

# **Chapter 27**

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

This Chapter shall be known as and may be cited as the "Borough of Shillington Zoning Ordinance of 1991."

(*Ord. 847, 9/12/1991, §100*)

**§27-102. Purpose.**

This Chapter is enacted to promote the public health and safety and the general welfare of the residents and occupants of the Borough of Shillington by securing safety from fire, panic, flood, and other dangers and accomplishing the following community development objectives:

- A. Encourage the most appropriate use of land and buildings.
- B. Prevent the overcrowding of land.
- C. Avoid undue traffic and population congestion.
- D. Provide for adequate areas for vehicular parking and loading.
- E. Provide for adequate light and air.
- F. Conserve the value of land and buildings.
- G. Provide for adequate transportation, water, sewerage, school and other public facilities.
- H. Encourage the harmonious and orderly development of land.
- I. Maintain the character of existing residential neighborhoods.

(*Ord. 847, 9/12/1991, §102*)

**§27-103. Interpretation.**

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the Borough. Where the provisions of this ordinance impose greater restrictions than those of any other Borough statute, ordinance or regulation, the provisions of this Chapter shall take precedence. Where the provisions of any other Borough statute, ordinance, or regulation impose greater restrictions than this Chapter, the provisions of such other Borough statute, ordinance, or regulation shall be complied with unless otherwise stated in this Chapter.

(*Ord. 847, 9/12/1991, §103*)

**§27-104. Application.**

Except as hereinafter provided, no building, structure, land, or parts thereof in the Borough shall be used or occupied, erected, constructed, assembled, moved, enlarged, removed, reconstructed, or structurally altered unless in conformity with the provisions

of this Chapter.

(*Ord. 847, 9/12/1991, §104*)

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

For the purpose of this Chapter, certain terms and words are defined below. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. Words in the masculine include the feminine and the neuter. The word "shall" is mandatory. The word "may" is permissive. The word "person" includes "individual," "company," "unincorporated association," or other similar entities. The words "used for" include "designed for," "arranged for," "intended for," "maintained for," or "occupied for." The word "building" shall be construed as if followed by the phrase "or part thereof."

(Ord. 847, 9/12/1991, §200)

**§27-202. Specific Terms.**

*Accessory building or structure* - a building or structure subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building. Earth satellite receiving dishes are included in this definition.

*Accessory use* - a subordinate use of a portion of a lot which is customarily incidental to the main or principal use of the land or of a building on a lot.

*Alteration, structural* - any enlargement of a building or structure; the moving of a building or structure from one location to another; any change in or addition to the structural parts of a building or structure; any change in the means of egress from or access to a building or structure.

*Approved private street* - a right-of-way which provides the primary vehicular access to a lot, not dedicated or deeded to the Borough, but approved by the Borough Council and shown on a recorded subdivision plan.

*Basement* - a story partly below the finished grade but having one-half or more of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

*Borough* - Borough of Shillington, Berks County, Pennsylvania.

*Borough Council* - Borough Council of the Borough of Shillington, Berks County, Pennsylvania.

*Buffer strip* - a continuous strip of landscaped land which is clear of all buildings and paved areas.

*Building* - a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, designed for the enclosure and support of individuals, animals or property of any kind.

*Building area* - the total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions.

*Building coverage* - the percentage of a lot covered by principal and accessory

buildings.

*Building height* - the vertical distance from the level of the ground adjacent to a building to the highest point of the roof.

*Building setback* - the minimum distance a building or structure must be set back from a street right-of-way line (except the right-of-way of a service street).

*Building setback line* - the line within a property establishing the minimum required distance between any building or structure or portions thereof to be erected or altered and a street right-of-way (except the right-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line which abuts the property and the building setback line shall be parallel to said right-of-way line. A building setback line may be established farther from a street right-of-way line than the minimum building setback established for a zoning district.

*Cartway* - the portion of a street right-of-way, whether paved or unpaved, intended for vehicular use.

*Cellar* - a story partly below the finished grade, having more than one-half of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building.

*Club or lodge* - an association of persons for some common nonprofit activity, not including groups organized primarily to render a service which is customarily carried on as a business.

*Commercial school* - a school for the teaching of a trade or skill, carried on as a business.

*Common open space* - an area or areas of land or an area of water (excluding storm water detention facilities), or a combination of land and water, within the parcel designed and intended for use or enjoyment of all residents of the development in which it is located. Land included within the right-of-way lines of streets shall not be classified as common open space. Common open spaces shall not include required open areas between buildings and required open areas between buildings and street rights-of-way, driveways, parking areas and property lines of the parcel.

*Common parking area* - a parking facility other than those provided within the lot lines of a lot on which one single family detached dwelling, one single-family semidetached dwelling, one townhouse, or one two-family detached dwelling is located.

*Condominium* - real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

*Corner lot* - a lot abutting two or more intersecting public or private streets, or at the point of abrupt change of direction of a single street (an interior angle of less than 135°).

*Distance between buildings* - this measurement shall be made at the closest point.

*Dwelling* - a building or structure or portion thereof arranged, intended, designed or used as the living quarters for one or more families living independently of each other. Such buildings as hospitals, hotels, boarding, rooming, lodging houses, nursing

homes, motels, and institutional residences are not included in the definition of dwelling.

*Apartment building* - a building on a single lot arranged, intended, or designed to be occupied as a residence for three or more families, and in which the dwelling units may be separated horizontally and/or vertically.

*Apartment unit* - a dwelling unit within an apartment building or dwelling unit in combination with a commercial use as permitted in this Chapter.

*Single-family detached dwelling* - a building arranged, intended or designed to be occupied exclusively as a residence for one family and having no party wall with an adjacent building.

*Single-family semidetached dwelling* - a building arranged, intended or designed to be occupied exclusively as a residence for one family, which shares one common or party wall with an adjoining dwelling for one family.

*Townhouse* - a building arranged, intended, or designed to be occupied exclusively as a residence for one family which is one of a group of three or more such buildings, placed side by side and separated by unpierced party walls, each dwelling having at least one separate entrance from the outside.

*Two-family detached dwelling* - a building arranged, intended, or designed to be occupied exclusively as a residence for two families, with one family living wholly or partly over the other and with no common wall with an adjacent building.

*Two-family semidetached dwelling* - a building arranged, intended or designed to be occupied exclusively as a residence for two families, with one family living wholly or partly over the other, which shares one common or party wall with an adjoining dwelling for two families.

*Dwelling unit* - a building or structure or portion thereof providing one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit.

*Family* - one or more persons, related by blood, marriage, adoption or guardianship, with/or not more than two unrelated persons, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

*Financial institution* - bank, savings and loan association, savings bank, investment company, investment manager, investment banker, securities broker/dealer, philanthropic foundation.

*Floor area (gross floor area)* - the sum of the gross horizontal areas of every floor of a building measured to the exterior faces of exterior walls and to the center line of party walls, including basement space and roofed porches, roofed breezeways, roofed terraces, roofed garages and carports, and accessory buildings. Cellar area is excluded.

*Grade* - the level of the ground adjacent to a building, structure, exposed storage, or sign.

*Highway access point* - a place of egress from or access to a street or highway created by a driveway or another street or highway.

*Highway frontage* - the lot dimension measured along the right-of-way line of any

one street or highway abutting a lot.

*Home occupation* - an occupation customarily conducted within a dwelling unit.

*Hotel* - a building or group of buildings containing individual rooms for rental, primarily for transients, with common hallways for all rooms on the same floor, and where no provision is made for cooking in any individual room or suite. "Hotel" does not include institutional or educational uses and buildings where human beings are housed under legal constraint.

*Lot* - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. The area and depth of a lot abutting a street shall be determined by measurements to the street line.

*Lot line* - a line forming the front, rear or side boundary of a lot.

*Front lot line* - the line separating a lot from a street right-of-way. The front lot line is also the street line.

*Rear lot line* - the lot line which is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least 10 feet long.

*Lot of record* - a lot or parcel recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania.

*Lot size* - the area of a lot, excluding land contained within street right-of-way lines.

*Lot width* - the distance between side lot lines, determined by establishing the shortest straight line distance. It shall not be measured along an arc.

*Motel* - a group of attached or detached buildings containing individual living or sleeping units designed for temporary use by tourists or transients generally traveling by motor vehicle.

*Municipal use* - buildings, structures, or land owned and maintained by the Borough.

*Non-conforming building, lot, structure or use* - a building, lot, structure, or use which does not conform to the regulations of the zoning district in which it is located, either at the time of enactment of this Chapter or as a result of subsequent amendments thereto, but which lawfully existed prior to the enactment of this Chapter. Non-conforming structures include, but are not limited to, non-conforming signs.

*Nursing home* - establishment providing nursing, dietary, and other similar personal services to convalescents, invalids, or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery, or other treatments which are customarily provided in sanitariums and hospitals.

*Open area* - ground upon which no principal or accessory buildings, structures or uses and paved areas are permitted.

*Parking space* - a space within a building or on a lot, used for the parking of a motor vehicle.

*Party wall* - a wall used or adopted for joint service between two buildings or parts thereof.

*Paved area* - the percentage of a lot covered by paving.

*Paving* - hard material such as concrete, asphalt, brick, or stone treated to decrease its permeability applied to a lot in order to smooth or firm the surface of the lot.

*Premises* - a descriptive word to include all improvements, buildings, structures and land on or within a lot.

*Principal building* - a building in which a principal use on a lot is conducted.

*Principal use* - the main or primary purpose for which any land, structure, or building is designed, arranged, or intended, and for which they may be occupied or maintained under the terms of this Chapter.

*Private garage* - an accessory building used for the storage of any number of motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than two motor vehicles owned and used by persons other than the owner or tenant of the premises. Not more than one commercial vehicle may be stored in a private garage.

*Professional* - doctor, surgeon, dentist, psychiatrist, psychologist, chiropractor and licensed professional persons offering similar medical care; optician, architect, artist, accountant, insurance agent, real estate broker, teacher, engineer, lawyer, musician, surveyor, landscape architect, land planner, systems analyst, or computer programmer.

*Public garage* - a building, not a private garage, used for the storage, repair or servicing of motor vehicles of any type or ownership.

*Public road* - a public thoroughfare, including a street, road, lane, alley, court, or similar terms, which has been dedicated or deeded to the Borough and accepted by it.

*Restaurant* -

*Standard restaurant* - any establishment whose principal business is the sale of food, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

(1) Customers, normally provided with an individual menu, are served their foods, frozen desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed.

(2) A cafeteria-type operation where foods, frozen desserts or beverages are consumed within the restaurant building.

*Carry-out restaurant* - any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to consume state, and whose design or method of operation includes both of the following characteristics:

(1) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

(2) The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

*Fast-food restaurant* - any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to consume state

for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:

(1) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

(2) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

*Drive-in restaurant* - any establishment whose business includes the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics, regardless of whether or not, in addition thereto, seats or other indoor accommodations are provided for the patrons.

(1) Foods, frozen desserts, or beverages are served directly to the customer through an exterior window in the establishment, or by other means which eliminate the need for the customer to enter the establishment.

(2) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

*Right-of-way* - the total width of any land reserved or dedicated as a street, road, lane, alley, crosswalk, or for other public or semi-public uses.

*Sanitary sewage system, public* - a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

*Screen* - vegetative material, fence, etc. planted or constructed to screen the buildings, structures and uses on the lot on which the screen is located from the view of people on adjoining properties.

*Single and separate ownership* - the ownership of a lot by one or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot.

*Service street (alley)* - a minor right-of-way providing secondary vehicular access to the side or rear of two or more properties, which is not the primary means of access to the properties.

*Shopping center* - a group of commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in location, size, and type of shops to the trade area that the unit serves.

*Sight triangle* - an area within which no vision obstructing object is permitted beyond 2½ feet of the centerline grades of intersecting streets.

*Sign* - any structure, wall, or other surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, information, attraction, or advertisement.

*Area of sign* - the area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or closed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols.

*Height of sign* - the vertical distance measured from the average grade at the lowest point of the sign to its highest point. A supporting structure shall be used in determining the lowest or highest point of a sign.

*Sign, free-standing* - an independently supported sign, not attached to any building.

*Special exception* - permission granted by the Zoning Hearing Board, with appropriate restrictions, to undertake certain activities specified in this ordinance or to occupy or use land, buildings or structures for a specific purpose or in a certain manner specified in this Chapter.

*Story* - the portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

*Street* - a public or private right-of-way, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway and similar terms.

*Street frontage* - the lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

*Street line* - the dividing line between a lot and the outside boundary of a public street, road, or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan, or between a lot and a private street, road, or way over which the owners or tenants of one or more lots held in single and separate ownership have a right-of-way.

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

*Studio* - the working place of a painter, sculptor, or such other similar artistic endeavor; a place for the study of an art such as dancing, singing, or acting, or such other similar artistic endeavor.

*Use* - the specific purpose for which land, a sign, or a structure or building is designed, arranged, intended, or for which it may be occupied or maintained, or any activity, occupation, business, or operation which may be carried on, thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

*Variance* - relief, granted by the Zoning Hearing Board, from the terms and conditions of this Chapter provided those conditions contained hereafter relating to establishing the entitlement to variances are found to exist by the Zoning Hearing Board.

*Water distribution system, public* - a system for supplying and distributing water

from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

*Yard* - the open space on the same lot with a building. The space shall be open and unobstructed from the ground upward, except as otherwise provided in this Chapter, and not less in depth or width than the minimum required in each zoning district.

*Yard, front* - an open space between an adjacent street right-of-way and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

*Yard, rear* - an open space between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot, except that in the case where the rear lot line is included within a service street, the rear yard shall be between the right-of-way line of the service street nearest the front yard of the lot and a line drawn parallel to such right-of-way line of the service street.

*Yard, side* - An open space between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending from the front yard to the rear yard, except that in the case where the side lot line is included within a service street, the side yard shall be between the right-of-way line of the service street nearest the principal use or building on the lot and a line drawn parallel to such right-of-way line of the service street.

*Zoning Hearing Board* - Borough of Shillington Zoning Hearing Board.

*Zoning Officer* - Borough of Shillington Zoning Officer.

*Zoning Ordinance* - Borough of Shillington Zoning Ordinance [this Chapter].

(Ord. 847, 9/12/1991, §201)

**Part 3****Zoning Districts****§27-301. Types of Zoning Districts.**

In order to carry out the objectives of this Chapter, the Borough of Shillington has been divided into the following zoning districts:

- A. R-1 Residential District.
- B. R-2 Residential District.
- C. R-3 Residential District.
- D. C Commercial District.
- E. I Industrial District.
- F. C-S Shopping Center District.
- G. M-P Municipal Park District.
- H. L-C Limited Commercial District.
- I. INST Institutional District.

