgment.

3. 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.

(*Ord. 1996-4, 9/18/1996, §1203; as amended by Ord. 2011-3, 11/9/2011*)

§27-1305. 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 of the provisions of this Chapter, the Borough Council, or with the approval of the Council, an officer of the Council, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or use of land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When 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.

(*Ord. 1996-4, 9/18/1996, §1204*)

§27-1306. Complaints of Violations.

Whenever a violation of this Chapter occurs, any person may file a written complaint with the Zoning Officer in regard thereto. The Zoning Officer shall promptly investigate all complaints and make report thereon to Borough Council.

(*Ord. 1996-4, 9/18/1996, §1205*)

§27-1307. Procedures for Curative Amendments.

The procedures set forth in §609.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10609.1, shall be followed for landowner curative amendments and the procedures set forth in §609.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10609.2, shall be followed for municipal curative amendments.

(Ord. 1996-4, 9/18/1996, §1106)

Zoning Map Amendments

Ord./Res.	Date	Description
2000-9, §2	9/20/2000	Reclassifying to the R-4 Residence District classification that certain 26.4845 acre tract of land
2003-1, §4	2/12/2003	Reclassifying to the R-1 Residence District that certain 6.26 acre tract of land known as tax parcel 17-3-3, 980 Pennsylvania Avenue
2003-5, §3	5/14/2003	Reclassifying to the R-3 Residence District that certain 7.9 acre tract of land on Jacksonville Road
2005-13, §2	12/14/2005	Reclassifying to the GOV Governmental District that certain 2.9002 acre tract of land known as tax parcel 17-003-114-002, 911 Ivyglenn Circle.

