

**PHOENIXVILLE BOROUGH COUNCIL**

Tuesday, August 12, 2025

7:00 PM

**AGENDA**

- I. Pledge of Allegiance/Moment of Silence
- II. Roll Call – Borough Manager
- III. Public Comment
- IV. Presentations - Mayor Urscheler
  - A. Swearing in of Patrol Officer Michael Repasky.  
Swearing in of Patrol Officer David Dry  
  
Promotion of Nicholas Natale to Sergeant  
Promotion of Patrick Mark to Lieutenant
- V. Consent Agenda
  - A. Approval of July 8, 2025, Regular Meeting Minutes.
  - B. Items from Historical and Architectural Review Board:
    1. Motion to approve the Certificate of Appropriateness for signage at 100 Bridge Street.
  - C. Items from Personnel and Public Safety Committee:
    1. Motion to reappoint William Felton to the HARB for a new term expiring August 31, 2029.
    2. Motion to appoint Brandon Wertz to the HARB for a term expiring August 31, 2029.
  - D. Items from Parks and Recreation Committee:
    1. Motion to recommend Borough Council approve a Temporary Community Event Application for the Schuylkill River Greenways Fun Run on the Schuylkill River Trail on the portion of the Schuylkill River Trail between Township Line Road and Bridge Street on Saturday, October 18, 2025 from 7:00 am to 1:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
    2. Motion to recommend Borough Council approve a Temporary Community Event Application for the Ride for the River on the portion of the Schuylkill River Trail between Township Line Road and Bridge Street on Saturday, September 20, 2025 from 8:00 am to 1:00 pm. Conditioned upon receipt of

valid Certificate of Insurance naming Borough as Additional Insured.

3. Motion to recommend Borough Council approve a Temporary Community Event Application for the Orion Wellness Harvest Market in Reeves Park on Saturday, October 18, 2025 from 11:00 am to 5:00 pm. Second Avenue and Third Avenue to be closed between Starr Street and Main Street from 9:00 am to 6:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

E. Items from Finance Committee:

1. Motion to approve the 2025 pre-paid dated 6/1/2025 - 6/30/2025 in the amount of \$959,687.27.
2. Motion to approve the 2025 pre-paid Credit Card Statement dated 6/1/2025 - 6/30/2025 in the amount of \$72,909.18.
3. Motion to approve the 2025 pre-paid ACH dated 6/30/2025 in the amount of \$61,046.27.
4. Motion to approve Budget Increase 2025-16 from Water Fund Balance in the amount of \$50,000.00 to Water Distribution (Basic Hydrology Study) to identify strengths & weaknesses in water system and identify potential storage tank locations.
5. Motion to approve Budget Increase 2025-17 from General Fund Balance in the amount of \$28,870.00 to Highway Maint - Road & Bridges (Repair & Maintenance Streets) for 2023 paving project – change order.

VI. Communications/Council Participation

VII. Mayor's Report

VIII. Appointments

- A. Call for Residents interested in being appointed to various Boards and Commissions.

IX. New Business

- A. Motion to reject all bids received for the Finished Water Reservoir No. 1 Coping Replacement Project.
- B. Motion to approve an Addendum to Agreement for Hauling and Disposal of Wastewater Sludge by and between, Synagro Central ,LLC and the Borough of Phoenixville.
- C. Motion to approve an Environmental Site Access Agreement between the Borough of Phoenixville and Toll Mid-Atlantic, LP.

- D. Motion to approve a Settlement And Voluntary Contribution Agreement Effective as of January 1, 2023, by and between Phoenixville Hospital, LLC and the Borough of Phoenixville.
  - E. Motion to authorize the Borough to submit comments and/or motion to intervene to the New England Hydropower Company, LLC preliminary FERC application, as determined to be appropriate by the Borough Solicitor, in order to represent the Borough's interests.
- X. Public Hearings
- A. Motion to Recess meeting and enter hearing on zoning ordinance amendment repealing and replacing Chapter 27 "Zoning", Attachment 1 District Specification, and Borough Zoning Map.
  - B. Motion to adopt an ordinance amendment repealing and replacing Chapter 27 "Zoning", Attachment 1 District Specification, and Borough Zoning Map.
- XI. Resolution/Ordinances
- A. Motion to adopt a Resolution authorizing emergency stream bank repairs on the French Creek.
- XII. Reports of Committees, Boards, and Commissions
- A. Historical and Architectural Review Board – Ms. Dugan
    - 1. Motion to approve the Certificate of Appropriateness for renovations at 308 Bridge Street.
  - B. Planning Commission - Mr. Moore
  - C. Phoenixville Regional Planning Committee – Mr Kirkner
  - D. Recreation Board – Ms. Dugan
  - E. Tree Advisory Commission – Mr. Carminito
  - F. Human Relations Commission – Ms. Burckley
- XIII. Council Action referred from:
- A. Personnel and Public Safety Committee- Ms. Burckley
    - 1. No action to report.
  - B. Parks and Recreation Committee - Mr. Moore
    - 1. No action to report.
  - C. Policy Committee - Carminito

1. Motion to schedule and advertise an Ordinance changing the name and location of a Borough Street.
  2. Motion to schedule and advertise an Ordinance amendment to Chapter 15 “Motor Vehicles”.
  3. Motion to schedule and advertise an Ordinance establishing the Borough of Phoenixville Firefighters Pension Plan.
  4. Motion to schedule and advertise an Ordinance amendment repealing and replacing Chapter 1, “Administration And Government,” Part 7 “Pensions, Retirement And Social Security”.
- D. Infrastructure, Technology Transportation & Sustainability Committee - Mr. Weiss
1. No action to report.
- E. Finance Committee - Ms. Dugan
1. No action to report.
- XIV. Public Comment
- XV. Communication/Council Participation
- XVI. Staff Reports
- A. Manager
  - B. Police
  - C. Fire
  - D. Planning and Codes
  - E. Public Works
  - F. Finance
  - G. Human Resources
  - H. Recreation
- XVII. Adjournment

**Upcoming Meetings:**

Planning Commission	August 14 – 6:00 pm
Parks and Recreation Committee	August 19 – 6:00 pm
Infrastructure Committee	August 19 – Immediately following Parks and Rec

Finance Committee	August 26 – 6:00 pm
Policy Committee	August 26 – Immediately following Finance
Personnel/Public Safety Committee	September 2 – 6:00 pm
Civil Service Commission	September 2 – 7:00 pm
HARB	September 3 – 5:00 pm
Tree Advisory Commission	September 3 – 6:00 pm
Human Relations Commission	September 3 – 5:00 pm
Borough Council	September 9 – 7:00 pm
Recreation Board	October 20 – 6:30 pm

**Employee Service Anniversaries – August**

Matthew Mullin, Wastewater Treatment Superintendent – 27 years

Nathan Griffin, Sanitation Laborer – 18 years

Ofc. Matthew Fusco, Police Department – 17 years

Sgt. Kyle Place, Police Department – 12 years

Ofc. Quinn Gauger, Police Department – 3 years

Sam Alpern, Parks & Rec Program Coordinator – 2 years

**PHOENIXVILLE BOROUGH COUNCIL**

**Tuesday, July 8, 2025**

**7:00 PM**

**MINUTES**

I. Pledge of Allegiance/Moment of Silence

II. Roll Call – Borough Manager

Mr. Ewald, President	Present
Ms. Burckley, Vice President	Present
Mr. Carminito	Present
Ms. Dugan	Present
Mr. Kirkner	Present
Mr. Moore	Present
Mr. Strenfel	Present
Mr. Weiss	Present
Mayor Urscheler	Present
Mr. Krack, Borough Manager	Present
Ms. Getzfread, Asst. Borough Manager	Present
Chief Marshall, Police Chief	Present
Mr. Denlinger, Solicitor	Present

III. Public Comment

David Lutzker, resident and President of the Green Team. He shared an update from ReReRe Plastics and the recent study from Penn Environment showing communities with a plastic bag ban in effect have shown to significantly reduce the amount of plastic found in oceans and water ways. He reported on the Summer Garden Tour and the upcoming Greenixville, Green Earth Festival on September 13, 2025.

IV. Presentations

A. Zoning Ordinance Update Review – Judith Goldstein – Gilmore Associates.

Mr. Denlinger provided a quick overview of the procedure explaining that this evening the Council is only considering scheduling and advertising a Public Hearing for the Zoning Ordinance Update. He stated he believes it's important to have the planner give the Council a rundown of the update prior to approving the advertising. He explained since tonight is for the scheduling of the advertisement and a specific time will not be set aside for public comment on this item. When it is before the Council for consideration, since it's a zoning ordinance, a Public Hearing will be required, and at that time members of the public can fully participate and declare party status if they like. The Planning Commission will be

receiving the same presentation at its meeting Thursday, July 10, 2025 and the public is welcome to attend to voice their thoughts on the draft.

Ms. Goldstein presented the timeline and overall updates of the Zoning Ordinance Update conducted by the Zoning Task Force.

Mr. Denlinger explained that he did a legal review of the entire ordinance and that the Borough Manager provided copies of the full red line version and a material red line version to Council for their review as well as posting it on the Borough's Website. He stated he made revisions to capitalize defined terms because most defined terms were not capitalized. There are red lines in almost the entire document in order to be transparent and that the material red line will be a little bit more useful for reviewing the substantive changes being made to the Ordinance Amendment.

Mr. Ewald thanked the Borough consultants and the task force for all their hard work over the last two years. He stated he believes the task force has gotten to a good place, and he appreciates all their efforts.

Ms. Goldstein stated on behalf of the task force and her team at Gilmore & Associates she thanked the Council for lending your staff and for appointing a great task force for the zoning ordinance update.

- B. Motion to schedule and advertise an ordinance amendment repealing and replacing Chapter 27 "Zoning", Attachment 1 District Specification, and Borough Zoning Map.

Ms. Burckley made a Motion to schedule and advertise an ordinance amendment repealing and replacing Chapter 27 "Zoning", Attachment 1 District Specification, and Borough Zoning Map. Seconded by Mr. Weiss.

Motion Approved 8-0.

Mr. Moore asked if both of the Zoning Ordinance drafts are available to the public. He stated he was unable to find them on the public notices page.

Ms. Getzfread explained both version of the ordinance and the maps are located under government projects, Zoning Ordinance Updates. There is an entire page dedicated to the rewrite.

Mr. Denlinger clarified that the ordinance will have to be advertised for consideration twice, because it is a Zoning Ordinance. While he does expect that the consideration will be in August, it somewhat depends on the reviews received back from the various planning commissions.

Mr. Ewald stated that prior to this evening's meeting Council met in Executive Session to discuss a matter of real estate related to a property identified as UPI numbers 15-4-7 and 15-4-8.1, attorney client privilege discussion about the Police Ride Along Program, a matter of personnel related to the AFSCME negotiations for their labor contract, and a matter of personnel related to the Police Department.

Mr. Ewald stated there are a good number of items on the Consent Agenda and asked if any items need to be moved for later discussion.

Ms. Burckley stated due to conflict of interest she requested items V. B. 5 & 6 be moved from the Consent Agenda.

V. Consent Agenda:

A. Approval of June 10, 2025, Regular Meeting Minutes.

B. Items from Parks and Recreation Committee.

1. Motion to approve a Temporary Community Event Application for the Greenixville – The Phoenixville Green Earth Festival under the Veterans Memorial Gay Street Bridge and along the French Creek Trail on Saturday, September 13, 2025 from 9:00 am to 12:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
2. Motion to approve a Temporary Community Event Application for the Andre Thornton Day/Legacy Day at 55 N. Main Street on Saturday, September 13, 2025 from 1:00 pm to 4:00 pm. North Main Street to be closed between Vanderslice Street and High Street from 10:00 am to 7:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
3. Motion to approve a Temporary Community Event Application for the 39th Annual Phoenixville Run 5K and 10K Running Races from Reeves Park to the Schuylkill River Trail on Saturday, October 25, 2025 from 7:00 am to 11:30 am. Second Avenue to be closed between Main Street and Starr Street from 7:00 am to 11:30 am. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.
4. Motion to approve a Temporary Community Event Application for the Phoenixville Bed Races Event on Saturday, November 1, 2025 from 11:00 am to 2:00 pm. Third Avenue to be closed between Main Street and Starr Street from 9:00 am to 3:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

C. Items from Finance Committee.

1. Motion to approve the 2025 pre-paid dated 5/1/2025 - 5/31/2025 in the amount of \$1,774,365.99.
2. Motion to approve the 2025 pre-paid Credit Card Statement dated 5/1/2025 - 5/31/2025 in the amount of \$116,832.23.
3. Motion to approve the 2025 pre-paid ACH dated 5/31/2025 in the amount of \$414,455.88.
4. Motion to approve Budget Transfer 2025-11 from Fire Protection (Training & Conferences) in the amount of \$5,000.00 to Fire Protection (Contracted Services) for grant writing.
5. Motion to approve Budget Transfer 2025-12 from Recreation Fund (Employer Paid Insurance) in the amount of \$5,000.00 to Facilities (Janitorial Supplies) for equipment for floor cleaning.
6. Motion to approve the waiving of \$12,444.00 in permit fees as requested by the Phoenixville Area Community Services (PACS).

Ms. Burckley made a Motion to approve the Consent Agenda. Seconded by Mr. Weiss.

Motion Approved 8-0.

VI. Communications/Council Participation

Ms. Dugan reported that she received correspondence from a resident of Pennsylvania Avenue about tree #1657. She stated that it is dropping branches and in poor health, Ms. Dugan asked Mr. Krack if staff could look into the situation.