(Ord. 847, 9/12/1991, §300)

**§27-302. Official Zoning Map.**

1. The boundaries of the zoning districts shall be as shown on the zoning map of the Borough. The zoning map and all notations, references, and data shown thereon are hereby incorporated by reference into this Chapter.

2. The official copy of the zoning map shall be so labeled and identified by the signature of the President of the Borough Council, attested by the Secretary of the Borough, and bear the seal of the Borough under the following words:

"This is to certify that this is the official zoning map of the Borough of Shillington adopted, \_\_\_\_\_1991."

3. If the official zoning map is amended, an entry indicating the change and the date of the change shall be made on the map and the entry shall include the signatures of the President of Borough Council and the Borough Secretary.

4. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature and number of changes and additions made thereon, the Borough Council may by resolution adopt a new official zoning map which shall supersede such prior map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the President of the Borough Council, attested by the Secretary of the Borough, and bear the seal of the Borough under the following words:

"This is to certify that this is the official zoning map of the Borough of Shillington adopted, \_\_\_\_\_1991."

(Ord. 847, 9/12/1991, §301)

**§27-303. District Boundaries; Rules for Interpretation.**

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

A. Where district boundaries are indicated as approximately coinciding with the center lines of streets, alleys, or creeks such center lines shall be construed to be such boundaries.

B. Where district boundaries are indicated as approximately coinciding with lot lines or right-of-way lines, such lot lines or right-of-way lines shall be construed to be such boundaries.

C. Where district boundaries are indicated as being approximately parallel to the right-of-way lines of streets, alleys, or creeks such district boundaries shall be construed as being parallel to the right-of-way lines at such distance as is indicated on the official zoning map. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

D. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets, alleys, or creeks such district boundaries shall be construed as being perpendicular to the right of-way lines.

E. Boundaries indicated as approximately following Borough limits shall be construed as following such limits.

F. Boundaries indicated as extensions of features indicated in subsections .A through .E, above, shall be so construed.

G. Where physical or contour features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections .A through .F, above, the Zoning Officer shall interpret the district boundaries.

H. Where a district boundary line divides a lot which was in single ownership at the effective date of this Chapter, at the election of the property owner the regulations of either zoning district may be extended a distance of not more than 50 feet beyond the district boundary line into the remaining portion of the lot.

I. Where setback, screening, or buffering requirements from zoning districts are imposed, zoning districts in adjacent municipalities shall be considered in addition to those in the Borough.

J. When calculating the permissible number of dwelling units within a subdivision or land development in the Borough of Shillington, only land located within the Borough of Shillington shall be used.

*(Ord. 847, 9/12/1991, §302)*

**§27-304. Application of District Regulations.**

1. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, assembled, moved, enlarged, reconstructed, removed, or structurally altered without the issuance of a permit by the Zoning Officer.

A. Compliance with this Chapter in no way relieves responsibility of complying with other Borough ordinances.

2. No part of a yard, common open space, other open space or off-street parking or loading space required in connection with one structure, building or use of the land shall be included as part of a yard, common open space, open space or off-street parking or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Chapter or other Borough ordinance or regulations.

3. No yard or lot existing at the time of passage of this Chapter which meets the requirements of this Chapter shall be reduced in dimension or area below the minimum requirements set forth in this Chapter. A yard or lot existing at the time of passage of this Chapter shall not be further reduced below the minimum requirements of this Chapter.

4. Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be provided contiguous along the street line of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one street, but does not have to be provided along the street line of each street on which the lot fronts, unless otherwise required by this Chapter.

5. Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be provided contiguous along the building setback line established from one street. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two or more streets. In the case of a corner lot, the minimum lot width must be provided along the building setback line established from one street, but does not have to be provided along the building setback line established from each street on which the lot fronts, unless otherwise required by this Chapter.

6. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirement of the applicable zoning district shall be used in establishing such building setback line.

7. Buildings and/or lots may be owned in condominium ownership. Such buildings and/or lots shall comply with all applicable zoning requirements; furthermore, each unit of occupancy shall comply with the requirements of the Borough Building Code [Chapter 5, Part 1] as a separate unit of occupancy. Condominium declarations shall be submitted to and approved by the Borough prior to issuance of any zoning permit for a building or lot in condominium ownership, and after such approval shall be filed with the Recorder of Deeds of the County of Berks and the Borough. Condominium declarations shall be in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, as amended. In the case of a building in condominium ownership situated on a parcel of land, the building coverage and paved area regulations of the applicable zoning district shall apply to the entire building as it is situated on the entire parcel, and shall not be applied to each unit of occupancy within the building.

*(Ord. 847, 9/12/1991, §303)*



**Part 4****Residential District Regulations****A. R-1 Residence District.****§27-401. Specific Intent.**

It is the purpose of this district to provide for the maintenance of predominantly single family detached residential areas at densities of development similar to what now exist.

(*Ord. 847, 9/12/1991, §401*)

**§27-402. Uses Permitted by Right.**

Land and buildings in an R-1 District may be used for the following purposes and no others, unless a special exception as provided herein is granted:

A. Single-family detached dwelling.

B. Municipal building and/or use, to which no area or access regulations, as hereinbefore or hereafter provided, shall apply.

C. Accessory uses and structures to the above permitted uses when on the same lot as and customarily incidental to the permitted use. These uses and structures shall not include businesses but shall include, and not be limited to, private garages and utility sheds, playhouses, and/or dog house. Such utility sheds, playhouses, and/or dog houses shall not exceed 120 square feet in area unless a conditional use is approved by Borough Council and shall be placed on and securely fastened to a concrete base, unless the Zoning Officer shall determine that the proposed structure is of such construction that anchoring is not necessary to secure the location of the structure.

(*Ord. 847, 9/12/1991, §402*)

**§27-403. Uses Permitted by Special Exception.**

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

A. State licensed nursery school or day care center, elementary, middle, junior or senior high school; public and private school administrative offices, playgrounds and athletic fields.

B. Church or similar place of worship.

C. Accessory uses and structures to the uses permitted by §§27-403.A and .B when on the same lot as and customarily incidental to the permitted use.

D. Professional offices for the practice of medicine, surgery, dentistry, optometry, chiropody, osteopathy, chiropractics, law, engineering, and architecture; studios for the teaching of the arts via individual lessons, and no other; and rooms for home occupations, excluding barber and beauty shops; provided that such office, studio, or rooms for home occupations shall be located in a dwelling in

which the practitioner resides, or in a building accessory thereto; provided that no goods shall be publicly displayed on the premises and that the area occupied for such purposes shall not be more than 40% of the area covered by the dwelling, excluding garage. Home occupations are further subject to the requirements of §27-623 of this Chapter.

E. Park, playground or similar noncommercial recreation area.

(Ord. 847, 9/12/1991, §403)

#### **§27-404. Area, Yard, and Height Regulations.**

1. *Lot Size.* The minimum lot size shall be 6,500 square feet.

2. *Lot Width.* The minimum lot width shall be 60 feet at the building setback line and 50 feet at the street line.

3. *Front Yard.* There shall be a front yard on each street on which a lot abuts which shall be not less than 25 feet in depth, except as may be provided in §27-614 of this Chapter. The front yard on the long side of a corner lot may be reduced to a depth of not less than 15 feet.

4. *Side Yards.* There shall be two side yards on each lot, which shall be not less than 20 feet in aggregate width, and neither of which shall be less than 8 feet in width.

5. *Rear Yard.* There shall be a rear yard on each lot which shall be not less than 25 feet in depth.

6. *Building Coverage.* Not more than 35% of the area of each lot may be occupied by buildings.

7. *Building Height.* No building shall exceed 35 feet in height.

8. *Open Area.* A minimum of 20% of the lot area shall be open area.

(Ord. 847, 9/12/1991, §404)

#### **§27-405. Change of Certain Uses.**

Where buildings are erected or used for a purpose enumerated in §§27-402.B, 27-403.A or 27-403.B, their use shall not be changed to any other use other than those specified in §§27-402 or 27-403 without permission from the Zoning Hearing Board.

(Ord. 847, 9/12/1991, §405)

**B. R-2 Residence District.****§27-411. Specific Intent.**

It is the purpose of this district to provide for the maintenance of predominantly single and two family residential areas at densities of development similar to what now exist.

(*Ord. 847, 9/12/1991, §411*)

**§27-412. Uses Permitted by Right.**

Land and buildings in an R-2 District may be used for the following purposes and no others, unless a special exception as provided herein is granted:

- A. Single-family detached dwelling.
- B. Two-family detached dwelling.
- C. Single-family semidetached dwelling, providing that the dwelling with which it has a party wall in common is erected at the same time.
- D. Municipal building and/or use, to which no area or access regulations, as hereinbefore or hereafter provided, shall apply.
- E. Accessory uses and structures to the above permitted uses when on the same lot as and customarily incidental to the permitted use. These uses and structures shall not include businesses but shall include, and not be limited to, private garages and utility sheds, playhouses, and/or dog house.

Such utility sheds, playhouses, and/or dog houses shall not exceed 120 square feet in area unless a conditional use is approved by Borough Council and shall be placed on and securely fastened to a concrete base, unless the Zoning Officer shall determine that the proposed structure is of such construction that anchoring is not necessary to secure the location of the structure.

(*Ord. 847, 9/12/1991, §412*)

**§27-413. Uses Permitted by Special Exception.**

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this ordinance:

- A. State licensed nursery school or day care center, elementary, middle, junior or senior high school; public and private school administrative offices, playgrounds and athletic fields.
- B. Church or similar place of worship.
- C. State licensed nursing home or hospital.
- D. Cemetery.
- E. Professional offices for the practice of medicine, surgery, dentistry, optometry, chiropody, osteopathy, chiropractics, law, engineering, and architecture; studios for the teaching of the arts via individual lessons, and no other; and rooms for home occupations, excluding barber and beauty shops; provided that such office, studio, or rooms for home occupations shall be located in a dwelling in which the practitioner resides, or in a building accessory thereto; provided that no goods shall be publicly displayed on the premises and that the area occupied for

such purposes shall not be more than 40% of the area covered by the dwelling, excluding garage. Home occupations are further subject to the requirements of §27-623 of this Chapter.

F. Park, playground or similar noncommercial recreation area.

G. Conversion of a single family detached dwelling or a building devoted partly to single-family dwelling use and partly to commercial use into a two-family or multiple-family dwelling provided that the lot area per family shall be at least 3,000 square feet, the lot area per commercial use shall be at least 3,000 square feet, at least two off-street parking spaces shall be provided per dwelling unit, and parking shall be provided for the commercial use in accordance with §27-610.21 of this Chapter.

H. Accessory uses and structures to the above permitted uses when on the same lot as and customarily incidental to the permitted use.

(Ord. 847, 9/12/1991, §413)

#### **§27-414. Area, Yard, and Height Regulations.**

1. *Lot Size.* The minimum lot size shall be 3,000 square feet. A minimum of 3,000 square feet of lot size per dwelling unit shall be provided.

2. *Lot Width.* The minimum lot width shall be 45 feet at the building setback line and 35 feet at the street line for single family detached or two-family detached dwellings and nonresidential uses and 30 feet at the building setback line and 25 feet at the street line for single family semidetached dwellings.

3. *Front Yard.* There shall be a front yard on each street on which a lot abuts which shall be not less than 20 feet in depth, except as may be provided in §27-614 of this Chapter. The front yard on the long side of a corner lot may be reduced to a depth of not less than 10 feet.

4. *Side Yards.*

A. For every single-family detached or two-family detached dwelling there shall be two side yards on each lot, which shall be not less than 15 feet in aggregate width, and neither of which shall be less than 6 feet in width.

B. For every single-family semidetached dwelling there shall be one side yard, which shall be not less than 10 feet in width.

C. For every building other than a dwelling there shall be two side yards on each lot which shall be not less than 20 feet in aggregate width, and neither of which shall be less than 8 feet in width.

5. *Rear Yard.* There shall be a rear yard on each lot which shall be not less than 25 feet in depth.

6. *Building Coverage.* Not more than 40% of the area of each lot may be occupied by buildings.

7. *Building Height.* No building shall exceed 35 feet in height.

8. *Open Area:* A minimum of 20% of the lot area shall be open area.

(Ord. 847, 9/12/1991, §419)

**C. R-3 Residence District.****§27-421. Specific Intent.**

It is the purpose of this district to provide for residential development of the type and at the density of development similar to what now exists.

(Ord. 847, 9/12/1991, §421)

**§27-422. Uses Permitted by Right.**

Land and buildings in an R-3 District may be used for the following purposes and no others, unless a special exception as provided herein is granted:

- A. Single-family detached dwelling.
- B. Two-family detached dwelling.
- C. Single-family semidetached dwelling, provided that the dwelling with which it has a party wall in common is erected at the same time.
- D. Two-family semidetached dwelling, provided that the dwelling with which it has a party wall in common is erected at the same time.
- E. Apartments and townhouses, provided that adequate sanitation facilities are provided, subject to:
  - (1) The density of the development shall not exceed one dwelling unit per 2,000 square feet of lot area.
  - (2) A system for pedestrian circulation shall be provided throughout the development.
  - (3) A landscaping plan shall be prepared in accordance with §27-605.6 of this Chapter.
  - (4) Common parking areas and access drives shall be located a minimum of 10 feet from the property lines of the development and buildings on the parcel. Common parking areas shall be screened from view of adjoining properties when those properties are used for single family or two-family dwellings.
  - (5) No more than 30% of the parcel shall be covered by buildings, provided that as a conditional use the Borough Council may permit up to 40% of the parcel to be covered by buildings.
  - (6) No more than 30% of the parcel shall be paved, provided that as a conditional use the Borough Council may permit up to 40% of the parcel to be paved.
  - (7) The distance at the closest point between any two buildings, except townhouses in the same continuous row, shall not be less than 30 feet.
  - (8) Townhouses shall not be constructed in rows of more than six dwelling units and all units of a row shall be constructed at the same time. No more than three continuous townhouses shall have the same front setback and the variations in front setbacks shall be at least 2 feet.
  - (9) Minimum parcel widths shall be 60 feet at the building setback line and street line.

(10) Minimum side yard width shall be 10 feet for apartment buildings and the end building of a row of townhouses.

(11) No less than 20% of the parcel shall be permanently reserved for noncommercial common open space purposes. The common open space area shall be suitable for the designated purpose and contain no structure or parking facilities except as related to and incidental to open space uses. The pedestrian circulation system within the development may be included when calculating the common open space percentage.

(12) For apartment buildings, the maximum building length shall be 160 feet.

F. Professional offices for the practice of medicine, surgery, dentistry, optometry, chiropody, osteopathy, chiropractics, law, engineering, and architecture; studios for the teaching of the arts via individual lessons, and no other; and rooms for home occupations, excluding barber and beauty shops; provided that such office, studio, or rooms for home occupations shall be located in a dwelling in which the practitioner resides, or in a building accessory thereto; and provided that no goods shall be publicly displayed on the premises and that the area occupied for such purposes shall not be more than 40% of the area covered by the dwelling, excluding garage. Home occupations are further subject to the requirements of §27-623 of this Chapter.

G. Municipal building and/or use, to which no area or access regulations, as hereinbefore or hereafter provided, shall apply.

H. Accessory uses and structures to the above permitted uses when on the same lot as and customarily incidental to the permitted use. These uses and structures shall not include businesses but shall include, and not be limited to, private garages and utility sheds, playhouses, and/or dog house. Such utility sheds, playhouses, and/or dog houses shall not exceed 120 square feet in area unless a conditional use is approved by Borough Council and shall be placed on and securely fastened to a concrete base or foundation, unless the Zoning Officer shall determine that the proposed structure is of such construction that anchoring is not necessary to secure the location of the structure.

(Ord. 847, 9/12/1991, §422)

### **§27-423. Uses Permitted by Special Exception.**

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

A. State licensed nursery school or day care center, elementary, middle, junior or senior high school; public and private school administrative offices, playgrounds and athletic fields.

B. Church or similar place of worship.

C. State licensed nursing home or hospital.

D. Park, playground or similar noncommercial recreation area.

E. Conversion of a single family detached dwelling or a building devoted partly to single-family dwelling use and partly to commercial use into a two-family or multiple-family dwelling provided that the lot area per family shall be at least

2,000 square feet, the lot area per commercial use shall be at least 2,000 square feet, at least two off-street parking spaces shall be provided per dwelling unit, and parking shall be provided for the commercial use in accordance with §27-610.21 of this Chapter.

G. Accessory uses and structures to the above permitted uses when on the same lot as and customarily incidental to the permitted use.

(Ord. 847, 9/12/1991, §423)

**§27-424. Area, Yard, and Height Regulations.** (except as noted in §27-423.E)

1. *Lot Size.* The minimum lot size shall be 3,000 square feet for nonresidential uses. A minimum of 2,000 square feet of lot size per dwelling unit shall be provided.

2. *Lot Width.* The minimum lot width shall be 40 feet at the building setback line and 30 feet at the street line for detached buildings, 20 at the building setback line and street line for semidetached buildings and 16 feet at the building setback line and street line for attached buildings and townhouses.

3. *Front Yard.* There shall be a front yard on each street on which a lot abuts which shall be not less than 15 feet in depth, except for lots abutting on Lancaster Avenue where the front yard shall be not less than 25 feet in depth, and except as provided in §27-614 of this Chapter. The front yard on the long side of a corner lot may be reduced to a depth of not less than 10 feet.

4. *Side Yards.*

A. For every single-family detached or two-family detached dwelling there shall be two side yards on each lot, which shall be not less than 6 feet in width.

B. For every single-family semidetached dwelling there shall be one side yard, which shall be not less than 6 feet in width.

C. For every building other than a dwelling, there shall be two side yards, neither of which shall be less than 8 feet in width.

5. *Rear Yard.* There shall be a rear yard on each lot which shall be not less than 25 feet in depth.

6. *Building Coverage.* Not more than 45 percent of the area of each lot may be occupied by buildings.

7. *Building Height.* No building shall exceed 35 feet in height.

8. *Open Area.* A minimum of 20% of the lot area shall be open area.

(Ord. 847, 9/12/1991, §424)



**Part 5****Nonresidential Zoning Districts****A. C Commercial Districts.****§27-501. Specific Intent.**

It is the purpose of this district to permit residential development and certain commercial development which will not adversely affect residential uses.

(*Ord. 847, 9/12/1991, §501*)

**§27-502. Uses Permitted by Right.**

Land and buildings in a C District may be used for the following purposes and no others unless a special exception as provided for herein is granted:

- A. Any use permitted by right or special exception in the R-3 District.
- B. Apartment unit in combination with business use, provided that the sanitary facilities proposed are adequate to accommodate the proposed use.
- C. Hotel, motel, rooming, boarding or tourist house.
- D. Retail store.
- E. Personal service shop, including tailor, barber, beauty, dressmaking, shoe repair, or similar shop.
- F. Restaurant, tea room, catering establishment.
- G. Professional or business office, agency, or studio; club or lodge.
- H. Confectionery or bakery shop, provided that all products shall be sold at retail on the premises.
- I. Financial institution.
- J. Mortuary.
- K. Newspaper or job printing establishment.
- L. Public garage, motor vehicle service station or sales agency, and parking lot, provided that all facilities are located and all services are conducted within the confines of the lot.
- M. Indoor theater.
- N. Post office or other governmental building.
- O. Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

(*Ord. 847, 9/12/1991, §502*)

**§27-503. Uses Permitted by Special Exception.**

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- A. Laundry, dry cleaning or dyeing establishment.

B. Place of amusement other than a theater.

C. Any use of the same general character as any of the above permitted by right or special exception uses provided that no trade or business shall be permitted which is noxious or hazardous as defined in §27-613 of this Chapter.

D. Headquarters, offices and shops of certain tradesmen, i.e., electrical, plumbing and similar tradesmen, when owned and maintained by the individuals operating the business or by a corporation owned and controlled by them. [Ord. 871]

(Ord. 847, 9/12/1991, §502; as amended by Ord. 871, 9/27/1993, §1)

**§27-504. Area, Yard and Height Regulations.**

1. *Lot Size.* The minimum lot size shall be 2,000 square feet for nonresidential uses. A minimum of 2,000 square feet of lot size per dwelling unit shall be provided.

2. *Building Coverage.*

A. For every lot used exclusively for residential purposes, not more than 45% of the lot area may be occupied by buildings.

B. For every lot used in whole or in part for nonresidential purposes, not more than 60% of the lot area may be occupied by buildings, unless authorized as a special exception; but said building area regulation shall not apply to religious institutions.

3. *Front Yard.* There shall be a front yard on each street on which a lot abuts which shall be not less than 15 feet in depth, except as provided in §27-614 of this Chapter, and except on West Lancaster Avenue between Liberty Street and Wyomissing Avenue on the north side and New Holland Avenue and Wyomissing Avenue on the south side. On West Lancaster Avenue the front yard shall be as follows:

A. On the north side of West Lancaster Avenue:

- (1) between Liberty and North Miller Streets, 11 feet;
- (2) between North Miller and North Sterley Streets, 6 feet;
- (3) between North Sterley Street and North Wyomissing Avenue, 6 feet.

B. On the south side of West Lancaster Avenue:

- (1) between New Holland Avenue and South Miller Street, 11 feet;
- (2) between South Miller and South Sterley Streets, 11 feet;
- (3) between South Sterley Street and South Wyomissing Avenue, 15 feet.

C. The front yard on the long side of a corner lot may be reduced to a depth of not less than 10 feet, unless a lesser depth is permitted above.

4. *Side Yards.*

A. For every detached building erected or used exclusively as a dwelling, there shall be two side yards neither of which shall be less than 6 feet in width.

B. For every semidetached building erected or used exclusively as a dwelling, there shall be one side yard, which shall be not less than 6 feet in width.

C. For every building erected or used in whole or in part for commercial or non-dwelling purposes there shall be two side yards neither of which shall be less

than 6 feet in width. Provided that the Zoning Hearing Board by special exception may permit a side yard of less than 6 feet with written consent of the adjacent property owner.

5. *Rear Yard.* There shall be a rear yard on each lot which shall be not less than 25 feet in depth; except on those lots which shall be erected religious institutions, where there shall be a rear yard on each lot which shall be not less than 5 feet in depth.

6. *Building Height.* No building shall exceed 40 feet in height.

7. *Open Area.* A minimum of 20% of the lot shall be landscaped area. A landscaping plan shall be provided pursuant to §27-605.6 of this Chapter.

8. *Lot Width.* The minimum lot width shall be 50 feet at the street line and 60 feet at the building setback line.

(Ord. 847, 9/12/1991, §504)



**B. I Industrial Districts.****§27-511. Specific Intent.**

It is the purpose of this district to provide for commercial and light industrial development which will not adversely affect the public health, safety and general welfare of the residents and inhabitants of the Borough. Residential uses are also permitted.

(Ord. 847, 9/12/1991, §511)

**§27-512. Uses Permitted by Right.**

Land and buildings in an I District may be used for the following purposes and no others unless a special exception as provided for herein is granted:

- A. Any use permitted by right or special exception in the C District.
- B. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development.
- C. Industrial operations involving the production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods, and materials, provided that all such activities shall be carried on within a building.
- D. Warehousing and distributing of manufactured foods, goods, and materials.
- E. Shop of a carpenter, electrician, metal worker, cabinet maker, upholsterer, plumber, mason, painter, home builder, heating contractor or similar skilled tradesman.
- F. Accessory uses and structures to the above permitted uses when on the same lot as and customarily incidental to the permitted uses.

(Ord. 847, 9/12/1991, §512)

**§27-513. Uses Permitted by Special Exception.**

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- A. Any use of the same general character as any of the above permitted by right uses provided that no trade or business shall be permitted which is noxious or hazardous as defined in §27-613 of this Chapter.

(Ord. 847, 9/12/1991, §513)

**§27-514. Area, Yard and Height Regulations.**

1. *Lot Size.* The minimum lot size shall be 2,000 square feet. A minimum of 2,000 square feet of lot size per dwelling unit shall be provided.

2. *Building Coverage.*

A. For every lot used exclusively for residence purposes, not more than 45% of the lot area may be occupied by buildings.

B. For every lot used in whole or in part for nonresidential purposes, not more than 60% of the lot area may be occupied by buildings, unless authorized as a special exception; but said building area regulation shall not apply to religious

institutions.

3. *Front Yards.* There shall be a front yard on each street on which a lot abuts which shall be not less than 15 feet in depth, except as provided in §27-614 of this Chapter. The front yard on the long side of a corner lot may be reduced to a depth of not less than 10 feet.

4. *Side Yards.*

A. For every detached building erected or used exclusively as a dwelling, there shall be two side yards neither of which shall be less than 6 feet in width.

B. For every semidetached building erected or used exclusively as dwelling, there shall be one side yard, which shall be not less than 6 feet in width.

C. For every building erected or used in whole or in part for commercial or non-dwelling purposes, there shall be two side yards neither of which shall be less than 6 feet in width.

5. *Rear Yard:* There shall be a rear yard on each lot which shall be not less than 25 feet in depth; except on those lots on which shall be erected religious institutions, where there shall be a rear yard on each lot which shall be not less than 5 feet in depth.

6. *Building Height:* No building shall exceed 40 feet in height, provided that as a special exception the Zoning Hearing Board may permit a building height up to 50 feet.

7. *Open Area:* A minimum of 20% of the lot shall be landscaped area. A landscaping plan shall be provided pursuant to §27-605.6 of this Chapter.

8. *Lot Width:* The minimum lot width shall be 50 feet at the street line and 60 feet at the building setback line.

(Ord. 847, 9/12/1991, §514)

**C. C-S Shopping Center District.****§27-521. General Requirement.**

Borough Council may authorize as an amendment to the zoning map the designation of an area as a C-S Shopping Center District for the location of an integrated shopping center, following review and recommendation by the Planning Commission and subject to the regulations of this and any other pertinent Section of this Chapter.

(*Ord. 847, 9/12/1991, §521*)

**§27-522. Plan Requirements.**

The request for amendment of the zoning map shall be accompanied by a copy of the plan which shall show the layout of the total area to be included in the shopping center, and which shall include, among other things, the information required below. If, however, portions of the project are to be completed in successive stages, a less detailed sketch or layout of the areas not scheduled for immediate development will suffice initially, provided that, as further development occurs, a plan showing all of the required detail shall then be submitted prior to the construction of any portion. Information to be shown on a plan shall include:

- A. The location, dimensions, and proposed use of all buildings or structures.
- B. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
- C. The location, size, arrangement, and capacity of all areas to be used for automobile access, parking, loading and unloading.
- D. The location, dimensions, arrangement of areas to be devoted to planting, lawns, trees or any other purpose.
- E. Sufficient data, in all instances, to enable Borough Council and the Planning Commission to judge the effectiveness of the design and character of the entire shopping center area and its relationship to surrounding areas.

(*Ord. 847, 9/12/1991, §522*)

**§27-523. Area and Design Requirements.**

1. The proposed development shall be constructed in accordance with an overall plan, shall be designed as a single architectural unit with appropriate landscaping, and shall provide for the construction of a minimum of 50,000 square feet of floor area with a minimum of four shops or establishments for uses listed in §27-524 below as permitted in a shopping center district.

2. The total area shall be not less than 6 acres.
3. All buildings shall be arranged in a group or in groups.
4. Not more than 30% of the lot area shall be occupied by buildings.
5. The distance, at the closest point, between any two buildings or groups or units of attached buildings shall be not less than 12 feet.
6. Adequate areas shall be provided for loading and unloading of delivery trucks and other vehicles; servicing of shops by refuse collection, fuel, fire and other service

vehicles; automobile accessways; and pedestrian walks. Such areas shall be paved with an acceptable hard surface.

7. No building or service area may be located within 25 feet of a side or rear street property line or 100 feet of a front street property line.

8. Parking, loading or service areas used by motor vehicles, shall be located entirely within the lot line of the shopping center. All accessways shall be located in conformity with the regulations of the traffic department of the Borough of Shillington.

9. When a shopping center is adjacent or opposite to an R1, R-2 or R-3 District, a buffer strip of planting of hedge or evergreens shall be provided. The width of said buffer strip along front property line shall be the same as the reserve line on the opposite side of the street or the adjacent zone. The width of said buffer strip on side and rear property line shall be 15 feet.

10. The proposed shopping center shall be served by an adequate public sewer system.

11. The Planning Commission and Borough Council may prescribe more restrictive conditions, or any further reasonable conditions deemed appropriate with respect to the suitability of the shopping center in the neighborhood.

12. No building shall exceed 40 feet in height.

13. A minimum of 20% of the lot shall be landscaped area. A landscaping plan shall be provided pursuant to §27-605.6 of this Chapter.

(Ord. 847, 9/12/1991, §523)

#### **§27-524. Use Regulations.**

A building or combination of buildings may be erected or used, and the lot area may be used or occupied for any of the following purposes, and no other. In no case shall dwellings or apartments be permitted except for living quarters for watchmen or caretakers.

A. Retail store, including retail outlet or show room for uses permitted in subsection .G hereof (not including automobile sales agency), provided that no goods shall be displayed on the exterior of the premises and provided that only the incidental storage, including floor samples, shall be permitted.