VII. Mayor's Report

Mayor Urscheler reported on the 4<sup>th</sup> of July Celebration, the Borough being named the number one small town in the U.S to live by Travel and Leisure Magazine, the donation of \$40,000.00 to the local community, the Legislative Roundtable at the Recreation Center and another successful Juneteenth. He also shared that July is full of great events including the Kimberton Fair, Blob Fest and he reminded the public to use caution around downed wires or driving through standing water.

VIII. Appointments

- A. Call for Residents interested in being appointed to various Boards and Commissions.

IX. New Business

- A. Motion to Award the 2025 Paving Contract to Innovative Construction Services in the amount of \$ 110,440.80 as the lowest responsible bidder.

Ms. Burckley made a Motion to Award the 2025 Paving Contract to Innovative Construction Services in the amount of \$ 110,440.80 as the lowest responsible bidder. Seconded by Mr. Weiss.

Motion Approved 8-0.

- B. Motion to award the 2025 Hauling and Disposal of Wastewater Sludge bid to Synagro Central LLC in the amount of \$119,760.00 for the balance of 2025 and for year 2026, \$123,360.00 for option year 2027 and \$127,056.00 for option year 2028 as the lowest responsible bidder.

Mr. Moore made a Motion to award the 2025 Hauling and Disposal of Wastewater Sludge bid to Synagro Central LLC in the amount of \$119,760.00 for the balance of 2025 and for year 2026, \$123,360.00 for option year 2027 and \$127,056.00 for option year 2028 as the lowest responsible bidder. Seconded by Ms. Burckley.

On the Question:

Mr. Moore asked for clarification on the 2026 amount of \$119,760.00. He asked if that amount is just for year 2026.

Mr. Krack explained the amount if \$119,760.00 is for the remainder of 2025 and 2026.

Motion Approved 8-0.

- C. Motion to appoint the Borough Manager as the Borough's Legislative Liaison to the Pennsylvania Municipal League.

Mr. Strenfel made a Motion to appoint the Borough Manager as the Borough's Legislative Liaison to the Pennsylvania Municipal League. Seconded by Ms. Dugan.

Motion Approved 8-0.

- D. Motion to approve the Acknowledgement of Liability and Payment Agreement, between John Griffiths and the Borough, accepting a \$1,400 reimbursement for

the repair of damage to Borough property.

Ms. Burckley made a Motion to approve the Acknowledgement of Liability and Payment Agreement, between John Griffiths and the Borough, accepting a \$1,400 reimbursement for the repair of damage to Borough property. Seconded by Mr. Strenfel.

Motion Approved 8-0.

X. Public Hearings

XI. Resolutions/Ordinances

- A. Motion to adopt a Resolution adopting the form Police Department Ride-Along Program Policy and Agreements and authorize the Chief of Police to utilize and implement such Policy and Agreements.

Ms. Burckley made a Motion to Table. Seconded by Ms. Dugan.

Motion to Table Approved 8-0.

- B. Motion to adopt an ordinance amendment to Chapter 13 “Licenses, Permits and General Business Regulations, Part 5.

Ms. Burckley made a Motion to adopt an ordinance amendment to Chapter 13 “Licenses, Permits and General Business Regulations, Part 5. Seconded by Mr. Strenfel.

On the Question:

Mr. Denlinger confirmed the ordinance amendment was advertised in the Pottstown Mercury and copies of the ordinance we provided to the Mercury and the Chester County Law Library for public inspection.

Mr. Moore stated he appreciates the work of the Policy Committee and Borough Staff for refining the original proposed ordinance that he objected to and feels this strikes the right balance in terms of making it easier for performers to have a safe and productive participation in the Borough.

Mr. Ewald stated he agrees it was a good collaboration between the Borough Staff and the busking community.

Motion Approved 8-0.

XII. Reports of Committees, Boards, and Commissions

- A. Historical and Architectural Review Board – Ms. Dugan
- B. Planning Commission - Mr. Moore
- C. Phoenixville Regional Planning Committee – Mr. Kirkner

Mr. Kirkner reported that Tim Phelps of the Transportation Management Association of Chester County presented a draft of the Devault Trail for multimodal transportation, and he stated the PRPC will be reviewing the draft of the Zoning Ordinance Update.

- D. Recreation Board – Ms. Dugan

Ms. Dugan reported on the upcoming camps and programs at the Recreation Center including Snapology, Yoga, Co-ed Flag Football, Pickle Ball and Healthy Seniors programs.

- E. Tree Advisory Commission – Mr. Carminito

Mr. Carminito reported on the upcoming tree plantings and volunteer tree pruning.

- F. Human Relations Commission – Ms. Burckley

Ms. Burckley reported that when the commission does their networking events, it's always a full house and the PA Human Relations Commission has asked the local HRC programs to look in to forming a Chester County Human Relations Commission.

XIII. Council Action referred from:

- A. Personnel and Public Safety Committee – Ms. Burckley

- 1. No action to report.

- B. Parks and Recreation Committee – Mr. Moore

- 1. Motion to approve a Temporary Community Event Application for the Burn off the Bird 5K starting and ending at the Recreation Center on Saturday, November 29, 2025, from 8:30 am to 11:00 am. Franklin Avenue between Grant Street and Fillmore Street and Fillmore Street between Franklin Avenue and Cromby Road to be closed for approximately five minutes each. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Moore made a Motion to approve a Temporary Community Event Application for the Burn off the Bird 5K starting and ending at the Recreation Center on Saturday, November 29, 2025 from 8:30 am to 11:00 am. Franklin Avenue between Grant Street and Fillmore Street and Fillmore Street between Franklin Avenue and Cromby Road to be closed for approximately five minutes each. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured. Seconded by Ms. Dugan.

Motion Approved 7-0-1. Ms. Burckley abstained due to conflict of interest.

2. Motion to approve a Temporary Community Event Application for the Firebird Festival at Veterans Park on Saturday, December 13, 2025, from 5:00 pm to 10:30 pm. Street closure – Mowere Road between St. Mary’s and Northridge Drive from 4:00 pm to 11:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Moore made a Motion to approve a Temporary Community Event Application for the Firebird Festival at Veterans Park on Saturday, December 13, 2025 from 5:00 pm to 10:30 pm. Street closure – Mowere Road between St. Mary’s and Northridge Drive from 4:00 pm to 11:00 pm. Conditioned upon receipt of all fees and valid Certificate of Insurance naming Borough as Additional Insured. Seconded by Ms. Dugan.

Motion Approved 7-0-1. Ms. Burckley abstained due to conflict of interest.

C. Policy Committee – Mr. Carminito

1. No action to report.

D. Infrastructure/Technology/Transportation/Sustainability Committee – Mr. Weiss

1. No action to report.

E. Finance Committee – Ms. Dugan

1. Motion to approve Budget Increase 2025-15 from Parking Fund Balance in the amount of \$40,000 to Parking Fund (Parking Truck) to purchase a 2025 Ford Ranger for the Department.

Ms. Dugan made a Motion to approve Budget Increase 2025-15 from Parking Fund Balance in the amount of \$40,000 to Parking Fund (Parking Truck) to purchase a 2025 Ford Ranger for the Department. Seconded by

Ms. Burckley.

Motion Approved 8-0

XIV. Public Comment

None

XV. Communications/Council Participation

None

XVI. Staff Reports are in the packets.

- A. Manager
- B. Police
- C. Fire
- D. Planning and Codes
- E. Public Works
- F. Finance
- G. Human Resources
- H. Recreation

XVII. Adjournment

7:43 pm. Ms. Burckley made a Motion to Adjourn. Seconded by Mr. Weiss.

E. Jean Krack  
Borough Manager

Transcribed by: Jennifer Logan  
Administrative Assistant  
July 2025

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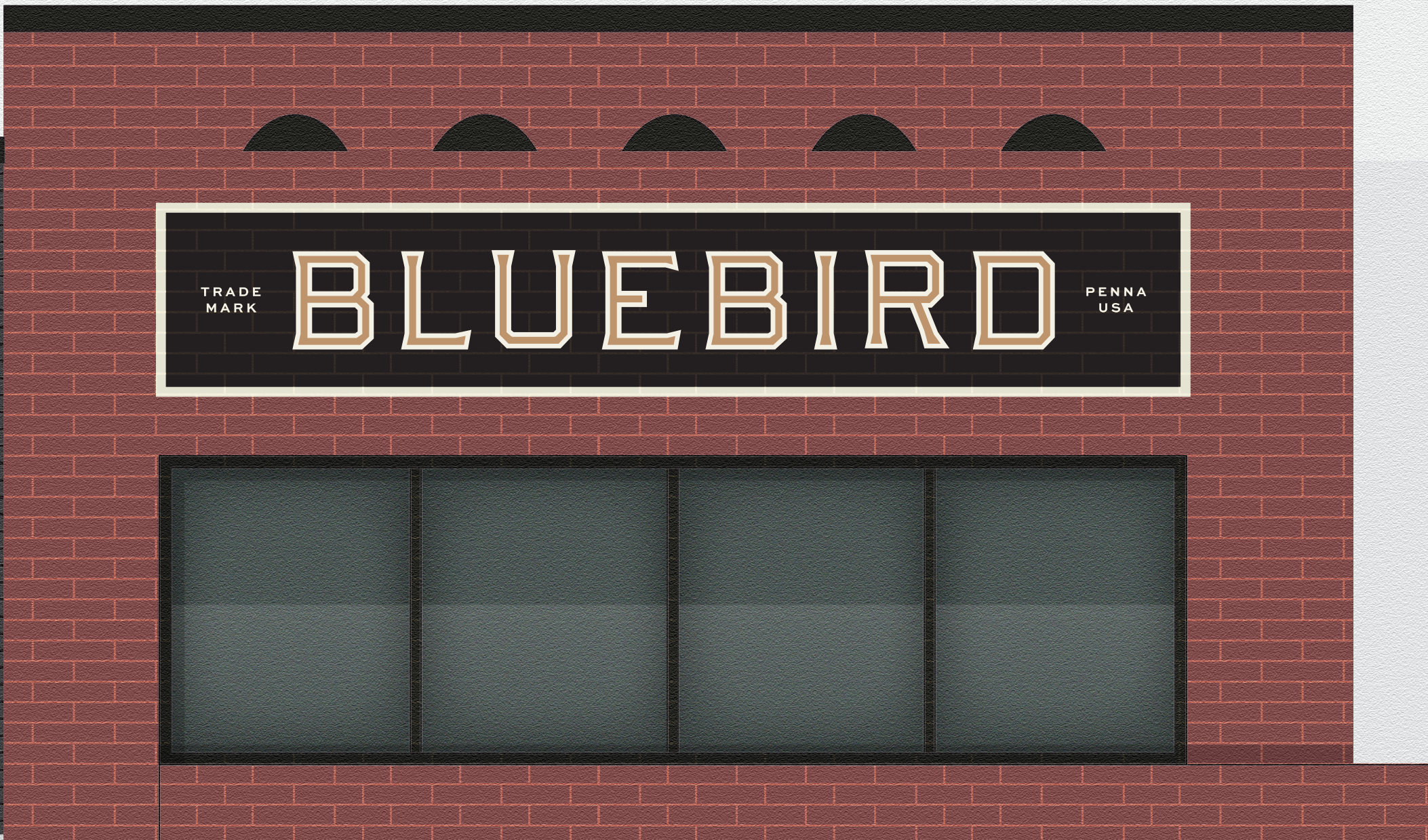
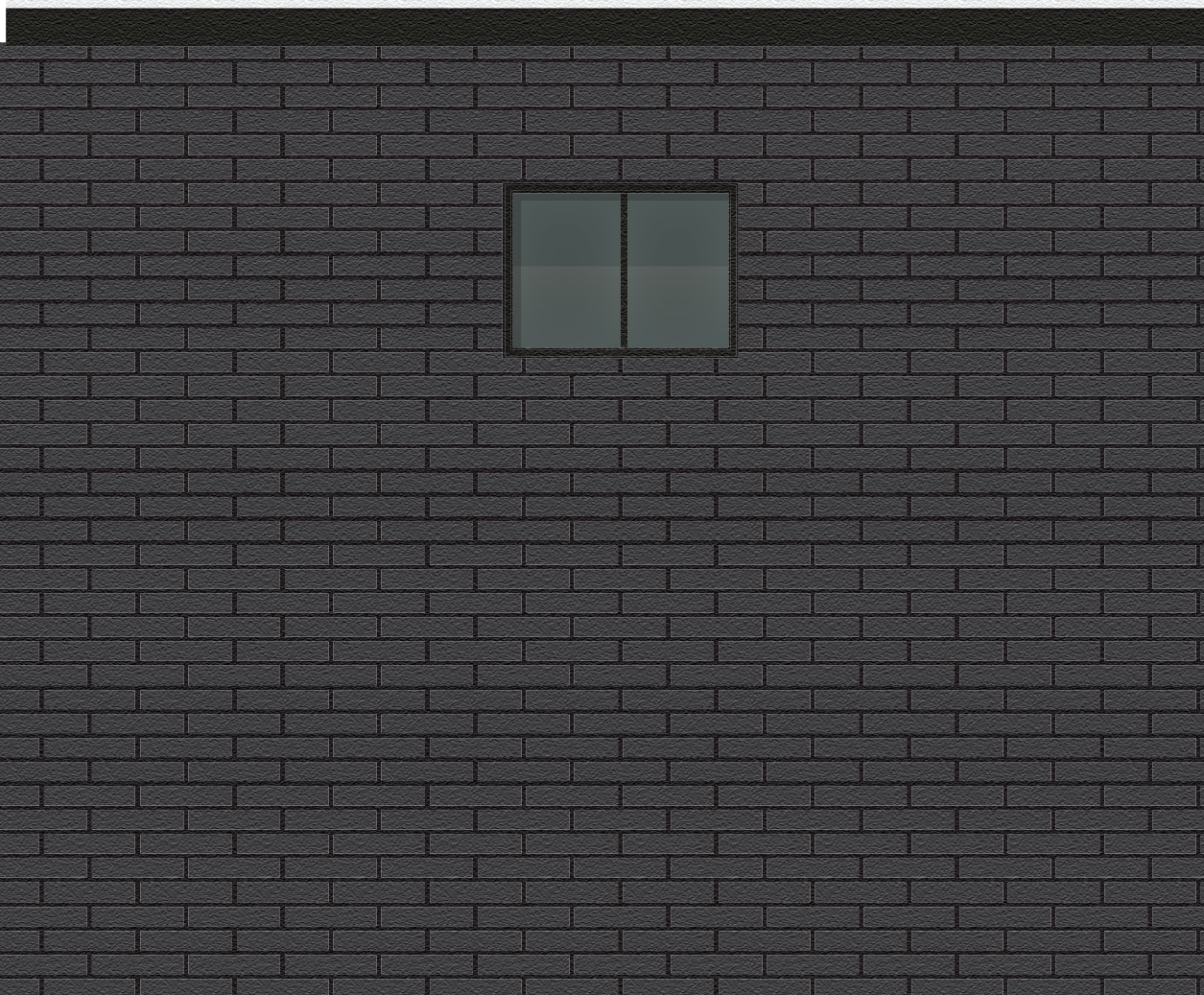
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**BLUEBIRD**  
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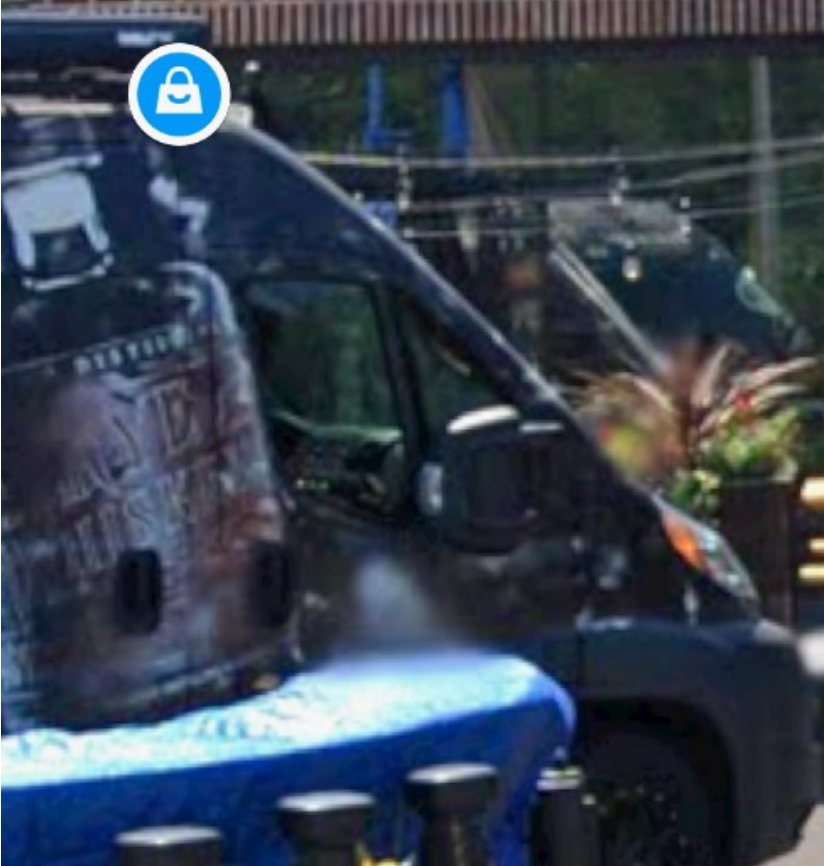


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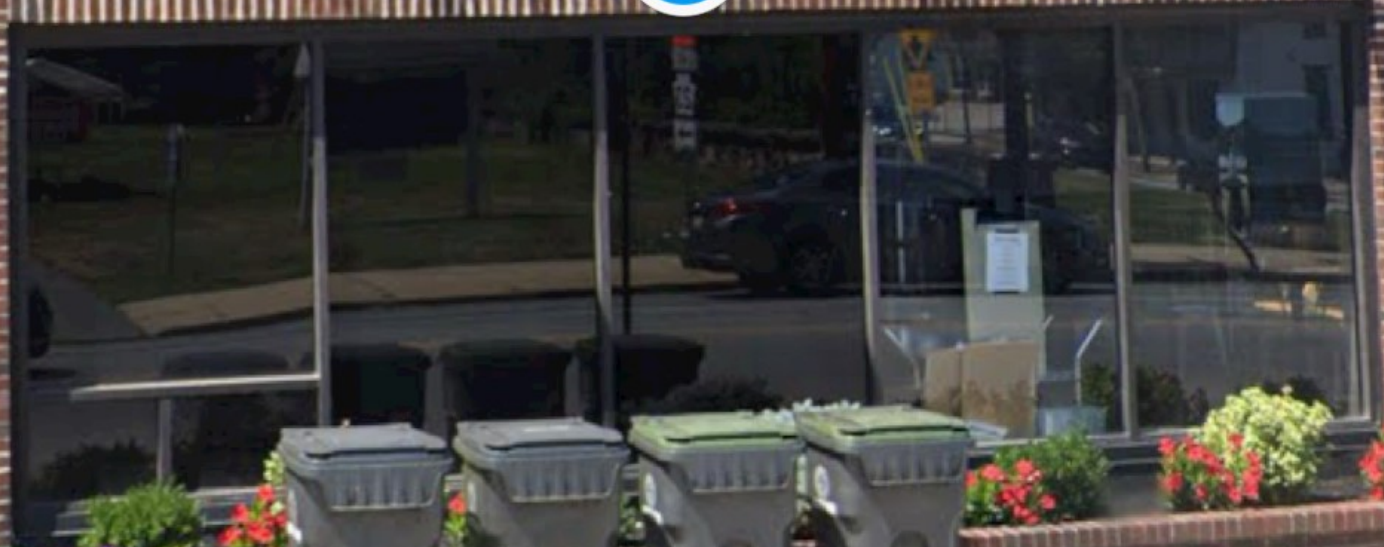


# BLUEBIRD DISTILLING

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**BLUEBIRD DISTILLING**  
DISTILLERY ★ SALOON ★ TASTINGS



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DISTILLERY



**ORDINANCE NO. 2025 -**

**BOROUGH OF PHOENIXVILLE  
CHESTER COUNTY, PENNSYLVANIA**

**“AMENDMENT AND RESTATEMENT OF ZONING ORDINANCE,  
ATTACHMENT 1 – DISTRICT SPECIFICATIONS, AND ZONING MAP  
AMENDMENT”**

**AN ORDINANCE OF THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA, AMENDING AND RESTATING THE CHAPTER 27 (ZONING) TO CLARIFY AND UPDATE THE BOROUGH ZONING REQUIREMENTS, INCLUDING UPDATES TO THE DEFINITION SECTION AND THE ADDITION OF ACCESSORY DWELLING UNITS AS A USE PERMITTED BY SPECIAL EXCEPTION; FURTHER AMENDING AND RESTATING ATTACHMENT 1 (DISTRICT SPECIFICATIONS) TO CHAPTER 27 (ZONING) TO UPDATE THE SAME; AND AMENDING AND RESTATING THE OFFICIAL ZONING MAP OF THE BOROUGH TO CHANGE VARIOUS ZONING DISTRICT BOUNDARIES IN THE BOROUGH.**

The Council of the Borough of Phoenixville, Chester County, Pennsylvania, hereby ORDAINS that:

**Section 1. Zoning Ordinance Amendment.** The Code of Ordinance of the Borough of Phoenixville, Chapter 27 (Zoning), is hereby repealed and replaced with the new Chapter 27 entitled “Zoning” attached hereto as Exhibit “A.”

**Section 2. Zoning District Specifications.** The Code of Ordinance of the Borough of Phoenixville, Chapter 27 (Zoning), is hereby amended by repealing the current Attachment 1 – District Specifications, and replacing it with the new Attachment 1 – District Specifications attached hereto as Exhibit “B.”

**Section 3. Zoning Map Amendment.** The Official Zoning Map of the Borough of Phoenixville is hereby amended to repeal the current Official Zoning Map of the Borough of Phoenixville, and replacing it with the new Official Zoning Map of the Borough of Phoenixville attached hereto as Exhibit “C.”

**Section 4. Officer Authorization.** The appropriate officers of the Borough are authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Ordinance.

**Section 4. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, parts, or sections hereof. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, part or section thereof not been included herein.

**Section 5. Repealer.** All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

**Section 6. Effective Date.** This Ordinance shall become effective upon enactment as provided by law.

**PASSED** by Borough Council this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

By: \_\_\_\_\_  
Jonathan M. Ewald  
President, Borough Council

**APPROVED** by the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

By: \_\_\_\_\_  
Peter J. Urscheler  
Mayor

**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

By: \_\_\_\_\_  
E. Jean Krack  
Borough Manager/Secretary

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

By: \_\_\_\_\_  
E. Jean Krack

Borough Manager/Secretary

**EXHIBIT "A"**  
**ZONING ORDINANCE**

**Part 1. TITLE, PURPOSE, JURISDICTION AND ZONING MAP**

**§27-101. Title.**

1. This chapter shall be known as and may be cited as the "Phoenixville Borough Zoning Ordinance of 2025."

**§27-102. Purpose and Objectives.**

This Chapter is in accordance with a Comprehensive Plan and is enacted for the purpose of promoting the health, safety, morals and general welfare of the municipality. It is designed to lessen congestion in the streets and highways; to secure safety from fire, panic and other danger; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue congestion of population; to facilitate schools, parks and other public requirements; to conserve the value of buildings; and to encourage the most appropriate use of land throughout the Borough of Phoenixville.

**§27-103. Interpretation.**

1. In interpreting and applying the provisions of this chapter, these provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.
  - A. Whenever any regulations made under the authority of this chapter require a greater width or size of yard, courts or other open spaces, or require a lower height of buildings or a smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards other than those which are required in or under any other statute, the provisions of the regulations made under the authority of this Chapter shall govern.
  - B. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or a smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards other than those which are required by any regulations made under the authority of this Chapter, the provisions of such statute shall govern.

- C. Whenever any regulations pertaining to a specific use or activity under the authority of this Chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or a smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards other than those which are required for the zoning district or generally required under this Chapter, the greater or higher standards shall govern.
- D. This Chapter does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or implicitly repealed by this Chapter, or any private restriction placed upon property by covenant, deed, or other private agreement, unless repugnant hereto.
- E. Those provisions in the Phoenixville Borough Subdivision and Land Development Ordinance [Chapter 22] concerned with varying design standards shall not be considered to be in conflict with the provisions of this Chapter.

**§27-104. Severability.**

- 1. It is hereby declared to be the intent of the Borough Council that:
  - A. If a court of competent jurisdiction declares any provisions of this Chapter to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Chapter shall continue to be separately and fully effective.
  - B. If a court of competent jurisdiction finds the application of any provision or provisions of this Chapter to any lot, building or any other structure or tract of land to be invalid or ineffective, in whole or in part, the effect of such a decision shall be limited to the person, property or situation immediately involved in the controversy; the application of any such provision to other persons, property or situations shall not be affected.

**§27-105. Establishment of Districts.**

- 1. General. The Borough is hereby divided into districts of different types, each type of such number, shape, kind and area, as well as of such common unity and purpose and adaptability of use, that is deemed most suitable to carry out the objectives of this Zoning Ordinance and the Comprehensive Plan.
- 2. Designation of Districts. For the purpose of this Zoning Ordinance, the Borough is hereby divided into districts which shall be designated as follows:

<b>Abbreviation</b>	<b>District Title</b>
RI District	Residential Infill
TC District	Town Center
MI District	Mixed Use Infill
NC District	Neighborhood Commercial
CD District	Corridor Development
MG District	Mixed Use Growth
I District	Industrial

3. Zoning Map. Districts are bounded and defined as shown on the map entitled "Zoning Map of the Phoenixville Borough," dated the same date as the adoption of this Zoning Ordinance, as amended, which accompanies this chapter and which, with all explanatory matters herein, is hereby made a part of this Chapter.
4. Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of the district, as indicated on the Zoning Map, the following rules shall apply:
  - A. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, railroad lines, or streams, such center lines shall be construed to be such boundaries.
  - B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be the said boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be the said district boundaries.
  - C. Where district boundaries are so indicated that they are approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.

**Part 2. DEFINITIONS**

**§27-201. Application.**

1. Unless contrary intention clearly appears, the following words and phrases shall have, for the purposes of this chapter, the meanings given in the following clauses and shall be interpreted as follows:
  - A. Words used in the present tense shall include the future.

- B. The singular includes the plural.
  - C. The word "person" includes an individual, firm, partnership, corporation, company, association, or government entity, including a trustee, an assignee or similar representative.
  - D. The masculine form of the word includes the feminine and the neuter forms of the word.
  - E. The term "shall" is mandatory.
  - F. The term "may" is permissive.
  - G. The words "used" or "occupied," are applied to any land or building and shall be construed to include the words "intended, arranged or designed to be occupied."
  - H. The word "Council" and the words "Borough Council" always refer to the Phoenixville Borough Council, and "Borough" always references the Borough of Phoenixville.
  - I. The word "Commission" and the words "Planning Commission" always refer to the Phoenixville Borough Planning Commission.
  - J. The word "Board" or the words "Zoning Hearing Board" always refer to the Phoenixville Borough Zoning Hearing Board.
  - K. The words "Zoning Officer" always refer to the Phoenixville Borough Zoning Officer.
  - L. "Chapter" and "Ordinance" and "Zoning Ordinance" all refer to the Phoenixville Borough Zoning Ordinance.
  - M. The word "Code" or "Borough Code" refers to the complete body of legislation for the Borough of Phoenixville, as revised, codified and consolidated into chapters, parts and sections by General Code.
  - N. Use of the abbreviation "MPC" is a reference to the Pennsylvania Municipalities Planning Code found at 53 P.S. §§ 10101-11202.
  - O. Use of the phrase "Subdivision and Land Development Ordinance" shall refer to the Borough of Phoenixville's current Subdivision and Land Development Ordinance, as amended.
2. Any word or term not defined herein shall be interpreted according to the meaning of standard usage.