B. Restaurant, tea room or cafeteria.

C. Office, agency or studio.

D. Barber or beauty shop.

E. Theater (not including outdoor motion picture establishment), assembly hall, or community building, indoor recreational establishment or library, day care center.

F. Financial institutions.

G. The following uses provided that if such uses are located on the ground floor they shall not be located within 25 feet of the front of the building and provided that they shall be effectively screened from the front portion of the building by a wall or partition:

(1) General servicing or repair.

- (2) Upholstering.
- (3) Carpentry or woodworking.
- (4) Electrical, radio, television repair.
- (5) Automatic self-service laundry, hand laundering, dry cleaning or pressing, provided no inflammable fluids are used.
- (6) Tailoring, dressmaking or repair.
- (7) Millinery repair or processing.
- (8) Watch or clock repair.
- (9) Baking, confectionery making, or similar processing; or custom shop.

H. Accessory use customarily incidental to any of the above uses.

I. Any use of the same general character of any of the above permitted uses, when authorized as a special exception by the Zoning Hearing Board, provided that such use shall be permitted subject to such reasonable restrictions as the Board may determine, and further provided that no trade or business shall be permitted which is either noxious or hazardous as defined in §27-613 of this Chapter.

*(Ord. 847, 9/12/1991, §524)*



**D. M-P Municipal Park Districts.****§27-531. General Requirement.**

Borough Council may authorize as an amendment to the zoning map the designation of an area as a municipal park district for the location of a municipal park, following review and recommendation of the Planning Commission and subject to the regulations of this and any other pertinent Chapter of this Chapter.

*(Ord. 847, 9/12/1991, §531)*

**§27-532. Use Regulation.**

The lot or tract area may be used or occupied for municipal park and recreation purposes only and in such manner as may be prescribed by Borough Council, and no other. This Chapter shall not apply to portions of dedicated streets now or hereafter uses as malls or used and maintained for other landscaping or recreational purposes.

*(Ord. 847, 9/12/1991, §532)*



**E. L-C Limited Commercial District.****§27-541. Specific Intent.**

It is the purpose of this district to integrate limited professional office development as a conditional use into existing residential or mixed residential-professional office areas along portions of Lancaster Avenue.

(*Ord. 847, 9/12/1991, §541*)

**§27-542. Uses Permitted by Right.**

Land and buildings in an L-C District may be used for the following purposes and no others, unless a special exception as provided herein is granted or a conditional use is approved by Borough Council:

- A. Single-family detached dwelling.
- B. Two-family detached dwelling.
- C. Single-family semidetached dwelling, provided that the dwelling with which it has a party wall in common is erected at the same time.
- D. Two-family semidetached dwelling, provided that the dwelling with which it has a party wall in common is erected at the same time.
- E. Professional offices for the practice of medicine, surgery, dentistry, optometry, chiropody, osteopathy, chiropractics, law, engineering and architecture; studios for the teaching of the arts via individual lessons and no other; and rooms for home occupations, excluding barber and beauty shops; provided that such office, studio or rooms for home occupations shall be located in a dwelling in which the practitioner resides, or in a building accessory thereto; and provided that no goods shall be publicly displayed on the premises and that the area occupied for such purposes shall not be more than 40% of the area covered by the dwelling, excluding garage. Home occupations are further subject to the requirements of §27-623 of this Chapter.
- F. Municipal building and/or use, to which no area or access regulations, as hereinbefore or hereafter provided, shall apply.
- G. Accessory uses and structures to the above permitted uses when on the same lot as and customarily incidental to the permitted use. These uses and structures shall not include businesses but shall include, and not be limited to, private garages and utility sheds, playhouses, and/or dog house. Such utility sheds, playhouses, and/or dog houses shall not exceed 120 square feet in area unless a conditional use is approved by Borough Council and shall be placed on and securely fastened to a concrete base or foundation, unless the Zoning Officer shall determine that the proposed structure is of such construction that anchoring is not necessary to secure the location of the structure.

(*Ord. 847, 9/12/1991, §542*)

**§27-543. Uses Permitted by Special Exception.**

The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with the applicable provisions of this Chapter:

- A. State licensed nursery school or day care center.
- B. Church or similar place of worship.
- C. Park, playground or similar noncommercial recreation area.
- D. Conversion of a single-family detached dwelling or a building devoted partly to single-family dwelling use and partly to commercial use into a two-family or multiple-family dwelling provided that the lot area per family shall be at least 2,000 square feet, the lot area per commercial use shall be at least 2,000 square feet, at least two off-street parking spaces shall be provided per dwelling unit, and parking shall be provided for the commercial use in accordance with §27-610.21 of this Chapter.
- E. Accessory uses and structures to the above permitted uses when on the same lot as and customarily incidental to the permitted use.

(Ord. 847, 9/12/1991, §543)

#### **§27-544. Uses Permitted by Condition.**

The following uses are permitted when approved by the Borough Council in accordance with the applicable provisions of this Chapter:

- A. Professional offices for the practice of medicine, surgery, dentistry, optometry, chiropody, osteopathy, chiropractics, law, psychiatry, psychology, law, engineering and surveying, architecture, landscape architecture and land planning.
- B. Studio for the teaching of the arts via individual lessons.
- C. Offices of optician, travel agent, accountant, insurance agent, real estate broker, systems analyst, computer programmer, investment manager, investment banker, and securities broker/dealer.

(Ord. 847, 9/12/1991, §544)

#### **§27-545. Area Yard and Height Regulations.**

1. *Lot Size.* The minimum lot size shall be 3,000 square feet for nonresidential uses. A minimum of 2,000 square feet of lot size per dwelling unit shall be provided.

2. *Lot Width.* The minimum lot width shall be 40 feet at the building setback line and 30 feet at the street line for detached buildings, 20 at the building setback line and street line for semidetached buildings and 16 feet at the building setback line and street line for attached buildings.

3. *Front Yard.* There shall be a front yard on each street on which a lot abuts which shall be not less than 15 feet in depth, except for lots abutting on Lancaster Avenue where the front yard shall be not less than 25 feet in depth, and except as provided in §27-614 of this Chapter. The front yard on the long side of a corner lot may be reduced to a depth of not less than 10 feet.

4. *Side Yards.*

A. For every single-family detached or two-family detached dwelling there shall be two side yards on each lot, which shall be not less than 6 feet in width.

B. For every single-family semidetached dwelling there shall be one side

yard, which shall be not less than 6 feet in width.

C. For every building other than a dwelling, there shall be two side yards, neither of which shall be less than 8 feet in width.

5. *Rear Yard.* There shall be a rear yard on each lot which shall be not less than 25 feet in depth.

6. *Building Coverage.* Not more than 45% of the area of each lot may be occupied by buildings.

7. *Building Height.* No building shall exceed 35 feet in height.

8. *Open Area.* A minimum of 20% of the lot area shall be open area. For uses permitted as a conditional use, a landscaping plan shall be provided pursuant to §27-605.6 of this Chapter.

9. *Sign Restrictions.* For uses permitted as a conditional use, not more than one sign, indicating only the name and occupation of the practitioner, shall be permitted on any premises. No side of any such sign shall exceed 12 square feet in area.

(Ord. 847, 9/2/1991, §545)



**F. INST Institutional District.****§27-551. Specific Intent.**

It is the purpose of this district to provide for development of school facilities.  
(Ord. 847, 9/12/1991, §551)

**§27-552. Uses Permitted by Right.**

Land and buildings in an Institutional District may be used for the following purposes and no others:

A. State licensed nursery school or day care center, elementary, middle, junior or senior high school; public and private school administrative offices, playgrounds and athletic fields.

B. Municipal building and/or use, to which no area or access regulations, as hereinbefore or hereafter provided, shall apply.

C. Park, playground or similar noncommercial recreation area.

(Ord. 847, 9/12/1991, §552)

**§27-553. Area, Yard, and Height Regulations.**

1. *Lot Size.* The minimum lot size shall be 20,000 square feet.

2. *Lot Width.* The minimum lot width shall be 100 feet at the building setback line and the street line.

3. *Front Yard.* There shall be a front yard on each street on which a lot abuts which shall be not less than 25 feet in depth, except as may be provided in §27-614 of this Chapter.

4. *Side Yards.* There shall be two side yards on each lot, which shall be not less than 30 feet in aggregate width, and neither of which shall be less than 15 feet in width.

5. *Rear Yard.* There shall be a rear yard on each lot which shall be not less than 25 feet in depth.

6. *Building Coverage.* Not more than 35% percent of the area of each lot may be occupied by buildings.

7. *Building Height.* No building shall exceed 40 feet in height.

8. *Open Area.* A minimum of 20% of the lot shall be landscaped area. A landscaping plan shall be provided pursuant to §27-605.6 of this Chapter.

(Ord. 847, 9/12/1991, §553)



**Part 6****General Regulations****§27-601. Compliance with Other Borough Regulations.**

In addition to complying with the requirements of this Chapter, the requirements of all other Borough ordinances and regulations including, but not limited to, the Borough Subdivision and Land Development Ordinance [Chapter 22], the Borough Building Code [Chapter 5, Part 1], the Borough Plumbing Code [Chapter 5, Part 2], the Borough ordinance controlling floodplain areas [Chapter 8], the Swimming Pool Ordinance of the Borough of Shillington [Chapter 23] and the Borough Fire Prevention Code [Chapter 5, Part 3] shall be applicable.

(*Ord. 847, 9/12/1991, §600*)

**§27-602. Access to Structures.**

Every building and structure hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Borough Council, or on a lot for which a legally recorded right of access to a public street or approved private street exists. After the effective date of this Chapter, no lot shall be created unless it abuts a public street or a private street approved by the Borough Council. For the purposes of this Chapter, a service street (alley) shall not constitute a public street or highway.

(*Ord. 847, 9/12/1991, §601*)

**§27-603. Residential Accessory Buildings, Structures, and Uses.**

1. *General.* The following general regulations shall apply to residential accessory structures, regardless of zoning district:

A. No accessory building or structure shall be permitted within any required front yard. Except as noted below, no accessory building or structure shall be permitted within any required side yard. An accessory building or structure which does not exceed 15 feet in height may be placed within 3 feet of the rear lot line. An accessory building or structure greater than 15 feet in height shall not be permitted within a required rear yard, provided that by special exception the Zoning Hearing Board may permit accessory buildings greater than 15 feet in height and not used for residential purposes within 3 feet of the rear lot line. The minimum distance between an accessory building or structure within a rear yard and a side lot line shall be the side yard requirement of the applicable zoning district, except that an accessory building or structure no greater than 120 square feet in area (unless a conditional use is approved by Borough Council for a larger area) may be placed no less than 3 feet from the side lot line.

B. In the case of a lot on which a principal building existed on the effective date of this Chapter, an accessory building thereto which does not exceed 15 feet in height may be located closer to a side lot line than permitted above, provided that the accessory building is situated to the rear of the principal building and is not located closer to the side lot line than the principal building or 3 feet, whichever is less.

C. On any lot which a principal building existed at the effective date of this Chapter, an accessory building to such existing principal building which is constructed after the effective date of this Chapter does not have to be set back further from any street right-of-way than that principal building.

D. When an accessory building is proposed within a rear yard and accessory buildings within 30 feet of the proposed accessory building, which are set back less than the above requirements from a rear lot line, exist on both sides of the proposed accessory building at the effective date of this Chapter, as a conditional use Borough Council may permit the proposed accessory building to be located no more than the average of the accessory buildings on the adjacent lots from the rear lot line.

E. As a conditional use, Borough Council may permit, in cases of established lots, upon which the main buildings have already been erected, 18 feet or less but greater than 16 feet in width, the intervals required from the side lot lines to be reduced to 2 feet. In cases of established lots, upon which the main buildings have already been erected, 16 feet or less in width, no interval from the side lot line may be permitted.

(1) No permanent accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.

(2) The maximum height of an accessory structure shall be 25 feet.

(3) As a conditional use, Borough Council may permit a common or joint garage or other joint accessory building which is not a structural part of a main building to be erected on adjoining lots.

2. *Use Regulations.* The following specific use regulations shall apply to residential accessory uses, regardless of zoning district:

A. *Swimming Pool.* Swimming pools shall be subject to the Swimming Pool Ordinance of the Borough of Shillington [Chapter 23].

B. *Detached Garages and Carports.* The minimum dimensions of any detached garage or carport shall be 12 feet by 20 feet. The maximum length of any side of the garage or carport serving a single family dwelling shall be 36 feet.

C. *Apartment and Townhouse Accessory Uses.* Shall be restricted to uses designed solely for residents of the apartment and townhouse units. One office per project for the purposes of administering and renting dwelling units may be established. One "sample" apartment or townhouse for display purposes shall be permitted for each type of dwelling unit to be constructed.

D. *Tennis Courts.* Shall have permanent fences at least 10 feet in height behind each baseline, extending at least the full width of the playing area.

(1) A permanent fence at least 10 feet in height and a screen planting shall be established and maintained between the tennis court and lot lines within 20 feet of the tennis court.

E. *Keeping of Animals.* The keeping of domestic farm animals such as a horse, pig, goat, cow, steer, sheep, buffalo, or a chicken, duck, rooster, goose, pigeon, or other fowl shall not be considered a permitted accessory use.

F. *Earth Satellite Receiving Dishes*. Shall not be roof mounted. Not more than one such dish shall be placed on any one lot and all such dishes shall be screened from adjoining properties and streets in accordance with the applicable provisions of this Chapter.

(Ord. 847, 9/12/1991, §602)

**§27-604. Nonresidential Accessory Buildings, Structures and Uses.**

1. *General*. The following general regulations shall apply to nonresidential accessory structures, regardless of zoning district:

A. No building or structure shall be located within any required front, side, and rear yard unless otherwise permitted by this Chapter.

2. *Use Regulations*. The following specific use regulations shall apply to nonresidential accessory uses, regardless of zoning district:

A. *Storage Facilities*. All such facilities shall be located in areas which have direct access to a street or driveway. The outdoor storage of materials shall be screened from view from adjoining properties and streets. Such storage shall be limited to the normal operations conducted on the premises. Storage areas shall not be located within required front, side, and rear yards.

(1) All outdoor storage facilities shall be enclosed by a fence adequate for the protection of the public, as approved by the Borough. No materials shall be deposited upon a lot in such a form or manner that they may be transferred off the lot by natural causes or forces.

(2) All materials capable of causing fumes or dust or which constitute a fire hazard or which are edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

(3) Tractor trailer trucks shall not be used for storage and/or sales of materials.

B. *Earth Satellite Receiving Dishes*. Not more than one such dish shall be placed on any one lot and all such dishes shall be screened from adjoining properties and streets in accordance with the applicable provisions of this Chapter.

(Ord. 847, 9/12/1991, §603)

**§27-605. Landscaping.**

1. Where district regulations require buffer yards, screening, planting strips and the like, these shall be subject to approval of the Zoning Officer prior to planting, unless approval power is otherwise designated by this Chapter. The type and density of planting shall adequately provide the required screening effect year-round.

2. Plant materials used in screen planting shall be at least 5 feet in height when planted.

3. The screen planting shall be maintained permanently and plant material which does not live shall be replaced.

4. Plantings shall be placed so they will not infringe upon street rights-of-way or adjoining properties upon maturity.

5. Screen plantings shall be broken only at points of vehicular or pedestrian access.

6. When required by district regulations, a liberal and functional landscaping plan shall be prepared. In particular:

A. Access drives and common parking areas shall be provided with shade trees which are of an appropriate size and character.

B. Open space adjacent to buildings, areas between buildings and border strips along the sides of pedestrian walkways shall be graded and seeded to provide a thick stand of grass or other plant materials.

C. Approaches and entrance areas to buildings shall be provided with trees and attractive shrubbery.

D. Areas not used for buildings, drives, loading and parking space shall be seeded or landscaped and shall be kept in attractive condition.

E. Natural features such as streams and wooded areas shall be preserved and incorporated into the design of the development.

(Ord. 847, 9/12/1991, §604)

#### **§27-606. Lighting.**

When any property is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining properties and streets. No direct beams of light shall be directed toward adjacent properties or roads. No lighting shall be utilized in such a manner to produce a noxious glare or a light intensity greater than 1 footcandle beyond the lot boundaries.

(Ord. 847, 9/12/1991, §605)

#### **§27-607. Signs.**

Signs may be erected and maintained only when in compliance with the provisions of this Chapter and all other ordinances and regulations of the Borough relating to the erection, alteration, and maintenance of signs.

##### *A. General.*

(1) Except in the case of school warning signs, signs giving time and temperature, traffic control signs, and similar municipal signs, signs shall not contain moving parts nor use flashing or intermittent illumination and the source of light shall be steady and stationary.

(2) No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.

(3) No signs other than school warning signs, official traffic signs, and other municipal signs shall be erected within the right-of-way lines of any street or extend over any street right-of-way.

(4) Every sign shall be kept in good condition. Peeling paint shall be repaired and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced, and similar maintenance tasks shall be performed when necessary.

(5) No sign shall be utilized in a manner which produces a noxious glare

or a light intensity greater than one footcandle beyond the lot boundaries. No direct beams of light shall be directed toward adjacent properties or public roads, and all light sources shall be shielded from adjoining properties and streets.

(6) The distance from the ground to the highest part of any free standing sign shall not exceed 10 feet in R-1, R-2, R-3, M-P, L-C and INST zoning districts. The distance from the ground to the highest part of any free standing sign in a C or C-S District shall not exceed 30 feet. No portion of a sign which is attached to a building, supported by a building or which projects from a building shall extend above the height of the building.

(7) No sign shall be erected or located as to prevent free ingress to or egress from any window, door or fire escape.

(8) No sign which emits smoke, visible vapors or particulates, sound or odor shall be permitted.

(9) No portion of any sign shall project over any lot line.

(10) Red, green or amber lights, except those contained within a school warning sign, traffic control sign, or similar municipal sign, shall not be so located that they could create a danger by being construed as traffic lights.

(11) The area immediately surrounding each sign shall be kept in a clean, sanitary and healthful condition. No accumulations of loose paper, bottles, cans, garbage or similar items shall be permitted.

(12) Any sign which becomes dilapidated or which creates a hazard to the public health, safety or welfare shall be removed at the expense of the owner or lessee. The Borough Zoning Officer shall make such determination as to state of repair.

(13) No sign shall project more than 12 inches from the building wall to which it is attached, except that in C, I, and C-S Districts, signs may project from the front of a building perpendicularly to the front of the building a distance of not more than 4 feet provided that such signs are entirely located underneath a roof overhang or similar architectural feature, such signs are no more than 12 square feet in area on any one side, and the lowest portion of all sign facings are at least 8 feet above the ground.

(14) Signs shall be erected on the property on which the use or event referred to in the sign is conducted.

(15) A sign shall be removed when the use or event to which it refers is terminated.

(16) Signs on mobile stands which can be moved from place to place are prohibited.

(17) A sign affixed to any vehicle or other object in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or object but becomes a primary purpose in itself, shall be prohibited.

(18) Banner, inflatable, and other types of nonpermanent signs are prohibited, except that the zoning officer may issue temporary permits for

such signs, but in no case for longer than 30 days. Banner, inflatable, and other nonpermanent signs shall comply with all pertinent regulations applicable to permanent signs.

B. *Signs Permitted in all Zoning Districts.* The following signs are permitted in all zoning districts:

(1) Official traffic or street name signs and other official Federal, State, County, or Borough government signs.

(2) Identification sign or bulletin or announcement boards for schools, churches, hospitals, clubs and lodges, municipal buildings, or similar permitted uses, provided that:

(a) No more than two such signs shall face any one street.

(b) No side of any such sign, excluding signs consisting of open lettering attached to a building, shall exceed 12 square feet in area. A sign consisting of open lettering attached to a building shall not have a height exceeding 10 feet nor an area exceeding 10% of the building wall to which it is attached.

(c) No sign shall be located within 5 feet of a front lot line or within the side yard requirement of a side lot line, except signs attached to existing buildings.

(3) Signs advertising the rental or sale of premises, the sale or development of a residential subdivision, the work of contractors, charitable events, and political elections and candidates, temporary in nature, provided that:

(a) No side of any such sign shall exceed 12 square feet in area.

(b) No more than one such sign shall face any one street.

(c) No sign shall be closer than 5 feet to a front lot line and no sign shall be placed closer than the side yard requirement to a side lot line, except those attached to existing buildings.

(d) Permits shall not be required for political signs; however, such signs shall be removed within 72 hours of the election to which they refer.

(4) Signs advertising a lawful non-conforming use, provided that:

(a) No side of any such sign shall exceed 12 square feet in area.

(b) No more than one such sign shall face any one street.

(c) No sign shall be located within 5 feet of a front lot line or within the side yard requirement of a side lot line, except signs attached to existing buildings.

(5) Signs necessary for the identification and protection of public utility facilities, provided that no side of any such sign shall exceed 12 square feet in area.

(6) Signs within a residential development to direct persons to a rental office or sample unit within that development provided that no side of any such sign shall exceed 4 square feet in area.

(7) Identifying signs for the purpose of indicating the name of a residential development, provided that not more than one such sign shall be

allowed for each entrance to the development from a public street and no such sign shall exceed 12 square feet in area.

(8) Trespassing signs and signs indicating the private nature of premises. No side of any such sign shall exceed 2 square feet in area.

(9) Signs displaying the name and occupation of a practitioner in a permitted professional office, studio or home occupation within a dwelling or building accessory thereto. Not more than one sign shall be permitted on any premises. No side of any such sign shall exceed 3 square feet in area.

(10) Signs which are used for directing patrons, members or audience to service clubs, churches or other nonprofit organizations may be erected subject to the following requirements:

(a) A sign shall indicate only the name of the organization and the direction to the facility.

(b) Only one such sign shall be erected prior to each intersection turning movement necessary to reach such facility.

(c) No more than four such signs shall be erected in the Borough for each facility.

(d) Signs shall not exceed 2 square feet in area.

C. *Requirements for Signs in C, I, and C-S Districts.*

(1) In addition to signs permitted in all zoning districts above, signs advertising a business, industry, or other permitted use are permitted, provided that:

(a) In the case where a lot contains only one use, the total area of all signs placed on or facing any one street shall not exceed 80 square feet, or 15% of the area of the wall surface (including window and door areas) on which they are displayed in the case where all signs will be wall-mounted.

(b) In the case where a lot contains more than one use, exclusive of the signs permitted to be attached to the building as noted in (c) below, the total area of all signs placed on or facing any one street shall not exceed 80 square feet.

(c) No more than one freestanding sign and/or no more than one wall-attached sign shall face any one street; except that in the case of a lot containing more than one commercial or industrial use, for each commercial or industrial use located within that lot, one sign may be attached to that portion of the building housing the use.

(d) A sign attached to a building wall (including open lettering) shall not have an area exceeding 15% of the building wall to which it is attached. A sign attached to a building wall shall not have a height exceeding 10 feet.

(e) In the case of a corner lot, the number of freestanding signs shall be limited to one sign facing each street, provided that each such street frontage equals or exceeds the minimum lot width required in the applicable zoning district.

(f) A sign consisting of open lettering attached to a building shall

include only the name of the business or industry to which it applies and shall face a street, without there being any intervening property.

(g) No portion of a freestanding sign shall be located closer than 5 feet to a street line nor closer than the side yard requirement to a side lot line.

(*Ord. 847, 9/12/1991, §606*)

#### **§27-608. Control of Street Access.**

1. All areas for off-street parking, off-street unloading and loading, and the storage or movement of motor vehicles shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways for entrance to and egress from such parking, loading or storage areas.

2. Acceleration and deceleration lanes shall be provided by the developer when required by the Borough or the Pennsylvania Department of Transportation.

(*Ord. 847, 9/12/1991, §607*)

#### **§27-609. Loading Areas.**

1. Paved off-street loading and unloading spaces, with proper access from a street, driveway, or alley, shall be provided on any lot on which a building for trade, business, industry, or warehousing, or other use similarly involving large volume receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities and pedestrian ways. Loading areas shall not be located within required front yards and shall not be located within 5 feet of any side or rear lot line. All loading and unloading shall be conducted within or adjacent to a building.

2. The number and size of loading spaces provided shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one loading space shall be provided for each use. When a permit is applied for, the application shall show all provisions for off-street loading and include supporting data (data on number, frequency and size of vehicles which will use the loading facilities) which justify the number and size of spaces provided. Number and size of spaces required shall be approved by the Zoning Officer unless otherwise indicated in this Chapter.

3. All areas for off-street unloading and loading shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways for entrance to and egress from such loading areas.

(*Ord. 847, 9/12/1991, §608*)

#### **§27-610. Off-Street Parking.**

1. In all zoning districts, off-street parking facilities shall be provided whenever:

- A. A building is constructed or a new use established.
  - B. The use of an existing building or a lot is changed to a use requiring more parking facilities.
  - C. An existing building or use is altered so as to increase the amount of parking spaces required.
2. Each parking space shall have minimum dimensions of 9 feet by 18 feet. In addition, appropriate driveways, aisles, and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley, or driveway shall be provided. When parking spaces are provided parallel to a driveway or aisle, the minimum dimensions of the spaces shall be 10 feet by 22 feet.
  3. Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in parking facilities within 300 feet of the building served, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided within the lot boundaries.
  4. Joint parking facilities for two or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
  5. All parking spaces and means of access, other than those relating to a dwelling, shall be illuminated during night hours of use.
  6. All parking spaces shall be suitably prepared for use by motor vehicles. All common parking areas and access drives shall be paved, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The maximum grade of areas used for parking shall not exceed 6%, and the maximum grade of access drives shall not exceed 10%. Surface water shall not be concentrated onto public sidewalks or other lots.
  7. Areas necessary to fulfill the off-street parking requirements of this Chapter shall be used solely for that purpose.
  8. Off-street parking facilities existing at the effective date of this Chapter shall not be subsequently reduced to an amount less than that required under this Chapter for a similar new building or use.
  9. The width of aisles in parking areas shall be no less than listed in the following table:

Angle of Parking	Aisle Width	
	One-Way	Two-Way
90°	20 feet	24 feet
60°	18 feet	Not Permitted
45°	15 feet	Not Permitted
30°	12 feet	Not Permitted

10. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below  $\frac{1}{4}$  may be disregarded and any fraction  $\frac{1}{4}$  or greater shall necessitate the provision of a full parking space.

11. Parking areas for nonresidential uses shall be designed such that vehicles will not back out onto public streets.

12. The design of parking areas shall be such to prevent to the greatest extent possible the stack-up of vehicles on a public street at entrance to parking areas.

13. Where parking requirements are determined by the number of seats and only temporary seats are provided, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage.

14. Parking areas shall be arranged so that no portion of any vehicle parked within a designated parking space can extend over any lot line of the lot on which it is parked.

15. Parking areas for nonresidential uses which are designed to contain more than four vehicles shall be screened from the view of any lands zoned R-1, R-2, R-3, M-P, L-C or INST which are adjacent to the land on which the nonresidential parking area is located.

16. Parking areas and access drives for nonresidential uses shall be located a minimum of 5 feet from a street right-of-way line or lot line, unless otherwise specified in this Chapter, and the area between the parking area or access drive and the lot line or street right-of-way line shall be landscaped.

17. For industrial uses, the number of employees for which parking spaces are to be provided shall coincide with the number of employees provided for in the Pennsylvania Department of Labor and Industry application and regulations (State permit). Parking areas shall not be constructed within the area between building setback line and the nearest street right-of-way line.

18. Maneuvering areas shall be provided to facilitate leaving the end spaces in parking areas.

19. For purposes of traffic channelization, definition of parking areas, and the reduction of visual monotony, an area equivalent, at minimum, to 10% of all surface parking areas shall be devoted to interior parking lot vegetative cover. Such areas shall be in addition to any other landscaping or buffering requirements of this Chapter. To further assist in traffic channelization, when there is more than one double row of parking spaces in the interior (not along the perimeter) of a parking lot, raised islands shall be placed at the ends of parking bays, such that the end of the bay adjacent to a driving aisle or road is clearly delineated. The island surface, preferably covered with vegetative material, shall be designed so as not to impair visibility needed for traffic flow and turning movements

20. All areas for off-street parking shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking areas.

21. The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitor, and customer parking. One parking

space shall be provided per company vehicle to be parked on the premises. Minimum off-street parking requirements shall be as follows, unless otherwise established in this Chapter:

A. Residential Uses	Two parking spaces per dwelling unit
B. Industrial, Wholesaling or Warehousing Establishment Laboratory, Research Center	One space per employees on the shift of greatest employment, or one space per 1,000 square feet of gross floor area, whichever results in more parking spaces.
C. Restaurant, Tavern or Similar Use	One space for each three seats plus one space for each employee on the shift of greatest employment.
D. Retail and Service Establishments	One space for each 200 square feet of gross floor area.
E. Office Buildings	One space for each 250 square feet of gross floor area.
F. Medical, Dental and Paramedical Offices and Clinics	One space per employee plus five spaces for each person engaged in practice.
G. Nursing Home, Personal Care facilities, and similar uses	One space per employee on the largest shift plus one space for each four beds.
H. Funeral Home	One space for each three seats.
I. Auditorium, Theater, Municipal Building, Place of Worship, Club or Lodge, or Other Place of Public Assemblage	One space for each three seats plus one space per employee.
J. Library or Museum	One space per 300 square feet of gross floor area.
K. Nursery Schools and Day Care Centers	One space per employee plus one space for loading and unloading of children for each three children accommodated in the school.
L. Schools	Two spaces per each administrative staff member, plus 1.2 spaces per each additional staff member, plus $\frac{1}{4}$ space per seat in gymnasium.
M. Motel or Hotel	One space for each rental unit plus one space for each employee on the shift of greatest employment.