**§27-202. Definitions.**

1. As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY BUILDING**

A building on the same lot with the principal building and customarily incidental and subordinate to the principal building.

### ACCESSORY DWELLING UNIT (ADU)

An accessory Dwelling proposed within an existing principal single-family Dwelling, attached to an existing principal single-family Dwelling by way of addition, or wholly and exclusively within an Accessory Building on the same Lot as a principal single-family Dwelling.

- A. INTERNAL ADU – An ADU constructed within an existing principal Dwelling.



*Adapted from the ABCs of ADUs*

- B. ATTACHED ADU – An ADU constructed as an addition (as defined by the Pennsylvania Uniform Construction Code) to the principal Dwelling.



*Adapted from the ABCs of ADUs*

- C. DETACHED ADU – An ADU constructed as an accessory Building on the same lot as the principal Dwelling.



*Adapted from the ABCs of ADUs*

#### ACCESSORY STRUCTURE

A fence, wall, driveway, sidewalk, sign, patio, deck, terrace, porch, pool and the like that is incidental and subordinate to the principal use and principal building.

#### ACCESSORY USE

A use on the same lot with the principal use and customarily incidental and subordinate to the principal use.

#### ADAPTIVE REUSE

The change in use of an existing structure as provided in § 27-301 of this Chapter 27, whereby the essential and defining characteristics thereof are preserved and maintained, including but not limited to the facade of the structure.

#### ADULT COMMERCIAL

A store, shop and/or other commercial establishment with more than 15 square feet of floor area devoted primarily to the display, sale and/or rental of and/or with 10% or more of its gross income attributable to sale and/or rental of pornographic materials, which are pictures, drawings, photographs, movies and/or other visual images and/or paraphernalia which, if sold knowingly to a child under 18 years of age, would violate the then-current criminal laws of the Commonwealth of Pennsylvania. No other use identified as being allowed in any zoning district shall be construed to be, include and/or allow any use which is part of this adult commercial use. No use which is within the definition of "adult commercial" use shall be permitted (e.g., by right, conditional use, special exception and/or as an accessory to any principal use) except as an adult commercial use.

#### ADULT ENTERTAINMENT

The display of pornographic movies, videos, pictures and/or other visual images, and/or display of live human "stripping," "topless," and/or nude person(s), and/or any other live display of the human body where female breasts and/or male or female buttocks and/or genitalia are exposed to patrons, business invitees, guests and/or club members as part of a private club, entertainment establishment, bar, tavern and/or other commercial business or activity. All such adult entertainment uses shall constitute a separate use and shall require separate use approval (e.g., by zoning use permit) whether or not they are an accessory use. No other use identified as being allowed in any zoning district shall be construed to be, include and/or allow any use which is part of this adult entertainment use. No use which is within the definition of "adult entertainment use"

shall be permitted (e.g., by right, conditional use, special exception and/or as an accessory to any principal use, including but not limited to a bar or tavern) except as an adult entertainment use.

#### AGRICULTURAL USES

Such use includes the retail sales of agricultural products at roadside stands or other structures to the general public; the production of agricultural, horticultural, arboricultural, viticultural and dairy products; the keeping of livestock, poultry, and bee-raising; the outdoor raising of plants, shrubs and trees for sale and transplantation; an establishment where horses are boarded and cared for, and/or where instruction in riding, jumping and showing is offered, and/or the general public may, for a fee, hire horses for riding; and other such uses with similar characteristics.

#### ALLEY

A public or private right-of-way, typically paved, for vehicular access to the rear or side of properties.

#### ANTENNA

Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities defined below.

#### AREA

##### A. BUILDING AREA

The area of a site which is under any part of a building.

##### B. FLOOR AREA

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

##### C. FLOOR AREA; GROSS LEASABLE AREA

The total floor area for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use, not including public or common areas such as utility rooms, stairwells, malls, etc.

#### AUTOMOBILE SALES AND SERVICES

This use includes facilities such as automobile repair garages; facilities for the sale of automobiles by a duly franchised new car dealership, including used car sales and/or car, truck, trailer, cycle and boat rental; facilities used for the retail sale of vehicular fuels, including, as accessory uses, the sale and installation of lubricants, tires, batteries, and similar accessories and/or the sale of groceries and similar convenience-type products; retail vehicle fueling stations (including without limitation combined convenience store-fueling stations); and facilities or premises used for washing motor vehicles.

#### AUTO SUPPLY STORE

This use is included as a permitted use under the definition of "retail goods and services." An auto supply store is a facility used for the sale of automotive accessories, such as parts, tires, batteries, and other supplies. Minor installation and limited storage of parts may also take place within an enclosed structure.

#### AWNING

A projection or shelter extending from and supported by the exterior wall of a building and composed of rigid or nonrigid materials and/or fabric covering on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated.

#### BED-AND-BREAKFAST/GUESTHOUSE

A residential home converted into a commercial use offering lodging for overnight guests and offering common eating facilities.

#### BILLBOARD

A freestanding structure erected for the purpose of advertising which is not associated with a building on the same lot; also known as an "outdoor advertising sign."

#### BLOCK

An area of land surrounded by streets. Alleys and streets or lanes that function as alleys are within a block.

#### BLOCK FACE

All lots abutting one side of a street between the two nearest intersecting streets or one intersecting street and a street dead end.

#### BOROUGH

Phoenixville Borough, Chester County, Pennsylvania.

#### BUFFER

A designated area of vegetation or natural landscaping between Properties or areas of development to provide visual screening, noise reduction, and environmental benefits.

#### BUILDING

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

#### BUILDING ENVELOPE

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

#### BUILDING FOOTPRINT

The area of a building or any part thereof, conditioned or unconditioned, where it meets the ground; usually the area of the slab or grade.

#### BUILDING HEIGHT

The vertical distance from either the finished grade at the front of the building or the mean ground level, whichever is the lowest, to the highest point of the roof or parapet wall for buildings with flat or mansard roofs; or the mean height between the building eave and ridge for gable, hip and gambrel roofs. If there are two or more separate roofs on a single building, the height of such shall be calculated from the highest roof. Chimneys, spires, cupolas, and similar building elements shall not be included in the building height. If required or requested by the Borough, the builder, architect or engineer of the building shall certify the building height prior to the issuance of a certificate of occupancy. "Mean ground level" is a reference plane representing the average of the finished ground level at the center of all exposed walls of the building. Where walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the mean ground level. "Mean height" is a reference plane representing the distance from the mean ground level to the highest point of the roof or parapet wall for buildings with flat or mansard roofs or the reference plane

representing 1/2 the vertical distance from the building eave and ridge for gable, hip and gambrel roofs.

#### BUILDING, PRINCIPAL

A building in which the principal use of the lot upon which the building is located is conducted or is intended to be conducted.

#### BUILDING SPACING

The minimum distance between buildings. The minimum building spacing shall be measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters. These exceptions may encroach no more than three feet into the required minimum distance between buildings.

#### BUILDING STEP BACK

A horizontal recess of a building above a lower level, extending around the perimeter of the building and a minimum of 5 feet deep, occurring above the third-story from grade or lower.

#### BUILDING TYPE

##### A. ATTACHED

An attached building is one where at least one wall is shared with another.

##### B. DETACHED

A detached building is a freestanding building that does not abut any other building and where all sides of the building are surrounded by yards or open areas.

##### C. MID-RISE

A detached building that has a building height greater than 45 feet and up to 60 feet high.

##### D. HIGH-RISE

A detached building that has a building height greater than 60 feet and up to 80 feet high.

##### E. SELF-STORAGE

Also known as "self-service storage" and "mini warehouse," self-storage facilities are buildings or structures designed and used for renting or leasing individual storage spaces, other than storage spaces which are leased or rented as an incident to the lease or rental of residential property or dwelling units, to which the occupants thereof have access for storing or removing their personal property.

#### BUILD-TO LINE

A line with which the exterior wall of a building is required to coincide that runs parallel to the property line, as measured perpendicularly to the curb or edge of a street cartway, that enables the alignment of buildings on a block in order to maintain the traditional character of the streetscape of the Borough. If there is no preexisting or defined curb or edge, then the build-to line is measured from the ROW line. Required build-to lines or yards shall be measured from the edge of a wetland buffer where applicable.

#### BUILT-TO LINE

The distance which existing construction of a building wall occurs on a lot.

#### CALIPER

The diameter of a tree measured six inches above grade.

#### CEMETERY

Property used for the interring of the dead.

#### CO-LOCATION

The mounting of one or more WCFs, including antennas, on an existing tower-based WCF, or utility pole or light pole.

#### COMMONWEALTH

The Commonwealth of Pennsylvania.

#### COMMUNITY CENTER

An institutional or recreational building type that provides space for meeting rooms, classrooms, public assembly, and exercise and sports facilities, which may also include ancillary cooking facilities and offices. A community center may also encompass outdoor recreational space, community gardens or other similar-type outdoor uses. This use is not intended to include privately owned and for-profit health and fitness clubs.

#### COMMUNITY GARDENS

A plot of land (public or private) for the use of individual small garden plots by residents for producing food for their own use and recreation or donation to nonprofit groups and not for commercial use or sale.

#### COUNTY

County of Chester, Commonwealth of Pennsylvania.

CROSSWALKA thoroughfare for pedestrian access, across a street or driveway, that is created and maintained in accordance with the design standards of the Subdivision and Land Development Ordinance.

#### DAY-CARE CENTER

A licensed facility in which care is provided for children outside a residential home environment. A day-care center may include a nursery, nursery school, preschool, kindergarten or other type of agency providing day-care services for children.

#### DAY-CARE, HOME

A facility within a residential Dwelling in which care is provided for one or more children, but no more than six children at any one time, who are not relatives of the caregiver, and where the child-care areas are also being used as a family residence. The family day care shall be clearly subordinate to the existing residential use of the property and shall be treated as an accessory use to the dwelling unit.

#### DECK

A structure of wood or concrete installed above grade and without walls or roof, as an extension or addition to a dwelling unit, that may include railings and low walls with a maximum height of 3 1/2 feet from the top of the deck.

#### DENSITY

A measure of the number of dwelling units per unit of area.

#### DEVELOPMENT

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

#### DISTRIBUTED ANTENNA SYSTEMS (DAS)

A network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

#### DRIVEWAY

A thoroughfare that provides vehicular access on a lot to a building or use.

#### EDUCATIONAL USE

An activity in a building and on a lot that provides instruction, training, and/or similar type of advancement in educational or vocational skills.

#### EAVES

The lowest horizontal line of a sloping roof.

#### ELECTRIC VEHICLE (EV)

A vehicle that operates, either partially or exclusively, on electric energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes.

#### ELECTRIC VEHICLE CHARGING STATION (EVCS)

A public or private Parking Space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an Electric Vehicle.

#### ELECTRONIC MESSAGE DISPLAY SIGN

An exterior, computer-programmable sign capable of displaying words, symbols, figures or picture images that can be altered or rearranged automatically or by remote means, utilizing LED (light-emitting diode) technology or other light sources as part of the sign or sign face, electronic or digital sign face, to produce the characters and graphics of this display.

#### EMERGENCY

A condition that:

- A. Constitutes a clear and immediate danger to the health, welfare, or safety of the public; or
- B. Has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

#### EMERGENCY MANAGEMENT SERVICES USE

Those services and uses customarily rendered by fire, ambulance, police, rescue and other emergency services of a municipality, or a volunteer or privately operated group, including the facilities and appurtenances used in connection with the supplying of such services and uses (such as buildings and equipment).

#### ENTERTAINMENT HALL

An entertainment facility operated as a gainful business within a building or structure which provides automatic amusement devices or games, including pool or billiard rooms or similar facilities.

#### ERECT

To build, construct, attach, hang, suspend, affix, alter, or to structurally repair, remove, relocate, demolish, or modernize, or to paint on a wall.

#### FACADE

That portion of any exterior elevation of a building extending vertically from grade to the top of the parapet, wall or eaves and horizontally across the entire width of the building elevation.

#### FAMILY

One person, or two or more persons related by blood, foster relationship, marriage, or adoption, and, in addition, any domestic servants or gratuitous guests thereof, or a group of not more than five persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, all of whom are living together in a single dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family.

#### FCC

The Federal Communications Commission.

#### FENCE

A barrier constructed of any combination of materials that is intended to enclose or partition a space or define a property line.

#### FOOTCANDLE

The illuminance of the inside surface of a one-foot-radius sphere with a point source of one candela at its center. Alternatively, it can be defined as the illuminance of one lumen on a one-square foot surface with a uniform distribution.

#### FORESTRY

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

#### FRONTAGE or STREET FRONTAGE

The portion of a Lot directly abutting a public Right-of-Way, that, when required to be measured, is measured directly at the Lot Line abutting such Right-of-Way.

#### FULL CUTOFF

A term used by the lighting industry to describe a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at an angle  $10^{\circ}$  below that horizontal plane, at all lateral angles around the fixture.

#### FUNERAL HOME/MORTUARY

An establishment for the preparation of the deceased for burial, the display of the deceased, and any ceremonies connected therewith related to such burial or cremation.

#### GLARE

The sensation produced by excessive direct or reflected light that causes annoyance, discomfort or loss in visual performance to the eye. Glare is subjective and cannot be measured with a meter.

#### GREEN

A public or private open space, typically enclosed with buildings on at least two sides, that is used as a pedestrian gathering area.

#### GROUP HOME

Housing occupied by groups of unrelated individuals with disabilities. Such housing may be provided by the individuals themselves or by a group home operator and shall include reasonable accommodations to facilitate the group home use within the Borough as provided for in the Fair Housing Act. A group home does not include housing for current users of illegal controlled substances, work release facilities for convicts, housing as an alternative to incarceration or housing for persons who present a direct threat to other people or their property.

#### GROWTH

The attribute of a zoning district that lends itself to new development, redevelopment, and/or adaptive reuse.

#### HAZARDOUS LIQUID (PIPELINE OR PIPELINE SYSTEM)

When used in relation to a pipeline or pipeline system, "hazardous liquid" means petroleum, petroleum products, anhydrous ammonia, or ethanol.

#### HEALTH AND FITNESS CLUB

A commercial business offering primarily indoor sports and fitness facilities to the public, including sports such as racquetball, handball, squash, tennis, basketball and volleyball, fitness classes and other healthy lifestyle activities and amenities. A health and fitness club also encompasses facilities for activities such as rock climbing, trampoline and moon bounce activities, and other physical fitness activities of a similar nature.

#### HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) DISTRICT

A designated area that envelopes a neighborhood of buildings as shown on the Zoning Map of Phoenixville Borough.

## HOME BUSINESS

A home occupation for gain that is an accessory use, which must be separately permitted, which is clearly subordinate to the existing residential use of the property and shall be conducted within the dwelling unit primarily by a person(s) residing in the dwelling unit. Such use may involve clients or customers visiting the dwelling on a limited basis and involve deliveries, to and from the dwelling unit, on a limited basis without impacting adjacent properties.

## HOME IMPROVEMENT CENTER

A retail use that sells building products, typically with a ground floor area of greater than 65,000 square feet.

## HOME OCCUPATION, NO-IMPACT

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, or pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use.

## HOSPITAL

An establishment, licensed by the American Hospital Association, which provides health services primarily for inpatient medical or surgical care of the sick or injured, which includes related facilities, such as laboratories, outpatient departments, training facilities, central service facilities, as well as staff offices as an integral part of the establishment.

## HOTEL/MOTEL

A building or group of buildings used for the accommodation of transient guests and containing guest rooms for rent.

## ILLUMINANCE

The quantity of incident light per unit area, measured with a light meter in footcandles (or lux).

## IMPERVIOUS SURFACE

As defined in Chapter 23 (Stormwater Management), Section 23-202 (Definitions) of the Borough Ordinances.

## IMPERVIOUS SURFACE AREA, MAXIMUM

A limitation on the intensity of impervious surface of the site as a whole and each lot. With respect to the site, it is stated as a percentage of the base site area; and with respect to the lot, it is stated

as a percentage of the lot area. This percentage is calculated by dividing the total area of all impervious surfaces within the site by the base site area.

#### INDUSTRIAL USES

Includes uses such as contractor/construction facilities; crafts and trades, such as plumbing, carpentry, upholstery, cabinetmaking, furniture-making, planing mill and similar crafts; the storage and distribution of fuel oil or coal; a lumberyard where lumber products are sold and/or processed; the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products; research, testing or experimental laboratory; resource recovery and/or recycling facility; storage of trucks and/or the transfer of freight from one truck to another; and wholesale business, wholesale storage or warehousing with no retail sale. Emergency management services uses, public utility uses and public transportation uses are also included under the definition of "industrial uses."

#### INFILL

The attribute of a zoning district that enables the context-sensitive placement of new buildings on an established block in an established neighborhood.

#### INSTITUTIONAL USES

Includes uses such as park and recreation use, community center, hospital or similar type licensed health care facility, personal care home, library/museum, municipal use, place of worship, cemetery and school.

#### KENNEL

Any property, including any building or structure thereon, where ten (10) or more dogs or other domestic animals, 10 weeks of age or older, are kept or maintained for boarding, grooming, breeding, training, showing, selling or exchange.

#### LAND DEVELOPMENT

Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

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

B. A subdivision of land.

#### LIBRARY/MUSEUM

A library or museum which is open to the public or connected with a permitted educational use and not conducted as a private gainful business.

#### LIFE-CARE HOUSING FACILITIES

A facility for residential use designed and operated for individuals who may require certain support facilities or which includes life-transition-type housing for seniors; includes residential housing such as full-care facilities, nursing homes, life-care facilities, senior housing and continuing-care retirement facilities.

#### LIGHT TRESPASS

The light created by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

#### LOT or PARCEL

A designated parcel, plot or area of land established by a plot or otherwise as permitted by law and to be used, developed or built upon as a unit. The term "lot" shall be interchangeable with the term "plot" or "parcel."

#### LOT AREA

The area contained within the property lines of an individual parcel of land shown on a subdivision and/or land development plan, excluding any land area which has any of the following characteristics:

- A. Not contiguous to the lot;
- B. In any and all existing and proposed streets or street rights-of-way and railroad rights-of-way;
- C. Any area required as open space; and
- D. The area of any and all easements for and the area used for and/or within any and all utility (ies), stormwater management facility (ies) and/or system, floodway, body of water (at its highest elevation) and wetlands.

#### LOT, CORNER

A parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135°.

#### LOT COVERAGE

The area of a lot covered by buildings, pavement, and other impervious surfaces.

#### LOT DEPTH

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

#### LOT LINE, REAR

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

#### LOT LINE or BOUNDARY

Any boundary line of a lot.

#### LOT LINE, SIDE

Any lot line which is not a street line or a rear lot line.

#### LOT WIDTH

The distance measured between two Side Yard Lot Lines at the point of the Street Frontage.

#### LUMEN

The light-output rating of a lamp (light bulb), as used in the context of this chapter.

#### MARQUEE

A permanent canopy projecting over the public sidewalk above the main entrance to a building that displays the facility's name and/or featured attractions.

#### MINERAL

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

#### MINERAL EXTRACTION

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

#### MIXED USE

The attribute of a lot that involves the combination of uses, either horizontally or vertically.

#### MIXED-USE BUILDING

The attribute of a building that involves the combination of uses, either vertically or horizontally.

#### MOBILE HOME

A transportable, single-family dwelling, intended for permanent occupancy, which is contained in one or in two or more units designed to be joined into one integral unit which is capable of again being separated for repeated towing, and which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, being constructed so that it may be used with or without a permanent foundation, including any additional or accessory structures, such as porches, sheds, decks or additional rooms. A mobile home is not a single-family detached dwelling.

#### MOBILE HOME PAD

That part of an individual lot which has been reserved for the placement of a mobile home, appurtenant structures, or additions and which has been constructed according to the specifications of this chapter.

#### MOBILE HOME PARK

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

#### MONOPOLE

A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connecting appurtenances.

#### MUNICIPAL POLE

A utility pole owned, managed, or operated by or on behalf of a municipality.

#### MUNICIPAL USE

Includes administration buildings, police barracks, recreation buildings, parks, libraries or road maintenance facilities and any other building or areas designed for municipal use or owned by the municipality, including emergency management services administered by the Borough.

#### MUNICIPALITIES PLANNING CODE (MPC)

Shall mean the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, *et seq.*, as amended from time to time.

#### NONCONFORMING LOT

A lot that does not comply with the applicable area and bulk regulations, such as lot area, setback, or lot coverage, that existed prior to the enactment of the prevailing zoning district regulations.

#### NONCONFORMING STRUCTURE OR BUILDING

A structure or part of a structure, or Building or part of Building, not in compliance with applicable provisions of the Zoning Ordinance or amendment theretofore or heretofore enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

#### NONCONFORMING USE

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

#### NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF)

All non-tower wireless communications facilities, including, but not limited to, antennas and related equipment. Non-tower WCFs shall not include support structures for antennas and related equipment.

#### NURSING HOME

A licensed nursing or convalescent home.

#### OFFICE USE

Includes uses such as medical offices, professional offices, and veterinary offices.

#### ON-STREET PARKING

Parking for motor vehicles that is typically parallel to the curblin in a parking space that is typically seven (7) feet wide by twenty-two (22) feet long.

#### OPEN SPACE, PRIVATE

- A. A portion of land or an area of water, or a combination of land and water within a development site, which is designed and intended for the use or enjoyment of residents or invitees within the development and/or the private facility and not generally available to the public. Private Open Space shall not include streets, off-street parking areas, or areas set aside for public facilities such as stormwater detention basins.
- B. May include areas commonly referred to as "greens" or "plazas."

#### OPEN SPACE, PUBLIC

A portion of land or an area of water, or a combination of land and water, designed and intended for the use or enjoyment of the public, not including streets, off- street parking areas, steep slopes and areas set aside for public facilities such as storm-water detention basins. Public open space may include areas commonly referred to as "greens" or "plazas" but shall not include sidewalks unless such features are within the public open space design parameters. Public open space shall also be subject to a continuing offer of dedication.

#### OUTDOOR MARKET

A temporary outdoor sales area utilizing tents, tables and/or shelters for the selling of retail goods and services directly to the consumer. The preparation, sale and consumption of food and beverages may also be part of the outdoor market but may require separate permitting and approval as an accessory use to the outdoor market.

#### PARAPET

The top of a building's wall or facade which is raised above the roof.

#### PARK AND RECREATION USE

A use that involves active and passive recreational activities that take place on facilities such as playfields, playgrounds, or play courts and in undeveloped areas such as woodlots or greenways.

#### PARKING, SHARED

Joint use of Parking Facilities for two or more uses, including on separate Lots, which are within close proximity and may share Parking Facilities to fulfill their individual parking requirements because their prime operational hours do not overlap.

#### PARKING AREA or PARKING FACILITIES

The area of a Tract dedicated to on-site Parking, including without limitation Parking Lots and Multilevel Parking Garages.

#### PARKING GARAGE, MULTILEVEL

A building or structure which has more than one story and is used or intended to be used for the parking and/or storage of vehicles.

#### PARKING LOT

An off-street improved area with individual access for the purpose of parking motor vehicles.

#### PARKING SPACE

The area utilized for the temporary storage of motor vehicles, either in a parking lot, in an on-street parking berth, or on a driveway.

#### PATIO

A concrete or masonry pad directly on grade and without walls or a roof, as an extension or addition to a dwelling unit.

#### PERSONAL CARE HOME

A premises in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours, for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.

#### PERSONS

Individuals, corporations, companies, associations, joint-stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that "person" does not include or apply to the Borough or to any department or agency of the Borough.

#### PETROLEUM

Crude oil, condensate, natural gasoline, natural gas liquids, and liquefied petroleum gas.

#### PIPELINE FACILITY

New and existing pipe, rights-of-way and any equipment, facility, or building used in the transportation of hazardous liquids or carbon dioxide.

#### PIPELINE or PIPELINE SYSTEM

All parts of a pipeline facility through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.

## PLACE OF WORSHIP

Any structure or structures used for worship or religious instruction, including social and administrative rooms which are accessory to such use.

## PLAZA

A pedestrian gathering area that serves as a public or private open space in which pedestrian amenities, such as benches and shade trees, are provided.

## PORCH

An extension of a building with a roof supported by posts or columns, but without permanent walls.

## PRIVATE CLUB

A privately-owned social club or lodge that is open only to members of the club and their invited guests.

## PUBLIC HEARING

A formal meeting held pursuant to public notice by the Borough Council, Zoning Hearing Board or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

## PUBLIC MEETING

A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

## PUBLIC NOTICE

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

## PUBLIC TRANSPORTATION USES

Services and uses typically associated with a transportation facility serving one or several modes of public transportation, including public rail, bus transit or taxi, and associated accessory uses, buildings and structures.

## PUBLIC UTILITY USE

Those services customarily rendered by public utility corporations, municipalities, or municipal authorities, in the nature of electricity, gas, telephone, water, and sewerage, including the facilities

and appurtenances used in connection with the supplying of such services (such as pumping stations, sewage treatment plants, landfills, buildings, wires, pipes, poles and the like). This use does not include wireless communication facilities.

#### RECREATION, ACTIVE

Leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. This term “active recreation” includes but is not limited to swimming, tennis, and other court games, playground activities, skating, golf, frisbee, climbing, cycling, or similar use.

#### RECREATION, PASSIVE

Leisure activities involving natural resources that generally do not require a developed site and have minimal impact. This generally includes but is not limited to such activities as hiking, horseback riding, nature observation and picnicking.

#### REDEVELOPMENT

The reuse of a property or the expansion of buildings on a property for a new, viable outcome.

#### REHABILITATION

The alteration and improvement of a building to enhance its viability for a particular use.

#### RESIDENTIAL USES AND BUILDINGS

##### A. DWELLING

A building or entirely self-contained portion thereof (not including a mobile home), containing complete living quarters, including cooking in one kitchen, sleeping and sanitary facilities, and designed for and occupied exclusively for human habitation.

##### B. DWELLING, SINGLE-FAMILY DETACHED

A one-family dwelling not attached to any other dwelling by any means and is surrounded by open space or yards on all sides.

##### C. DWELLING, TWIN (SINGLE-FAMILY SEMIDETACHED)

A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and having open space on three sides.

##### D. DWELLING, DUPLEX

A residential structure contained in one building envelope containing two dwelling units attached to each other, vertically separated by a floor/ceiling assembly, with either shared or separate ingress points.

E. DWELLING, TRIPLEX

A residential structure contained in one building envelope that has three dwelling units attached to each other, oriented in any manner not defined as a rowhome or townhouse, with either shared or separate ingress points.

F. DWELLING, ROWHOME OR TOWNHOUSE (SINGLE-FAMILY ATTACHED)

A one-family dwelling in a row of at least three such units in which each unit has its own ground-floor access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common vertical walls and has open space on at least two sides.