N. Motor Vehicle Service Station or Repair Garage	Two parking spaces per service bay, plus one space per employee on the shift of greatest employment.
O. Bowling Alley	Five spaces per alley plus one space for each employee on the shift of greatest employment.
P. Outdoor Recreational Facility	One space per employee on the largest shift plus one space per three people of total capacity.
Q. Shopping Center	Five spaces per 1,000 square feet of gross leasable area.
R. Indoor Recreational Facility of Place of Amusement	One space per 50 square feet devoted to patron use.

For any building or use not covered above, the Zoning Officer shall apply the standard for off-street parking spaces in the above schedule deemed to most closely approximate the proposed building or use.

(Ord. 847, 9/12/1991, §609)

#### **§27-611. Driveways.**

1. The following standards shall apply to all driveways:
  - A. No driveway shall be constructed in such a manner so as to create a drainage or sedimentation problem on an adjacent property or street.
  - B. Two-way driveway entrances shall not intersect streets at angles of less than 60° nor more than 120°.
  - C. The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the flow of vehicular traffic on adjacent streets. Driveways shall not be located in such a manner that they will cause a hazard to the movement of normal traffic or cause areas of undue traffic congestion on streets or highways.
2. The following standards shall apply to residential driveways:
  - A. Driveway entrances or exits into a street from a corner lot on which a single-family or two-family dwelling is constructed shall be located at least 40 feet from the intersection of any street cartway lines.
  - B. No driveway serving a dwelling shall be located within 2 feet of any side lot line, except in the case of driveways which adjoin one another or shared driveways.
  - C. Minimum driveway width shall be 10 feet, the maximum driveway width shall be 20 feet, and radius of the driveway apron shall be no less than 2 feet and no more than 10 feet, unless otherwise required by the Borough Subdivision and Land Development Ordinance [Chapter 22].
3. The following standards shall apply to nonresidential driveways:

A. No use shall have more than two accessways to any one street for each 500 feet of frontage.

B. The width, excluding radii, of entrances to and exits from parking areas, measured at the street line, shall conform to the following schedule:

	<b>Width in Feet</b>	
	<b>Minimum</b>	<b>Maximum</b>
One Way	12	24
Two Way	24	36

Each lane provided shall be a minimum of 12 feet in width.

The radius of the edge of the driveway apron shall be at least 15 feet and no more than 35 feet, unless otherwise required by Borough ordinance.

Provided that along State legislative routes, if these standards are in conflict with Pennsylvania Department of Transportation requirements, driveways shall be designed to conform as closely as possible to the requirements of this Chapter while conforming to the requirements of the Pennsylvania Department of Transportation.

C. Driveway entrances or exits into a street from a corner lot shall be located at least 60 feet from the intersection of any street cartway lines.

(Ord. 847, 9/12/1991, §610)

**§27-612. Storage or Parking of Vehicles.**

1. Automotive vehicles and recreational vehicles of any type without current license plates and required inspection stickers, shall not be parked or stored on any property within an R-1, R-2, R-3, M-P, L-C or INST district other than in completely enclosed buildings.

2. No tractor or trailer from a tractor trailer truck, other than a vehicle used in conjunction with a lawful conforming or non-conforming use, shall be parked or stored on any property within an R-1, R-2, R-3, M-P, L-C or INST district unless it is parked or stored within a completely enclosed building.

3. The above subsections notwithstanding, moving vans, construction vehicles, delivery vehicles, and similar vehicles may be parked temporarily (not to exceed 24 hours) within R-1, R-2, R-3, M-P, L-C and INST districts outside completely enclosed buildings during the conduct of business of serving lawful uses within the districts.

(Ord. 847, 9/12/1991, §611)

**§27-613. Prohibited Uses.**

No building or structure may be erected, altered, or used, and no lot or premises may be used for any activity which noxious, injurious, or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination, or similar substances or conditions.

(Ord. 847, 9/12/1991, §612)

**§27-614. Front Yard Exceptions.**

When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question, are improved as of the time of the adoption of this Chapter. For the purpose of this Chapter, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.

(*Ord. 847, 9/12/1991, §613*)

**§27-615. Fences, Walls and Hedges.**

1. Except as otherwise provided in this Chapter, fences, walls, and hedges may be placed within front, rear, and side yards.

2. No fence, wall or hedge shall be erected or planted within the right-of-way lines of any street, nor shall they encroach upon any street right-of-way at any time.

3. Fences, walls and hedges shall comply with the corner lot restrictions of §27-616.

4. No fence or wall, except a retaining wall, shall exceed 6 feet in height, unless otherwise required by this Chapter.

5. No fence shall be placed within 3 feet of the line of a service street (alley), nor within 5 feet of the line of any other street.

6. Fences shall be constructed of wood, chain link, or similar appropriate materials approved by the Zoning Officer, be of uniform construction, and be constructed in a workmanlike manner.

7. The center of any hedge or other shrubbery shall not be placed or planted within 2 feet of any street line, including the line of service streets (alleys). No hedge or other shrubbery shall be permitted to extend over any street line at any time.

(*Ord. 847, 9/12/1991, §614*)

**§27-616. Corner Lot Restrictions.**

1. Except as otherwise provided in this Chapter, on every corner lot, a yard equal in depth to the front yard requirement of the zoning district in which the corner lot is located shall be provided on each side of the lot which is adjacent to a street.

2. Clear sight triangles shall be provided at all street intersections and intersections of driveways with streets. Within such triangles, nothing, except street signs, traffic lights or signs, utility poles, and mail boxes, which impedes vision beyond 2½ feet above the center line grades of the intersecting streets shall be erected, placed, planted, or allowed to grow. As a minimum, such triangles shall be established from a distance of 75 feet from the point of intersection of the center lines of the intersecting streets. At driveway intersections with streets, a triangle shall be established by connecting points a distance of 15 feet from the point of intersection of cartway lines.

3. Upon presentation of an application for establishment of a use on a corner lot, the Borough Zoning Officer shall designate which yard abutting a street will be

considered the front yard. The yard opposite that yard shall meet the rear yard requirements of the applicable zoning district. Except as otherwise provided in this Chapter, any yard adjoining a street which was not designated the front yard must meet the front yard requirements of the applicable zoning district, and the yard opposite that yard shall meet the side yard requirements of the applicable zoning district. In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no portion of the building will be placed closer to a street than the front yard requirement of the applicable zoning district, so that no portion of the rear of the building will be placed closer to a lot than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building will be placed closer to a lot line than the side yard requirement of the applicable zoning district.

(*Ord. 847, 9/12/1991, §615*)

**§27-617. Projections Into Yards.**

1. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

A. Projecting architectural features such as bay windows, cornices, eaves, roof overhang, gutters, chimneys, and window sills, and open steps, open porches, open terraces, open patios, HVAC systems, and awnings, provided that all such features shall not have a width exceeding 8 feet, shall project no more than 10 feet into any required front yard, shall project no more than 18 inches into any required side yard, and shall project no more than 15 feet into any required rear yard. In the case of a rear yard, there is no maximum width for a permitted projecting feature.

B. Where the front yard along the long side of a corner lot is reduced pursuant to provisions of this Chapter, no permitted projection shall extend more than 42 inches beyond the wall of the building.

C. All HVAC systems located outside of any building in any zoning district shall be properly screened with appropriate material as approved by the Zoning Officer.

(*Ord. 847, 9/12/1991, §616*)

**§27-618. Height Exceptions.**

The building height limitations contained within this Chapter shall not apply to chimneys, spires, cupolas, antennas, elevator shafts, HVAC systems, and other similar appurtenances usually required to be placed above the roof level provided they are not intended for human occupancy.

(*Ord. 847, 9/12/1991, §617*)

**§27-619. Floodplain Controls.**

Floodplains shall be established and regulated in accordance with applicable ordinances of the Borough and other applicable governmental regulations.

(*Ord. 847, 9/12/1991, §618*)

**§27-620. Standards for Public Utility Uses.**

If adjoining land is zoned R-1, R-2, R-3, M-P, L-C or INST, all public utility facilities, storage, or activities outside a building, including parking and loading, shall be screened from view from public streets and adjoining lots.

(Ord. 847, 9/12/1991, §619)

**§27-621. Environmental Performance Standards for Nonresidential Uses.**

Upon request of the Borough, a landowner shall furnish proof at his own expense that he is in compliance with the following standards. No use shall be operated in such a manner as to constitute a danger to the residents and inhabitants of the Borough:

**A. Air Management.**

(1) No gases, vapors, or fumes shall be emitted which are harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which such gases, vapors, or fumes originate. No toxic or corrosive gases, vapors, or fumes shall be released into the atmosphere.

(2) No odors shall be detectable beyond the lot lines of the lot on which such odors originate

(3) The regulations of the Pennsylvania Department of Environmental Protection shall be complied with for fugitive emissions, particulate matter emissions, sulfur compound emissions, standards for sources, sources of volatile organic compounds, emission of hazardous air pollutants, and ambient air quality sources. [Ord. 1025]

(4) No person shall permit the emission into the outdoor atmosphere of visible air contaminants.

(5) No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates.

**B. Waste Water Management.**

(1) Effluent must meet any standards established by the Borough or Borough Authority.

(2) In no case shall untreated potentially dangerous or contaminating effluent or waste from plant operations be discharged.

**C. Solids Waste Management.** No storage of waste material on the lot shall be permitted in excess of 30 days. All waste materials awaiting transport shall be concealed from view from all adjacent properties and streets and kept in enclosed containers.

**D. Noise and Vibration.**

(1) The noise limit in dbA at lot lines shall be 60, unless a more restrictive standard is applied elsewhere in this Chapter.

(2) No physical vibration shall be perceptible without use of instrument at or beyond the lot lines.

**E. Visual and Heat.**

(1) No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot lines.

(2) Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

F. *Electromagnetic and Radioactive Radiation.* All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.

G. *Carcinogenic Substances.* No carcinogenic substances shall be released into the air, ground, or water.

H. *PaDEP Requirements.* All regulations of the Pennsylvania Department of Environmental Protection shall be complied with.

(Ord. 847, 9/12/1991, §620; as amended by Ord. 1025, 10/14/2004)

### **§27-622. Airport Zoning.**

1. *Definitions.* As used in this Chapter, unless the context otherwise requires, the following definitions shall be used:

*Airport* - Reading Regional Airport, located in Bern Township, Berks County, Pennsylvania.

*Airport Elevation* - 344 feet above mean sea level.

*Approach Surface* - a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in subsection .3. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

*Approach, Transitional, Horizontal, and Conical Zones* - these zones are set forth in subsection .2.

*Board* - the Zoning Hearing Board of Shillington Borough, Berks County, Pennsylvania.

*Conical Surface* - a surface extended outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

*Hazard to Air Navigation* - an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

*Height* - for the purpose of determining the height limits in all zones set forth in this Chapter and shown on the airport zoning map, the datum shall be mean sea level elevation unless otherwise specified.

*Horizontal Surface* - a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

*Nonconforming Use* - any structure, object of natural growth, or use of land which is inconsistent with the provisions of this Chapter or an amendment thereto and which is in existence as of the effective date of this Chapter or of such amendment hereto, as the case may be.

*Municipality* - the Borough of Shillington, Berks County, Pennsylvania.

*Nonprecision Instrument Runway* - a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

*Obstruction* - any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in subsection .2.

*Larger Than Utility Runway* - a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

*Person* - an individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

*Precision Instrument Runway* - a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

*Primary Surface* - a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in subsection .2. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

*Runway* - a defined area on an airport prepared for landing and takeoff of aircraft along its length.

*Structure* - an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

*Transitional Surfaces* - these surfaces extend outward at 90° angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90° angles to the extended runway centerline.

*Tree* - any object of natural growth.

*Utility Runway* - a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

*Visual Runway* - a runway intended solely for the operation of aircraft using visual approach procedures.

*Zoning Officer* - means that person appointed by the Borough to issue zoning permits who shall be charged with the duty of administering and enforcing this Chapter.

2. *Airport Zones.* In order to carry out the provisions of this Chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Reading Regional Airport. Such zones are shown on the airport zoning map. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. *Utility Runway Visual Approach Surface Zone.* Established beneath the visual approach surface. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

B. *Runway Larger than Utility Visual Approach Surface Zone.* Established beneath the visual approach surface. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

C. *Runway Larger than Utility With a Visibility Minimum Greater Than  $\frac{3}{4}$  Mile Nonprecision Instrument Approach Surface Zone.* Established beneath the nonprecision instrument approach surface. The inner edge of this approach zone coincides with the width of the primary surface and is 1000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

D. *Precision Instrument Runway Approach Surface Zone.* Established beneath the precision instrument approach surface. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zones expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

E. *Transitional Surface Zones.* The transitional zones are the areas beneath the transitional surfaces adjacent to each runway and approach surface.

F. *Horizontal Surface Zone.* Established beneath the horizontal surface, 150 feet above the established airport elevation. The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach and transitional surface zones.

G. *Conical Surface Zone.* Established beneath the conical surface. The conical zone is established as the area that commenced at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

3. *Airport Zone Height Limitations.* Except as otherwise provided in this Chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to

grow in any zone created by this Chapter to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

A. *Utility Runway Visual Approach Surface Zone.* Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

B. *Runway Larger Than Utility Visual Approach Surface Zone.* Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

C. *Runway Larger Than Utility With a Visibility Minimum Greater Than  $\frac{3}{4}$  Mile Nonprecision Instrument Approach Surface Zone.* Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

D. *Precision Instrument Runway Approach Surface Zone.* Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

E. *Transitional Surface Zone.* Slopes 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90° angles to the extended runway centerline.

F. *Horizontal Surface Zone.* Established at 150 feet above the airport elevation.

G. *Conical Surface Zone.* Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

H. *Excepted Height Limitations.* Nothing in this Chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 35 feet above the surface of the land.

4. *Use Restriction.* Notwithstanding any other provisions of this Chapter, no use may be made of land or water within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to

distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

5. *Nonconforming Uses.*

A. *Regulations Not Retroactive.* The regulations prescribed in this Chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of this Chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter, and is diligently prosecuted.

B. *Marking and Lighting.* Notwithstanding the preceding provision of this Chapter, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the owner.