G. DWELLING, MULTIFAMILY

A building on one lot designed for and occupied exclusively for four or more dwelling units, each dwelling unit occupied by one family, including a building which is owned and operated as a condominium under the Pennsylvania Uniform Condominium Act.

RESTAURANT

A building or part of a building used for the purpose of furnishing food and beverages to the public to be consumed inside the building and/or in a designated outdoor area on the premises or in a part of the same lot as the eating place. Any sale of alcoholic beverages upon the premises must be incidental to the sale and consumption of food and licensed by the Pennsylvania Liquor Control Board. The definition of "restaurant" does not include restaurants offering drive-through services.

RESTAURANT, DRIVE-THROUGH

A building or part of a building used for the purpose of furnishing food and beverages to the public to be consumed inside the building or on site and includes a drive-through service window. Any outdoor dining area and/or drive-through portion of the restaurant must be located in an area directly abutting and adjacent to the main restaurant building.

RETAIL GOODS AND SERVICES

A use operating within a shop, store or group of stores selling commodities, goods and services directly to the consumer. Not included under this use is the over-the-counter sale of alcoholic beverages in a tavern/bar, or a store as described under "adult commercial use." Retail Goods and services use includes, but is not limited to, the following types of business: an auto supply store; a repair shop offering repair services for items, including, but not limited to, appliances, lawn mowers, watches, guns, bicycles, locks and small business machines, but not including

automobiles, motorcycles, trucks, trailers and other heavy equipment; a financial establishment, such as a bank, savings-and-loan association, credit union or other financial establishment; a personal service business, such as a barber, beautician, laundry and dry cleaning, shoe repair, tailor, photographer, travel agency, photocopy center, and physical and/or massage therapy, but does not include medical or professional offices, medical clinics and health service agencies.

#### RIGHT-OF-WAY or ROW

The surface of and space above and below any real property in the Borough in which the Borough, county or commonwealth has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Borough, county or commonwealth, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes, but excluding lands other than streets that are owned by the Borough, county or commonwealth. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the right(s)-of-way. The phrase "existing right-of-way" is the legal right-of-way as established by the commonwealth or other appropriate governing authority and which is currently in existence. The phrase "future right-of-way" is the right-of-way deemed necessary to provide adequate width for future street improvements.

#### ROOFLINE

The highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridgeline or the highest line common to one or more principal slopes of the roof. On a flat roof, the roofline is the highest continuous line on the roof.

#### SCHOOL

A religious (either sectarian or nonsectarian), denominational educational institution, or a public educational institution which is not conducted as a private gainful business. The definition of "school" includes nursery schools operated as a private gainful business.

#### SCHUYLKILL RIVER TRAIL

The designated pedestrian accessway along the Schuylkill River, as shown in the Borough Comprehensive Plan.

#### SCREENING

Landscape materials, such as hedges, trees, shrubs, fences, or walls, used to buffer or insulate a use, building, or structure from adjoining areas.

#### SELF-STORAGE

Also known as "self-service storage" and "mini warehouse," self-storage facilities are buildings or structures designed and used for renting or leasing individual storage spaces, other than storage spaces which are leased or rented as an incident to the lease or rental of residential property or dwelling units, to which the occupants thereof have access for storing or removing their personal property.

#### SETBACK

A dimension or distance established to govern the placement and location of buildings and structures.

#### SEWER

##### A. PUBLIC SEWER

Any municipal or privately owned sewer system in which sewage is collected and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as "off-lot" or "off-site" sewer.

##### B. PRIVATE SEWER

An "on-lot" disposal system generally providing for the disposal of effluent for only one building or a group of buildings on a single lot.

##### C. COMMUNITY SEWAGE SYSTEM

A system for the treatment of effluent from two or more homes that is applied to the land either on the surface or below ground.

#### SIDEWALK

A pedestrian thoroughfare within the right-of-way of a street, built and maintained in accordance with the design standards of the Subdivision and Land Development Ordinance.

#### SIGN

Any copy so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, which is used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, or merchandise and which is displayed in any manner whatsoever which can be seen from the right-of-way of a public street or highway, including permanent window signs placed inside windows to attract the attention of those outside

in the public right-of-way. The various features and types of signs addressed in this chapter include the following:

A. AREA OF SIGN / SIGN AREA

Includes all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed; but not including any supporting framework and bracing which are incidental to the display itself.

B. AWNING SIGN

A sign displayed on or attached flat against the surface of an awning.

C. BILLBOARD

A freestanding structure erected solely for the purpose of advertising which is not associated with a building or use on the same lot; also known as an "outdoor advertising sign."

D. CANOPY SIGN

A sign affixed to the visible vertical surface of an attached or freestanding canopy.

E. COPY

Any letter, number, symbol, figure, character, mark, plan, design, picture, stroke, stripe, or trademark, or any combination thereof.

F. COPY AREA OF SIGN

The actual area taken up by the letters, numbers, words and symbols on a sign, computed by drawing parallel lines as close as possible around the letters, numbers, words and symbols.

G. DEVELOPMENT SIGN (PERMANENT)

A type of freestanding sign, including accessory entrance structure, designed to identify a development.

H. DIRECTORY SIGN

A type of freestanding or wall sign designed to identify the name and location of multiple occupants on the same lot, commercial or industrial in character, with or without an accompanying map, in order to aid in the internal pedestrian circulation within the lot. A freestanding sign shall adhere to its standard sign type requirements.

I. ELECTRONIC MESSAGE DISPLAY SIGN

An exterior, computer-programmable sign capable of displaying words, symbols, figures or picture images that can be altered or rearranged automatically or by remote means, utilizing LED (light-emitting diode) technology or other light sources as part of the sign or sign face, electronic or digital sign face, to produce the characters and graphics of this display.

J. FASCIA SIGN

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

K. FREESTANDING SIGN

A sign, other than a billboard, which is supported by its own structure, which structure is used only for the sign and is permanently anchored into the ground below the frost line with a footing (also includes pylon signs, ground signs and low-profile signs).

L. GROUND OR LOW-PROFILE SIGN

A low, horizontal-type sign less than four feet high set on a masonry foundation (e.g., development sign). See freestanding sign requirements.

M. HANGING SHINGLE SIGN

A sign hanging from a bracket or similar support above the sign, perpendicular to the face of the building wall.

N. HISTORICAL SIGNA sign installed more than 50 years ago and/or designated as an historic resource by a borough, county, state or federal agency.

O. ILLUMINATED SIGN

Any sign using artificial light to enhance the visibility of the sign.

P. MEMORIAL SIGNA sign identifying a benefactor, a location of historical interest, or a statue or monument.

Q. NAMEPLATE SIGN

A sign indicating the profession, activity, or name of the occupant of a dwelling.

R. PARALLEL SIGN

A sign painted on or mounted parallel to the face of a structure or wall and projecting not more than 12 inches from the plane or facade of the structure's wall or above the roofline or eaves of the structure.

S. PERMANENT SIGN

Any sign not classified as a temporary sign.

T. PORTABLE SIGN

A sign, with or without a display or legend, which is self-supporting without being firmly embedded in the ground, or is fixed on a movable stand or mounted on wheels or movable vehicles, or made easily movable in some other manner.

U. PROJECTING SIGN

A sign which is affixed to any building, wall or structure and extends more than 12 inches, but less than 48 inches, horizontally from the facade or plane of the structure.

V. PYLON SIGN

A single vertical structure, square or rectangular pole permanently anchored to the ground. See freestanding sign requirements.

W. SANDWICH BOARD SIGN

A type of portable sign with two identical faces of the same size, which is temporary, nonilluminated, and nonanimated, and the two sign faces are either: (i) connected at the top, forming an angle not in excess of 45°; or (ii) "back-to-back" on a single flat structure not wider than four inches that projects perpendicular from a base on the ground

X. TEMPORARY SIGN

Any sign that is not intended to be permanently installed. Construction site signs, real estate sale signs and garage/yard sale signs are examples of temporary signs.

Y. VEHICULAR SIGN

A portable sign which is affixed to and/or painted on a vehicle in such a manner that the carrying of such a sign or signs is no longer incidental to the vehicle's primary purpose.

Z. WALL SIGN

A sign mounted parallel to the face of a structure or wall and projecting not more than 12 inches from the plane or facade of the structure wall or above the roofline or eaves of the structure.

AA. WINDOW SIGN

A sign mounted on or within two feet of the inside of a window or on a window and which can be seen from outside the window.

SKILL GAME USE

A use involving an electronic, computerized, or mechanical machine, or other similar device that requires payment and/or the insertion of a coin, ticket, token, or similar object, or a fee paid to access such device, to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player, rather than chance determining the outcome, and that, in some or all circumstances, delivers or entitles the person playing or operating the device to receive cash or cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash, or cash equivalents, whether the payoff is made automatically from the device or other service, or manually. A skill game use shall not be considered an amusement device or game.

#### SMALL WIRELESS FACILITIES (SWFs)

Facilities that meet each of the following conditions:

- A. The structure on which antenna facilities are mounted.
  - (1) An existing utility pole, provided the installation does not extend more than five feet above the pole.
  - (2) A new or replacement pole, provided the pole and antenna combined are not taller than 50 feet.
  - (3) Wireless provider may seek a "height limit waiver," but only in accordance with "applicable codes."
- B. Each antenna associated with the deployment (excluding the associated equipment) may be no more than three cubic feet in volume; and
- C. All other equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.

#### SOLAR ENERGY

Radiant energy (direct, diffuse, and reflected) received from the sun.

#### SOLAR ENERGY SYSTEM

Any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for electricity.

#### SOUND

An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces, that causes compression and rarefaction of that medium. The

description of "sound" may include any characteristic of such "sound," including duration, intensity and frequency.

#### SPORTS COMPLEX/RECREATIONAL FACILITY

A sports complex, including indoor and/or outdoor sports facilities, which may be publicly or privately owned and operated, including but not limited to facilities such as a stadium, indoor arenas, aquatic facilities, track-and-field venues, and outdoor fields for a variety of sports, athletics and recreational facilities.

#### STEALTH TECHNOLOGY

Camouflaging methods applied to wireless communications towers, antennas and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, and facilities constructed to resemble trees, shrubs, flag poles and light poles.

#### STEEP SLOPES

Areas where the average slope exceeds 15% and has a grade crossing three consecutive two-foot contours or six feet in elevation, or as otherwise defined in the Subdivision and Land Development Ordinance.

#### STORY

That portion of a building included between the surface of any floor and the surface of the floor just above it, or, if there is no floor above it, including those basements which are used for the principal use. A "half story" is a space under a sloping roof which has the line of intersection of the roof and wall face, but is not more than three feet above the floor level, and the space in which the possible floor area has a headroom of five feet or less and occupies at least 40% of the total floor area of the story directly beneath.

#### STORY, GROUND

That story with its floor level immediately above the average finished grade level of the adjoining ground at any particular point or side of the building.

#### STREET

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

#### STREET CONNECTIVITY

The attribute of linkage between lots to enable continuous vehicular access along a common thoroughfare.

#### STREET LINE

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

#### STREET NETWORK

The system of interconnected vehicular accessways that provides street connectivity.

#### STREETSCAPE

The area between buildings along a street, within which sidewalks, street trees, streetlights, on-street parking and vehicular travel lanes are located, and the space that provides the outdoor room character that is emblematic in the traditional neighborhoods of the Borough.

#### STREETSCAPE WIDTH

The width of the space across the streetscape, measured from street walls on opposite sides of the street.

#### STREET TREE

A deciduous tree within the right-of-way of a street.

#### STREET WALL

The wall of a building close to the sidewalk along which traditional buildings are aligned, or in the case of an existing building with a deeper setback, the wall, pier, hedge, fence or condition located in place of a building wall.

#### STRUCTURE

Anything constructed or erected on the ground or attached to the ground, including any assembly of materials having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including but not limited to any building, sign, fence, wall over four feet in height, aerial, antenna, platform, pier, pipeline, paved athletic courts, shell, mobile home, shelter, swimming pool, tent, tower, trestle, tank, tennis court or utility pole.

## SUBDIVISION

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that land used for agricultural purposes divided into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

## SUBSTANTIALLY CHANGE

- A. Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or
- B. Any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

## SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES

Aboveground transmission pipeline facilities, including but not limited to compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

## TAVERN/BAR

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

## TEMPORARY OUTSIDE DISPLAY

An outside display being necessary but incidental to the normal operations of the primary use and temporary in duration (such as seasonal displays).

## TEMPORARY STRUCTURE

A structure placed in a certain location for a limited duration with the intent to remove such structure upon the expiration of a prescribed time period as established by the Uniform Construction Code advisory guidelines.

## TEMPORARY USE

A use established for a limited duration with the intent to discontinue such use upon the expiration of a prescribed time period.

#### TERRACE

A plateau-like landscape space that is either earthen with grass and/or ground covers or is paved with materials such as brick, flagstone or concrete.

#### THEATER AND ENTERTAINMENT CENTER

A building in which films are shown, theater performed, and/or stage shows and concerts are performed, regardless of the type of film or program presented (with the exception of adult entertainment). This use does not include open-air, outdoor or drive-in theaters.

#### TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF)

Any structure that is used for the purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs.

#### TRACT or PROPERTY

The contiguous Lot or Lot(s) owned by the same person or entity.

#### TRACT AREA

The gross area of a property before subdivision or land development.

#### TRAIL

A pedestrian thoroughfare, typically in a natural setting, that is built and maintained in accordance with the design standards of the Subdivision and Land Development Ordinance.

#### TRANSIT STATION

Any Building, structure or facility that is primarily used, as part of a public transportation system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. A bus stop shall not constitute a transit station; however, a bus stop may be located at a transit station.