6. *Permits.*

A. *Future Uses.* Except as specifically provided in subsections (1), (2), and (3) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless an airport permit therefor shall have been applied for and granted. Each application for an airport permit shall indicate the purpose for which the airport permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. No airport permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with subsection .6.D. Exemption from an airport permit does not exempt the applicant from any required zoning or building permit.

(1) In the area lying within the limits of the horizontal zone and conical zone, no airport permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(2) In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no airport permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

(3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no airport permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition

zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intended to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Chapter except as set forth in subsection .3.H.

B. *Existing Uses.* No airport permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Chapter or any amendments thereto or than it is when the application for a permit is made.

C. *Nonconforming Uses Abandoned or Destroyed.* Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated, or decayed, no airport permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from these zoning regulations.

D. *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Chapter, must apply to the Board for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Chapter. Additionally, no application for variance to the requirements of this Chapter may be considered by the Board unless a copy of the application has been furnished to the airport manager for advice as to the aeronautical effects of the variance. If the airport manager does not respond to the application within 15 days after receipt, the Board may act on its own to grant or deny said application. Any variance granted may be made subject to any reasonable conditions that the Board may deem necessary to effectuate the purposes of this Chapter.

E. *Obstruction Marking and Lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

#### 7. *Enforcement.*

A. It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for airport permits shall be made to the Zoning Officer.

(Ord. 847, 9/12/1991, §621)

### **§27-623. Home Occupation Regulations.**

1. Only a resident of the dwelling unit may practice the home occupation.
2. No storage of materials or products related to the home occupation shall be permitted outside buildings.
3. Not more than one person, whether paid or unpaid, may be employed by the practitioner of a professional occupation to provide secretarial, clerical or other similar assistance.
4. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare resulting from the home occupation shall be perceptible at or beyond the lot boundaries.
5. Any need for parking generated by the home occupation shall be met off-street on the lot on which the home occupation is conducted.
6. Home occupations shall be conducted within a one or two-family dwelling with direct access to ground level.
7. Not more than one home occupation may be practiced in any one dwelling unit.
8. There shall be no alterations made to the outside of the dwelling in a manner inconsistent with the basic architecture of the dwelling.

*(Ord. 847, 9/12/1991, §622)*



**Part 7****Non-Conforming Lots, Uses, Structures, and Buildings****§27-701. Statement of Intent.**

1. Within the zoning districts established by this Chapter or subsequent amendments hereto, there exist or will exist certain non-conformities which, if lawful before this Chapter was passed or amended, may be continued, subject to certain limitations.

2. Nothing in this Chapter shall be deemed to require a change in the plans for any building, structure, or land use for which a permit was issued prior to the effective date of this Chapter or subsequent amendment thereto, provided the authorized activity is begun, in the opinion of the issuing officer, within 6 months of the issuance of the permit.

(*Ord. 847, 9/12/1991, §700*)

**§27-702. Non-Conforming Lots of Record.**

1. Any lot shown on a recorded subdivision plan on the effective date of this Chapter or after the enactment of subsequent amendments hereto which does not meet the minimum size or width requirements of the zoning district in which it is located may be used for a use permitted by use regulations of that district, provided that all yard, height, coverage, and open space requirements of the zoning district shall be met, further subject to the following subsection; provided, however, that when a subdivider has had an application for approval of a preliminary or final subdivision plan approved prior to the effective date of this Chapter, no provision in this Chapter shall be applied to affect adversely the right of the subdivider to commence and complete any aspect of the approved preliminary or final plan in accordance with the terms of such approval within the time limits established in the Pennsylvania Municipalities Planning Code, as amended.

2. Any lot held in single and separate ownership on the effective date of this Chapter or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the zoning district in which it is located may be used for any use permitted in that district provided that all yard, height, coverage, and open space requirements of the district are met; provided, however, that if two or more lots, combination of lots, or portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Chapter, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Chapter, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Chapter.

(*Ord. 847, 9/12/1991. §702*)

**§27-703. Abandonment.**

If a non-conforming use of a building is abandoned for a continuous period of 1 year or more, or if a nonconforming use of land is abandoned for any length of time, subsequent use of such building or land shall be in conformity with the provisions of this Chapter.

(*Ord. 847, 9/12/1991, §702*)

**§27-704. Change.**

A non-conforming use may be changed to a conforming use by right. A non-conforming use, if changed to a conforming use, shall not be changed back to a non-conforming use. A non-conforming use shall not be changed to any other nonconforming use unless the Zoning Hearing Board shall grant a special exception. The proposed use shall be demonstrated by the applicant to be not more detrimental to the district with respect to traffic generation and congestion, noise, illumination, electric radiation emission, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, appearance and waste generation than the existing nonconforming use of the property. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with the granting of a special exception.

(*Ord. 847, 9/12/1991, §703*)

**§27-705. Expansion.**

1. A non-conforming use, building, or structure shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this Chapter.

2. Any additional or expanded structures, uses, or buildings erected or established in connection with an existing non-conforming use shall meet all the area, yard, and height regulations of the applicable zoning district.

3. A non-conforming use shall not be expanded unless such expansion has been approved by the Zoning Officer. No more than one expansion shall be permitted except by special exception granted by the Zoning Hearing Board.

4. A non-conforming building or structure shall not be enlarged, increased, repaired, maintained, or modified in any manner which will further violate any regulation imposed by this Chapter, except that a principal building which existed at the effective date of this Chapter which is non-conforming as to a yard requirement may have repairs, improvements, maintenance, modifications, and additions made to those portions of the building located within the required yard, provided that no repair, improvement, maintenance, modification, or addition shall be made which will cause any part of the building to project into the yard farther than the building did at the effective date of this Chapter.

5. A non-conforming use may be expanded within a building containing that non-conforming use at the effective date of this Chapter, provided that the nonconforming use shall not occupy a portion of the building containing a conforming use at the effective date of this Chapter. A non-conforming use may also be expanded into a new building or extension of an existing building containing the use.

6. Total future expansion of a non-conforming use shall not exceed 50% of the area occupied by the use at the time it first became a non-conforming use.

7. Non-conforming signs shall not be expanded.  
(*Ord. 847, 9/12/1991, §704*)

**§27-706. Damage or Destruction.**

1. Any non-conforming building or structure or a building or structure containing a non-conforming use of which the basic structural elements are totally destroyed by any means may be rebuilt and used for the same nonconforming use. Any subsequent building or structure shall comply with all requirements of this Chapter. New construction shall begin within 12 months of the date of destruction and be carried to completion without any interruption which is within the control of the owner.

2. A non-conforming building or structure or a building or structure containing a non-conforming use of which the basic structural elements are partially destroyed, or which is partially destroyed but which has all basic structural elements remaining, may be reconstructed. The reconstructed portions of a building or structure shall not be more non-conforming in any respect than the portions of the building or structure which were destroyed. Reconstruction shall begin within 12 months of the date of destruction and be carried to completion without any interruption which is within the control of the owner.

3. Any non-conforming building or structure or building or structure containing a non-conforming use which is destroyed to any extent shall be inspected by the Borough Building Inspector. Any building or structure which shall be deemed unsafe by the Building Inspector shall be taken down and removed or made safe and secure as the Building Inspector may deem necessary in the public interest.

(*Ord. 847, 9/12/1991, §705*)



**Part 8****Administration and Enforcement****§27-801. Zoning Officer.**

1. *Appointment.* A Zoning Officer shall be appointed by Borough Council to administer and enforce this Chapter. The Zoning Officer shall not hold any elective office in the Borough. The Zoning Officer shall meet qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough Council a working knowledge of municipal zoning.

2. *Duties and Powers.* It shall be the duty of the Zoning Officer to enforce the provisions of this Chapter and the amendments thereto and he shall have such duties and powers as are conferred on him by this Chapter and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

A. Review applications for permits as set forth in this Chapter.

B. Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Chapter and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, approvals issued, and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc., remain in existence.

C. Make inspections as required to fulfill his duties. In doing so, however, he shall first seek the permission of the land owner or tenant, and, in the event such permission cannot be voluntarily obtained, he shall have the right to take such other legal means as are authorized under the law.

D. Issue approvals for buildings, structures, and land uses for which subdivision and land development approval is required only after all necessary approvals have been secured and plans recorded.

E. Issue approvals for special exception uses or for variances only after a special exception or variance has been approved by the Zoning Hearing Board in accordance with the regulations of this Chapter and the Pennsylvania Municipalities Planning Code, as amended.

F. Issue approvals for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue approvals for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.

G. Be responsible for keeping this Chapter and the Official Zoning Map up to date so as to include all amendments thereto.

H. Issue certificates of use and occupancy in accordance with the terms of this Chapter.

I. Send enforcement notices as provided for in this Chapter.

J. Submit a monthly report of his activities to the Borough Council and Borough Planning Commission and, where appropriate, submit a report to the

Zoning Hearing Board.

K. Institute civil enforcement proceedings as a means of enforcement when acting within the scope of the Officer's employment, when authorized by the Borough Council.

(Ord. 847, 9/12/1991, §800)

**§27-802. Permits.**

1. *Requirements.* No building, structure, or sign shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to or structurally altered nor shall land, buildings and structures be put to any use or have the use for which they are used changed, without a permit therefor issued by the Zoning Officer. No such permit shall be issued unless there is conformity with the provisions of this Chapter, except upon written order from the Zoning Hearing Board in the form of a variance or upon order from any court of competent jurisdiction.

2. *Application Procedures.* The application for a permit shall be submitted to the Zoning officer in writing on a form prescribed by the Borough. The application shall be submitted by the owner or lessee of any building, structure or land or the agent of either provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by two sets of at least the following information:

A. A plan of the lot in question, drawn to scale, indicating the lot size and showing all dimensions of lot lines and the exact location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures.

B. The use, height, length, width and proportion of the total lot area covered of all proposed and existing buildings, structures and additions or alterations to buildings or structures, and the height, length, width and design of all signs.

C. A statement indicating the number of dwelling units and/or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot. In the case of commercial and industrial uses, the floor area to be devoted to each use shall be indicated.

D. The location, dimensions and design of parking and loading areas including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic, and provisions for outdoor lighting.

E. The location of all utility lines.

F. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Chapter.

G. Name and address of the applicant and the owners of the real estate involved and a description of and location of the real estate involved.

3. *Approval or Disapproval.* Upon receipt of the permit application and all accompanying information, the Zoning officer shall examine them and determine compliance with this Chapter. Within 60 days from the date the Officer receives the

application, a copy of the application and accompanying information containing the Zoning Officer's decision with respect to compliance with this Chapter shall be returned to the applicant. A copy shall be retained by the Zoning Officer. The permit shall expire 6 months from the date of approval of the application by the Zoning Officer, provided that it may be extended at the discretion of the Zoning Officer for a period not exceeding one year. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefor, indicating the manner in which the application could be corrected and/or modified to obtain approval, and informing the applicant of his rights to appeal.

The Zoning Officer shall revoke a permit issued under the provisions of the Chapter in case of any false statement or misrepresentation of fact in the application on which the approval was based or for any other cause set forth in the Chapter.

(Ord. 847, 9/12/1991, §801)

### **§27-803. Certificate of Use and Occupancy.**

1. *Requirements.* It shall be unlawful to use and/or occupy any building, structure or land or portion thereof for which a permit is required until a certificate of use and occupancy has been issued by the Borough. A certificate of use and occupancy shall not be issued unless such building, structure or land has been inspected by the Zoning Officer and he has determined that all provisions of this Chapter have been complied with.

2. *Issuance.* Upon receipt of written notification that the applicant is ready to use and occupy the premises for which a permit has been issued, the Zoning Officer shall inspect the premises within 10 days to determine compliance with the approved application and this Chapter. If in compliance, he shall approve and sign a certificate of use and occupancy for the use indicated on the approved application. A copy of the certificate of use and occupancy shall be retained by the Zoning Officer as part of the Borough records. If he finds that the work has not been performed or that the use of the premises does not comply with the approved application and this Chapter, the Zoning Officer shall refuse to approve and sign the certificate of use and occupancy and in writing give the reasons therefor and inform the applicant of his right of appeal.

3. *Temporary Certificate of Use and Occupancy.* The Zoning Officer may issue a temporary certificate of use and occupancy for such temporary uses as tents, trailers, and buildings on construction sites. The Zoning Hearing Board may authorize as a special exception a temporary certificate of use and occupancy for a structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the Borough, provided that such structure or use shall be completely removed upon expiration of the temporary certificate without cost to the Borough. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer or Zoning Hearing Board, as applicable, at the time of application, but in no case shall any certificates, except those for uses on construction sites, be issued for more than 6 months.

(Ord. 847, 9/12/1991, §802)

### **§27-804. Schedule of Fees, Charges and Expenses.**

The Borough Council shall establish, by resolution, a schedule of fees and charges

for permits, certificates of use and occupancy, special exceptions, variances, conditional uses, amendments to this Chapter and other matters pertaining to this Chapter. A collection procedure shall also be established. Until all application fees and charges have been paid in full, no action shall be taken on any application or other matter relating thereto.

(Ord. 847, 9/12/1991, §803)

### **§27-805. Amendments.**

The provisions of this Chapter and the boundaries of zoning districts as set forth on the official zoning map may from time to time be amended, supplemented, or changed by Borough Council in accordance with the following procedure:

A. *Procedure.* The following procedures shall be observed prior to making any amendment or change to this ordinance or parts thereof, including the official zoning map:

(1) All proposed amendments to this Chapter shall be submitted to the County Planning Commission for their recommendations at least 45 days prior to the public hearing.

(2) Any amendment not prepared by or emanating from the Borough Planning Commission shall be submitted by Borough Council to the Borough Planning Commission for its recommendation at least 45 days prior to the public hearing.

(3) *Curative Amendments.* The procedure upon curative amendments shall be as established in the Pennsylvania Municipalities Planning Code, as amended.

B. *Submission of Impact Statement.* With a request for a zoning amendment initiated by other than the Borough Council or Borough Planning Commission, a statement indicating the impact of the zoning change on the Borough may be required to be submitted by Borough Council with the application for rezoning. The statement shall compare the impact on the Borough resulting from the existing zoning with the impact resulting from the proposed zoning, specifically discussing:

*Environmental Impact* - the impact on wooded areas, flood plains, wetland areas of high water table, storm water runoff, erosion and sedimentation, water quality, air quality, solid waste generation, and noise levels.

*Traffic Impact* - the impact on traffic generation per day and at peak hours, including numbers and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.

*Services Impact* - the demand for school, police, sanitary sewer, water, sanitation, and road maintenance services.

*Fiscal Impact Analysis* - the costs and revenues to the Borough.

C. *Public Hearing.* The Borough Council shall hold a public hearing before voting on the enactment of any amendment or change. Public notice of such hearing shall be given as required by law. In addition, if the proposed amendment involves a zoning map change, notice of the public hearing 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 one week prior to the date of the hearing. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, prior to voting on the amendment. The Borough Council shall vote on the proposed amendment within 90 days after the last public hearing. Enactment of amendments shall be in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, as amended.

(Ord. 847, 9/12/1991, §804)

**§27-806. Enforcement Notice.**

1. If it appears to the Borough Council that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided for in the Pennsylvania Municipalities Planning Code, as amended.

2. 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.

3. An 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. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter.

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

(Ord. 847, 9/12/1991, §805)

**§27-807. 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 district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice determining

that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the 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 district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Borough.

(Ord. 847, 9/12/1991, §806)

### **§27-808. Appeals.**

Proceedings for securing review of any ordinance or of any decision, determination or order of the Borough Council, their agencies, the Zoning Hearing Board, or Zoning Officer issued pursuant to this Chapter shall be in accordance with the Pennsylvania Municipalities Planning Code, amended.

(Ord. 847, 9/12/1991, §807)

### **§27-809. Conditional Use Procedures.**

1. Four copies of an application for permission to conduct a use permitted by condition shall be submitted to the Borough. Such application shall include all information specified for a zoning permit application in §27-802 of this Chapter and any other information necessary to allow the Borough Council to determine that all requirements of this Chapter have been met.

2. *Review.* After receiving an application, the Borough Council shall refer one copy of the application to the Borough Planning Commission for its review and one copy to the Borough Zoning officer for his review. The application shall be reviewed at one or more advertised meetings of the Council, and the Council shall either approve or disapprove the application within 90 days after the date the application is received by the Borough. The granting of permission to conduct a use permitted by condition does not exempt an applicant from acquiring all approvals required by the Borough's Subdivision and Land Development Ordinance [Chapter 22].

3. *Standards.*

A. Conditional uses shall meet the specific standard established for each use by this Chapter and all other applicable zoning district requirements and general regulations established by this Chapter. In addition, the following standards shall be met:

(1) The use shall be one which is specifically authorized as a conditional use in the zoning district wherein the applicant is seeking a conditional use.

(2) Services and utilities shall be made available to adequately service the proposed use.

(3) The use will not generate traffic such that hazardous or unduly congested conditions will result.

(4) The use is appropriate to the site in question.

(5) The use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent

properties and in the general neighborhood.

B. The applicant shall demonstrate, as a condition to approval of his application, that the standards in §27-809.3 and those specified elsewhere in this Chapter for the use in question will be met.

C. The Borough Council may attach such additional reasonable conditions and safeguards as they deem necessary to implement the purpose of this Chapter and the Pennsylvania Municipalities Planning Code, as amended.

*(Ord. 847, 9/12/1991, §808)*



**Part 9****Zoning Hearing Board****§27-901. Creation and Organization.**

1. *Creation of Board.* The Borough Council shall appoint a Zoning Hearing Board, herein referred to as the "Board," consisting of residents of the Borough appointed by the Borough Council pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and serve and shall perform all the duties and have all the powers as prescribed by said Code and as herein provided. The Borough Council may appoint alternate members of the Board pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended. The alternate members may serve as provided for in said code.

2. *Organization.* The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other ordinances of the Borough and laws of the Commonwealth of Pennsylvania, as it may deem necessary for the proper performance of its duties and for the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.

3. *Meetings.* Meetings and hearings of the Board shall be held at the call of the chairman and at such other times as the Board, by majority vote, may determine.

4. *Minutes and Records.* The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be filed with the Borough Secretary. Such records shall be the property of the Borough. The Board shall submit a monthly report of its activities to the Borough Council.

(Ord. 847, 9/12/1991, §900)

**§27-902. Public Hearings.**

The Board shall conduct public hearings and make decisions in accordance with the following requirements:

A. Public notice as defined by law shall be given and written notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the Borough Council shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

B. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the

hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

C. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

D. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

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

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

G. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

H. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

I. The Board or the hearing officer as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings, and the Board's decision shall be entered no later than 30 days

after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or 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 record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days in the same manner as provided in subsection .A of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in the subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

K. The Borough Council may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearings may include compensation for the secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

L. 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.

(Ord. 847, 9/12/1991, §901)

### **§27-903. Functions of the Zoning Hearing Board.**

1. The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended.

2. The jurisdictions of the Zoning Hearing Board and the Borough Council and the procedures to be followed by each, shall be as established in said code.

3. Parties to proceedings before the Zoning Hearing Board authorized by the Pennsylvania Municipalities Planning Code, as amended, may utilize mediation as an aid in completing such proceedings. The mediation option shall meet the stipulations and follow the procedures set forth in said Code.

4. *Variances.* The Zoning Hearing Board may authorize, upon appeal in specific cases, such variance(s) from the terms of this Chapter as will not be contrary to public interest, where a literal enforcement of the provisions of this Chapter will result in unnecessary hardship. 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 and the Pennsylvania Municipalities Planning Code, as amended. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings

are made where relevant in a given case:

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

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the appellant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance as granted by the Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

F. Such other considerations as may be set forth in the Pennsylvania Municipalities Planning Code, as amended, from time to time.

5. *Special Exceptions.* The Zoning Hearing Board may issue, upon application, only such special exceptions which the Board by the provisions of this Chapter is specifically authorized to issue. The granting of a special exception when specifically authorized by the terms of this Chapter shall be subject to the following standards and criteria. The applicant for a special exception shall demonstrate, as a condition to approval of his application, compliance with these criteria and those criteria specified elsewhere in this Chapter for the use in question.

A. Such use shall be one which is specifically authorized as a special exception use in the zoning district wherein the applicant seeks a special exception.

B. Such special exception shall only be granted subject to any applicable condition and safeguards as required by this Chapter.

C. Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.

D. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.

E. Services and utilities such as public water, sanitary sewers, and storm water drainage shall be made available to adequately service the proposed use by the applicant.

F. There shall be control of development of highway frontage so as to limit the number of points for ingress and egress, consider their location with due regard to safety factors, and encourage, where practicable, frontage of buildings and structures upon parallel marginal roads or on roads perpendicular to the highway.

G Consideration shall be given to the desirability of the proposed location of an industrial or commercial use with respect to probable effects upon street or highway traffic, and assurance of adequate access arrangements to protect against undue traffic congestion and hazard.

H. Consideration shall be given to such other considerations as may be set forth in the Pennsylvania Municipalities Planning Code, as amended, from time to time.

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 this Chapter and the Pennsylvania Municipalities Planning Code, as amended, which conditions may include but are not limited to harmonious design of buildings, planting and maintenance of shrubbery or trees as a sight and/or sound barrier, and the minimizing of potentially noxious, offensive or hazardous elements.

6. The Zoning Hearing Board shall exercise any other power specifically granted to the Board under the terms of this ordinance or the Pennsylvania Municipalities Planning Code, as amended.

(*Ord. 847, 9/12/1991, §902*)

#### **§27-904. Procedures for Application to the Zoning Hearing Board.**

1. The Board shall act in accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Chapter. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Chapter involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Chapter, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. All appeals and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

2. Applications and appeals, together with the required filing fee as established by the Borough Council, shall be submitted to the Secretary of the Zoning Hearing Board. As a minimum, all material required for a permit shall be submitted with the application. The applicant shall also submit a description of the operations proposed in sufficient detail to indicate the effects of those operations proposed in producing traffic congestion, noise, glare, water pollution, fire hazards, safety hazards or other potentially harmful activities.

(*Ord. 847, 9/12/1991, §903*)

#### **§27-905. Expiration of Special Exceptions and Variances.**

Unless otherwise specified by the Board, a special exception or variance shall

expire if the applicant fails to implement the proposed use or commence construction within 12 months from the date of authorization of the special exception or variance, unless an extension is granted by the Zoning Hearing Board.

*(Ord. 847, 9/12/1991, §904)*

**§27-906. Review of Applications for Special Exceptions and Variances by the Borough Planning Commission and the Borough Council.**

The Secretary of the Zoning Hearing Board shall forward a copy of any application for a special exception or variance to the Borough Planning Commission and the Borough Council for review and comment prior to the hearing held by the Board on such application.

*(Ord. 847, 9/12/1991, §905)*

**Part 10****Enactment****§27-1001. Public Utilities Corporations Exempted.**

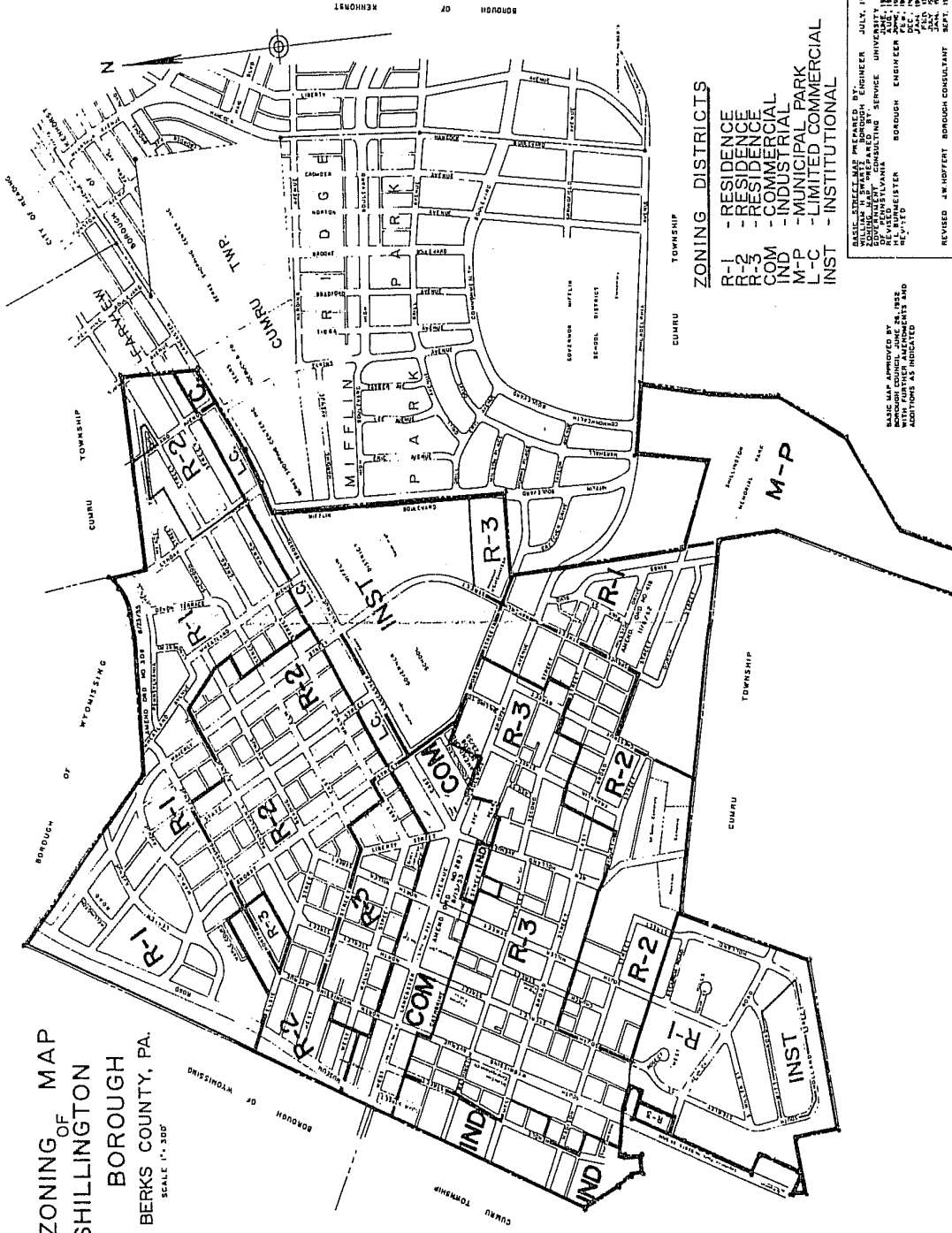
1. This Chapter shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public.

2. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

*(Ord. 847, 9/12/1991, §1000)*



ZONING OF MAP  
 SHILLINGTON  
 BOROUGH  
 BERKS COUNTY, PA.  
 SCALE 1" = 300'



- ZONING DISTRICTS
- RESIDENCE
  - RESIDENCE
  - RESIDENCE
  - COMMERCIAL
  - INDUSTRIAL
  - MUNICIPAL PARK
  - LIMITED COMMERCIAL
  - INSTITUTIONAL

BASIC STREET MAP PREPARED BY:  
 WILLIAM H. BARNMEISTER, ENGINEER JULY, 1948  
 WILLIAM H. BARNMEISTER, ENGINEER MAY, 1952  
 JOHN W. HOFFERT, CONSULTING ENGINEER JAN, 1957  
 JOHN W. HOFFERT, CONSULTING ENGINEER JAN, 1961  
 JOHN W. HOFFERT, CONSULTING ENGINEER JAN, 1964  
 JOHN W. HOFFERT, CONSULTING ENGINEER JAN, 1967  
 JOHN W. HOFFERT, CONSULTING ENGINEER JAN, 1970  
 JOHN W. HOFFERT, CONSULTING ENGINEER JAN, 1973  
 JOHN W. HOFFERT, CONSULTING ENGINEER JAN, 1976  
 JOHN W. HOFFERT, CONSULTING ENGINEER JAN, 1979  
 JOHN W. HOFFERT, CONSULTING ENGINEER JAN, 1982  
 JOHN W. HOFFERT, CONSULTING ENGINEER JAN, 1985  
 JOHN W. HOFFERT, CONSULTING ENGINEER JAN, 1988  
 JOHN W. HOFFERT, CONSULTING ENGINEER JAN, 1991

THIS MAP APPROVED BY  
 BOROUGH COUNCIL JAN, 1952  
 BOROUGH COUNCIL JAN, 1957  
 BOROUGH COUNCIL JAN, 1961  
 BOROUGH COUNCIL JAN, 1964  
 BOROUGH COUNCIL JAN, 1967  
 BOROUGH COUNCIL JAN, 1970  
 BOROUGH COUNCIL JAN, 1973  
 BOROUGH COUNCIL JAN, 1976  
 BOROUGH COUNCIL JAN, 1979  
 BOROUGH COUNCIL JAN, 1982  
 BOROUGH COUNCIL JAN, 1985  
 BOROUGH COUNCIL JAN, 1988  
 BOROUGH COUNCIL JAN, 1991



## **Part 11**

### **Zoning Map Amendments**

<b>Ordinance</b>	<b>Date</b>	<b>Description</b>
870	9/27/1993	Rezoning the real estate at 100 Liberty Street, known as the old post office building from an R-3 Residence District to a Commercial District