#### TRANSMISSION PIPELINES

Transmission pipelines include but are not limited to 1) pipelines designed for the transmission of a gas or petroleum gas, except a service line, as those terms are defined by 49 CFR 192.3, as amended and incorporated herein by reference; and 2) pipelines designed for the transmission of a hazardous liquid, as defined by 49 CFR 195.2, as amended and incorporated herein by reference.

#### TREE LAWN

The space adjoining the curb, and between the curb and sidewalk, in which plantings are located.

#### TREES, MATURE

Trees which measure at least 10 inches dbh (diameter at breast height) at 4 1/2 feet above ground.

#### TREE WELL

A man-made structure built around the base of a tree, intended to enable the roots of the tree to thrive.

#### WALL

A man-made structure, typically made of stone, brick, or other masonry material, typically located to enclose, separate, or screen outdoor areas.

#### WIND ENERGY FACILITY

An electric-generation facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. The term does not include stand-alone wind turbines constructed primarily for residential or farm use.

#### WIND TURBINE

A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad turbine, if any.

#### WIRELESS

Transmissions through the airwaves, including, but not limited to, infrared line-of-sight, cellular, PCS, microwave, satellite, or radio signals.

#### WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT)

Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way or other Borough-owned land or property.

#### WIRELESS COMMUNICATIONS FACILITY (WCF)

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

#### WIRELESS SUPPORT STRUCTURE

A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Borough.

#### WOODLANDS

Areas comprised of one or more acres of mature or largely mature trees and in which the largest trees measure at least six inches dbh (diameter at breast height) or 4 1/2 feet above ground. The woodland shall be measured from the dripline of the outer trees. Woodlands are also 10 or more individual trees which measure at least 10 inches dbh and form a contiguous canopy.

#### YARD

An open space, unobstructed from the ground up, except for permitted projections, plantings, and accessory buildings on the same lot with a structure, and which extends along a lot line, street line, and/or curblin and inward to the structure. The size of the yard shall be measured from the shortest distance between the primary structure and the lot line or street line.

#### YARD, FRONT

A yard between a structure and a street line and/or curblin extending the entire length of the street line and/or curblin. In the case of a corner lot, yards extending along all streets are yard fronts. In case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are also considered front yards.

#### YARD, REAR

A yard between a structure and the rear lot line which extends the entire length of the rear lot line.

#### YARD, SIDE

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

### **Part 3. ZONING DISTRICTS**

#### **§27-301. Regulations and Standards Applicable to All Zoning Districts.**

1. Dimensional Standards. The following dimensional standards shall be used for all Tract Areas and Lots less than one acre. The dimensional standards listed for the specific zoning districts in §§ 27-302 to 27-308 shall be used for those not listed below. Tract Areas or Lot Areas greater than one acre in size shall use the dimensional standards listed for the specific zoning districts in §§ 27-302 to 27-308.

- A. The applicant shall use the measurement of existing principal Buildings within the subject Property's Block to determine the infill standards below, which shall be measured as follows:
- (1) Build-To Line. The front Build-To Line shall be within the range of front Build-To Lines on the same Block Face. If there are no Buildings on the Block Face, the Build-To Line shall be within the range of either of the two adjacent Blocks Built-To Lines
  - (2) Lot Area. The minimum Lot Area shall equal the median Lot Area of Lots on a Block Face or the Lot Area of either of any adjacent Lots on the Block Face. The minimum average Lot Area for multi-lot projects shall equal the median Lot Area of Lots on a Block Face or the Lot Area of either of the two adjacent Lots, provided that the minimum Lot Area for each individual Lot in a multi-lot project shall not deviate from the required minimum by more than ten percent (10%).
  - (3) Side Yard. The minimum Side Yards shall equal any Side Yard of either of any adjacent Lots on the Block Face.
  - (4) Lot Depth. The minimum Lot Depth, or average Lot Depth for multi-lot projects, shall equal the median Lot Depth of Lots on a Block Face. For Lots that extend from a Street to a Street, excluding Streets functioning as Alleys, on Blocks that have existing Lots subdivided between these Streets, the Lot Depth shall equal half the distance between the Streets, provided that the minimum Lot Depth for each individual Lot shall not deviate from the required minimum by more than ten percent (10%).
- B. Building Height. To compensate for grade change, no vertical dimension of a Building wall may measure more than 10% of the maximum Building Height.
- C. Building Step Back. A minimum Building Step Back is required at 45 feet of height for all High-Rise Buildings.
- D. Residential Infill Zoning District Exception. No new Building Type or Residential Use may be introduced in a Block unless the Tract existing at the effective date of this ordinance is at least eight (8) acres. For example, for Tracts measuring less than eight acres, the Twin or Multifamily Dwellings cannot be constructed unless there is at least one existing Twin or Multifamily Dwelling within the Block.

E. Corridor Development District Exception.

(1) Building Height. A Building in the CD Corridor Development District shall have a Building Height not greater than 35 feet, provided that the Building Height may be increased by two (2) feet for each additional five (5) feet of yard setback on all yards beyond an initial: ten (10) feet of side yard setback, ten (10) of front yard setback, and ten (10) feet of rear yard setback, up to the maximum height permitted by Attachment 1 – District Specifications

2. Land Uses.

A. Conditional Uses.

(1) The uses listed below are permitted by conditional use in the zoning districts as indicated below. Such uses shall comply with the applicable regulations within the underlying zoning district as well as the conditional use standards set forth in this Zoning Ordinance.

<b>Zoning District</b>							
<b>Conditional Uses</b>	<b>RI</b>	<b>TC</b>	<b>MI</b>	<b>NC</b>	<b>CD</b>	<b>MG</b>	<b>I</b>
Adaptive Reuse	X	X	X	X	X	X	X
Adult Commercial					X		
Adult Entertainment					X		

(2) Additional Conditional Use Standards Applicable to Specific Uses.

(a) Adaptive Reuse.

1) Application. Adaptive reuse shall apply to Buildings with the following characteristics:

- a) Buildings having significant character, interest, or importance as part of the development, heritage, or cultural characteristics of the Borough, county, region, state, or nation, or is associated with the life of a person significant in the Borough's past.
- b) There exists architecture, archaeology, engineering, or culture in the resource, whether in Buildings, objects, Structures or sites, which possesses design, setting, materials, workmanship, feeling, or association of historical significance.

- c) The resource has yielded, or may be likely to yield, information important in pre-history or history.
  - d) Any resource which is included on the National Register of Historic Places.
- 2) Excluded Buildings and Properties. Adaptive reuse shall not be available for Buildings and/or Lots which have been subject to renovations which have irrevocably altered the original character of the original Buildings.
- 3) Parking. Off-street parking shall be provided for all adaptive reuses according to the regulations and guidelines of § 27-405, Parking.
- 4) Borough Council may incentivize adaptive reuse by providing any one or more of the following incentives:
  - a) Up to 25% reduction in off-street parking supply.
  - b) Up to 25% reduction in minimum lot area per residential dwelling unit for multifamily residential use building types for up to 20 units.
  - c) Allowing a residential building type not otherwise permitted by the chapter.
  - d) Allowing a 5% increase in impervious coverage beyond the maximum impervious coverage permitted by the underlying zoning district.
- 5) Design Standards. All proposed adaptive reuses shall incorporate the following design standards into the adaptive reuse to the maximum extent possible.
  - a) Integrity of Setting. The adaptive reuse of a Property shall be found to maintain or improve the integrity of the setting and character of the Building and with the surrounding properties and structures, including, but not limited to, the Building Facade(s), and further preserve significant site features and immediate yard areas which contribute to the setting and character of the property with the resource.
  - b) Landscaping. A landscape plan consistent with § 27-406 of the Zoning Ordinance and § 22-428 of the Subdivision and Land Development Ordinance (the "landscape ordinances") shall be provided as a part of the conditional use application for the Property on which the adaptive

reuse is proposed. Through screening, buffering and selection of plant material, the plan shall protect the integrity of setting and buffer existing adjacent uses from the new adaptive reuse as deemed appropriate by the Borough. Borough Council may approve or require adjustments to the requirements of the landscape ordinances as a condition of any conditional use approval.

- c) Lighting. A lighting plan shall be provided as a part of the conditional use application for the adaptive reuse, which plan shall be prepared in accordance with the standards contained in § 27-601. Borough Council may approve or require adjustments to the requirements of § 27-601 as a condition of any conditional use approval, as recommended by the Borough Land Planner and/or Borough Engineer.
- d) Solid waste storage and removal areas shall be screened/buffered as required by § 27-406 of the Zoning Ordinance and § 22-428 of the Subdivision and Land Development Ordinance (the "landscape ordinances"), whether storage is interior or exterior, and shall not interfere with the access to or from the building or site. Borough Council may approve or require adjustments to the requirements of the landscape ordinances as a condition of any conditional use approval.
- e) Addition to Building Area.
  - i. If an adaptive reuse project includes any Building addition or any other new Buildings proposed to be constructed on the site, any new construction shall not have a Building Height more than the existing Building and shall not impact the Façade of the existing Building facing any of the Lot's Front Yard(s).
  - ii. Any increase to existing Building Area shall not exceed 25% except outdoor patios, pergolas and covered terraces.
- f) Additional standards for Adaptive Reuse. Any proposed rehabilitation, alteration or enlargement of a Building fifty (50) years in age or greater shall be in general compliance with the Secretary of the US Department

of the Interior's Standards for Rehabilitation, paying particular attention to the following:

- i. The adaptive reuse shall be a compatible use for a property which requires minimal exterior alteration of the Building, Structure or site and its environment.
- ii. The distinguishing original qualities or character of a Building, Structure or site and its environment shall not be destroyed. The removal or alteration of any distinctive architectural features shall be avoided when possible. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event that an applicant to a conditional use hearing proves that replacement of certain distinguishing features is necessary, the proposed new material shall match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other Buildings or Structures.
- iii. Distinctive stylistic features or examples of skilled craftsmanship which characterize a Building, Structure or site shall be treated with sensitivity and preserved.
- iv. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is demonstrated to be compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- v. New additions or alterations to structures shall be designed and constructed in such a manner that if such additions or alterations

were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.

**B. Special Exceptions.**

(1) The uses listed below are permitted by special exception in the zoning districts as indicated below. Such uses shall comply with the applicable regulations within the underlying zoning district as well as the special exception standards as set forth in this Zoning Ordinance.

<b>Zoning District</b>							
<b>Special Exception Uses</b>	<b>RI</b>	<b>TC</b>	<b>MI</b>	<b>NC</b>	<b>CD</b>	<b>MG</b>	<b>I</b>
Accessory Dwelling Unit (ADU)	X		X	X	X	X	
Agricultural uses	X					X	X
Automobile sales and services					X		
Bed-and-Breakfast/guesthouses	X	X	X	X	X	X	
Billboard		X				X	
Cemetery	X	X	X	X	X	X	X
Community center	X		X			X	
Day-care center		X	X	X	X	X	
Day-care, home	X		X	X		X	
Electronic message display sign					X	X	
Emergency management services use		X	X	X	X	X	X
Entertainment hall		X	X				X
Funeral home/mortuary	X			X		X	X
Home business	X	X	X	X	X	X	X
Home/improvement center					X		X
Industrial uses							X
Institutional uses	X			X	X	X	
Life-care housing facility	X	X	X	X	X	X	X
Marquee		X					
Mobile home					X		X
Mobile home park					X		X
Parking lot		X	X		X	X	X
Private club	X	X	X	X	X	X	X
Public transportation uses	X	X	X	X	X	X	X
Public Utility use	X	X	X	X	X	X	X
Restaurant				X			
Restaurant, drive-through					X		
Skill Games Use					X		
Sports complex/ recreational facility						X	X
Wireless telecommunications facilities	X	X	X	X	X	X	X

(2) Additional Special Exception Standards Applicable to Specific Uses.

(a) Bed-and-Breakfast/Guesthouse.

- 1) Such use shall be accessory to and permitted only for a Single-Family Detached Residential Dwelling.
- 2) At least one bathroom shall be provided for the first guest room, plus one bathroom for each two additional guest rooms. The living quarters for the residents shall have their own bathroom or bathrooms. Bathrooms shall be equipped with a toilet, washbasin and bath and/or shower.
- 3) The minimum size of the guest suite shall be no less than 120 square feet for the first two occupants, and 50 square feet shall be provided for each additional occupant. No more than five individuals shall occupy a guest suite.
- 4) Guests shall not remain in the same Bed-and-Breakfast inn for more than 14 consecutive days.
- 5) No external alterations, additions or changes to the exterior of the Building shall be permitted.
- 6) The use shall be conducted by members of the family of the occupant. Nonresident employees shall be limited to two in addition to the resident family members.
- 7) There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and afternoon tea only. All food service shall comply with federal, state and county regulations for the preparation, handling and serving of food.
- 8) The applicant shall have a valid County Health Department permit for the use issued within the last five years. The total number of bedrooms (resident and guest) in the bed-and-breakfast facility shall not exceed the number of bedrooms which a sewage system is or was designed to accommodate.
- 9) A permit issued for a bed-and-breakfast facility, after the Zoning Hearing Board approves the special exception, shall have a life of one year. The permit may be renewed annually without the necessity of a new special exception application, provided that the Zoning Officer has inspected the

facility and found it to be in compliance with the provisions of this chapter and any conditions imposed by the Zoning Hearing Board in the grant of the special exception.

10) A Bed-and-Breakfast facility shall be considered a Temporary Use, as well as an Accessory Use granted to the owner. The temporary zoning permit shall expire when the Lot is transferred, sold or leased or when the Lot is no longer the primary residence of the owner or if the Zoning Officer does not renew the permit.

11) Any amenities, such as a tennis court or swimming pool, shall be solely for the use of the resident owner and the guests.

12) The resident owner(s) shall maintain a guest register, which shall list the names and addresses of all guests.

13) No Bed-and-Breakfast facility shall be within three-hundred (300) feet of another Lot used for a Bed-and-Breakfast facility.

(b) Home Business.

1) No more than one customer/client at a time shall be permitted to visit the Home Business, and no more than two outside employees may be working at the Dwelling at the same time.

2) Maximum Floor Area devoted to the Home Business shall not be more than six-hundred (600) square feet or 25% of the Dwelling total Floor Area, whichever is less.

3) In no way shall the appearance of the residential Dwelling be altered or the occupation within the Dwelling be conducted in a manner which would cause the Building to differ from its residential character by the use of colors, materials, construction, lighting, show windows or advertising visible outside the Building to attract customers or clients, other than those signs permitted by this Chapter.

4) One sign is permitted per home business, provided that it is no larger than two square feet per side and bear only the name, business and office hours of the practitioner. In addition, it shall not be illuminated or placed in a window.

- 5) There shall be no exterior storage of materials or refuse resulting from the operation of the Home Business.

(c) Public Utility Use

- 1) Business offices, storage yards or storage buildings associated with a Public Utility Use shall not be included in the RI Residential Infill District.
- 2) A fence, wall or landscaping shall be provided to visually screen the ground-level Structures associated with this use.
- 3) All appropriate measures shall be taken to limit noise and lighting impacting surrounding properties.

(d) Accessory Dwelling Unit (ADU).

- 1) One ADU may be permitted as an Accessory Use to a single-family dwelling, including a single-family detached dwelling, a twin dwelling or a townhouse dwelling.
- 2) One of the Dwellings shall be occupied, in perpetuity, by the owner of the Lot on which both Dwellings are located.
- 3) ADUs, whether proposed as internal, attached or in an Accessory Building, shall meet all Building setback and coverage requirements of the underlying zoning district and per ADU type.
- 4) A Detached ADU may not be located within the required Front Yard.
- 5) ADUs shall have at least one entrance separate from the entrance to the principal Dwelling which shall not be included in the front façade of the principal Dwelling.
- 6) Floor area:
  - a) Internal ADU – Not to exceed 25% of existing principal Dwelling's habitable Floor Area prior to construction.
  - b) Attached ADU – Not to exceed 25% increase of the existing principal Dwelling's habitable Floor Area prior to construction.
  - c) Detached ADU – Per Accessory Building size limits in §27-404.2.B.
- 7) An ADU shall contain no more than one bedroom.
- 8) An ADU shall be registered annually with the Borough, which shall keep a record of its use to ensure compliance with this Chapter. Registration of an

ADU shall expire upon conveyance of the Lot, at which time the new property owner may reregister said use if warranted.

- 9) To ensure compliance with this Chapter, a concept plan shall be submitted as part of a building permit application, accurately drawn to scale, indicating the relationship and size of the two Dwellings, as well as parking areas, any proposed exterior alterations and emergency access to the ADU.
  - 10) Parking for such use shall be pursuant to off-street parking requirements of this Chapter. The construction and/or use of an ADU shall not, in any way, eliminate the existing off-street parking supply located on the Lot on which the ADU is proposed.
  - 11) All ADUs shall be served by public electric, water and sewer services, connected to the principal Dwelling's existing systems for each.
- (e) Billboards. Billboards shall be subject to the following provisions when permitted by conditional use:
- 1) Billboards are permitted upon Lots of at least 0.5 acre fronting along Nutt Road northwest of the Norfolk Southern "Devault Line" Railroad, fronting along Bridge Street east of the Norfolk Southern Railroad (former Reading Railroad) tracks, and fronting along the eastern side of North Main Street between the south side of the Norfolk Southern "Devault Line" and the French Creek.
  - 2) Billboards shall be no more than 25 feet in height above the ground, including any supporting structure elevating the signage.
  - 3) Signage shall not exceed a maximum Sign Area of 125 square feet, including border and trim, and may be permitted to have 125 square feet of Sign Area on each side if the signage is two sides back to back.
  - 4) No more than one Billboard may be placed on a Lot.
  - 5) No Billboard shall be erected within 200 feet of any other freestanding Sign having a height in excess of 10 feet, or within 200 feet of another Billboard.
  - 6) Billboards shall be set back not less than 10 feet from the Lot's Boundary with the public right-of-way or street, whichever is closer to the center point of the Lot, and not less than 15 feet from any neighboring Lot Boundary.

- 7) If the Billboard is to have exterior lighting, a lighting plan must be submitted, reviewed and approved by the Borough Zoning Officer, and the lighting plan shall include glare-reduction devices, shielding, luminaire reflectors, or other suitable measures, minimizing the intensity of lighting so that no more than 0.5 footcandle of light from signs shall fall upon any residential Lot between the hours of 9:00 p.m. and 6:00 a.m., prevailing time.
- (f) Electronic Message Display Signs. Electronic Message Display Signs shall be permitted by right in all districts for any municipal uses. For other uses, Electronic Message Display Signs are permitted by special exception in the districts designated above and subject to the following provisions:
- 1) The duration of each message shall be a minimum of five seconds.
  - 2) The transition time between messages shall be less than one second.
  - 3) The Sign must be equipped with brightness controls so that the brightness of the Sign has the ability to respond to changes in the outside light levels.
  - 4) Except for traffic control Signs, Electronic Message Display Signs are prohibited within 100 feet of a traffic control device and shall otherwise conform to all other applicable regulations with regard to Freestanding or Wall Signs.
  - 5) The Sign shall be no more than eight feet in height, and Sign Area shall be no more than 10 square feet.
  - 6) No more than one Electronic Message Display Sign shall be placed on an individual Lot, and no such sign may be erected within 100 feet of any other Electronic Message Display Sign on a different Lot.
  - 7) Electronic Message Display Signs shall be set back not more than 35 feet nor less than 10 feet from the Lot's Boundary with the public right-of-way or street, whichever is closer to the center point of the lot, and not less than 15 feet from any neighboring Lot Boundary.
- (g) Mobile Home Park.
- 1) Minimum Lot Area: 10 acres.
  - 2) Maximum Density: eight units per acre.

- 3) Minimum Building Spacing: 20 feet.
  - 4) Each Mobile Home shall be occupied by not more than a single-family/household.
- (h) Private Club.
- 1) Minimum Lot Area: 20,000 square feet.
  - 2) This use shall not be conducted as a private gainful business.
  - 3) This use shall be for members and their authorized guests only.
  - 4) Parking: one off-street Parking Space for each five members of total capacity, or at least one off-street Parking Space for each 50 square feet of total Floor Area used or intended to be used for service to customers, patrons, clients, guests, or members (whichever requires the greater number of off-street parking spaces), plus one additional space for each employee. Parking areas shall be adequately screened when situated within 50 feet of land zoned for or in residential use.
- (i) Restaurant, Drive-Through. Drive-Through Restaurant shall be subject to the following provisions when permitted by special exception:
- 1) There shall be no use of amplified sound between the hours of 11:00 p.m. and 6:00 a.m. Vehicles shall drive to the service window for service during these hours.
- (j) Skill Game Use as a Principal, Co-Principal or Accessory Use.
- 1) When sought as a special exception, Skill Games Uses are subject to the following additional regulations:
    - a) No person who shall conduct or operate a Skill Game Use or shall allow such Skill Game Use to remain open at any time on Sunday; or on any other day or days between the hours of 11:00 p.m. and 7:00 a.m. of the following day (Daylight Saving Time when in effect).
    - b) No person shall knowingly allow or permit any person under the age of 18 years to engage in a Skill Game Use or to be present in an establishment providing a Skill Games Use.
  - 2) Exemption. A Skill Games Use providing for the use thereof by two or less persons at any given time, operated as an accessory use to a permitted

principal use, shall be exempt from the requirement to obtain special exception approval reflected by this section.

(k) Wireless Communications Facilities.

1) Additional regulations governing Wireless Communications Facilities are set forth in Part 6, Supplemental Regulations.

C. Uses Permitted by Right.

(1) The uses listed below are permitted by right in the below-designated zoning districts. Such uses must specifically fall under the definition for them in the definition section of this Zoning Ordinance and may also be subject to additional permitting requirements as established by the Borough's Codes Department.

<b>Zoning District</b>							
<b>By-Right Uses</b>	<b>RI</b>	<b>TC</b>	<b>MI</b>	<b>NC</b>	<b>CD</b>	<b>MG</b>	<b>I</b>
Accessory Building	X	X	X	X	X	X	X
Accessory Building, Residential	X	X	X	X	X	X	X
Auto Supply Store		X			X		X
Community Gardens	X	X	X	X	X	X	X
Forestry	X	X	X	X	X	X	X
Group Home	X	X	X	X	X	X	
Health and Fitness Club		X	X	X	X	X	X
Home Occupation, No Impact	X	X	X	X	X	X	
Hotel/Motel		X			X	X	
Industrial Uses							X
Institutional		X	X	X		X	X
Mineral Extraction							X
Municipal Uses	X	X	X	X	X	X	X
Office Use		X	X	X	X	X	X
Outdoor Market		X	X	X	X	X	X
Parking Garage, Multilevel		X	X	X	X	X	X
Residential Uses	X	X	X	X	X	X	
Restaurant		X			X	X	
Retail Goods and Services		X	X	X	X	X	
Self-Storage							X
Tavern/Bar		X			X	X	
Temporary Outside Display	X	X	X	X	X	X	X
Temporary Structure	X	X	X	X	X	X	X
Theatre and Entertainment Center		X			X	X	

(2) Additional By-Right Standards Applicable to Specific Uses.

(a) Self-Storage.

- 1) No exterior storage shall be permitted on the Tract.
  - 2) No storage of petroleum products, explosives, firearms, volatile or flammable chemicals or any other property or material which would materially increase the hazard or likelihood of fire, explosion or other casualty shall be permitted on the Tract.
  - 3) No storage of foodstuffs, produce or other perishables shall be permitted on the Tract.
  - 4) No storage of pets or animals shall be permitted on the Tract.
  - 5) No unit shall be used for any purpose other than the exclusive use for storage as permitted.
- (b) Forestry. Any such use shall comply with the Pennsylvania Model Forestry Regulations prepared by Penn State's School of Forest Resources, as amended.
- (c) Mineral Extraction.
- 1) Such use shall include, but is not limited to, extractive operations for limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil, and natural gas.
  - 2) The following definitions are applicable to the regulations contained herein:  
DERRICK - Any portable framework, tower mast, and/or structure that is required or used in connection with drilling or reworking a well for the production of oil or gas.  
DRILL (-ED, -ING) - Any digging or boring of a new or existing well to explore, develop, or produce oil, gas, or other hydrocarbons, or to inject gas, water, or any other fluid or substance into the earth.  
DRILLING EQUIPMENT - The Derrick, all parts and appurtenances to such structure, and every piece of apparatus, machinery, or equipment used, erected, or maintained for use in connection with drilling.
  - 3) The activities and residual effects shall not create conditions hazardous or otherwise adverse to the value and use of adjacent Lots or the well-being of the surrounding area and its residents.

- 4) The Tract used for Mineral Extraction shall be reclaimed to a nonhazardous state permitting some reasonable future use and so that the extracting activities and resulting condition of the Tract will not result in environmental degradation of the surrounding area.
- 5) A narrative describing an overview of the project, including the number of acres to be involved, the number of wells to be Drilled (if applicable), the location, and the number and description of equipment and structures, to the extent known, shall be provided.
- 6) The contact information of the individual(s) responsible for the operation and activities at the site shall be provided to the Borough and all emergency service and all emergency service responders. Such information shall include a phone number where such individual(s) can be contacted 24 hours per day, 365 days per year.
- 7) A location map of the site showing the approximate location of Derricks, drilling rigs, Drilling Equipment and Structures (as applicable), and all permanent improvements to the Tract, and any post-construction disturbance in relation to natural and other surroundings shall be provided. Included in this map shall be an area within the development Tract for the location and parking of vehicles and equipment used in the Mineral Extraction.
- 8) A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals, and other materials used in the siting, drilling, construction, maintenance, and operation of the Tract shall be provided.
- 9) A copy of all information submitted to the state agencies shall also be submitted to the Borough at the same time.
- 10) Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statutes or regulations.

**§27-302. RI Residential Infill District.**

1. [The RI Residential Infill District Specifications Chart is included as an attachment to this chapter.]

**§27-303. TC Town Center District.**

1. [The TC Town Center District Specifications Chart is included as an attachment to this chapter.]

**§27-304. MI Mixed Use Infill District.**

1. [The MI Mixed Use Infill District Specifications Chart is included as an attachment to this chapter.]

**§27-305. NC Neighborhood Center District.**

1. [The NC Neighborhood Center District Specifications Chart is included as an attachment to this chapter.]

**§27-306. CD Corridor Development District.**

1. [The CD Corridor Development District Specifications Chart is included as an attachment to this chapter.]

**§27-307. MG Mixed Use Growth District.**

1. [The MG Mixed Use Growth District Specifications Chart is included as an attachment to this chapter.]

**§27-308. I Industrial District.**

1. [The I Industrial District Specifications Chart is included as an attachment to this chapter.]

**Part 4. DESIGN AND DEVELOPMENT REGULATIONS**

**§27-401. Streets, Alleys and Sidewalks.**

	<b>Street Type</b>		
	<b>Residential</b>	<b>Nonresidential</b>	<b>Alley [1]</b>
Sidewalk	5 feet	10 feet	NA
Planting Strip	4 feet, min.	NA	NA
Curb	0.5 foot	0.5 foot	NA
Parking Lane	7 feet	7 feet	NA
Travel Lane	8.5 feet	11 feet	8 feet
Total Cartway	31 feet	36 feet	16 feet
Right-of-Way	50 feet	60 feet	20 feet
Amenities			
Corner Bump-Out	NA	Yes	NA

Street Trees [2]

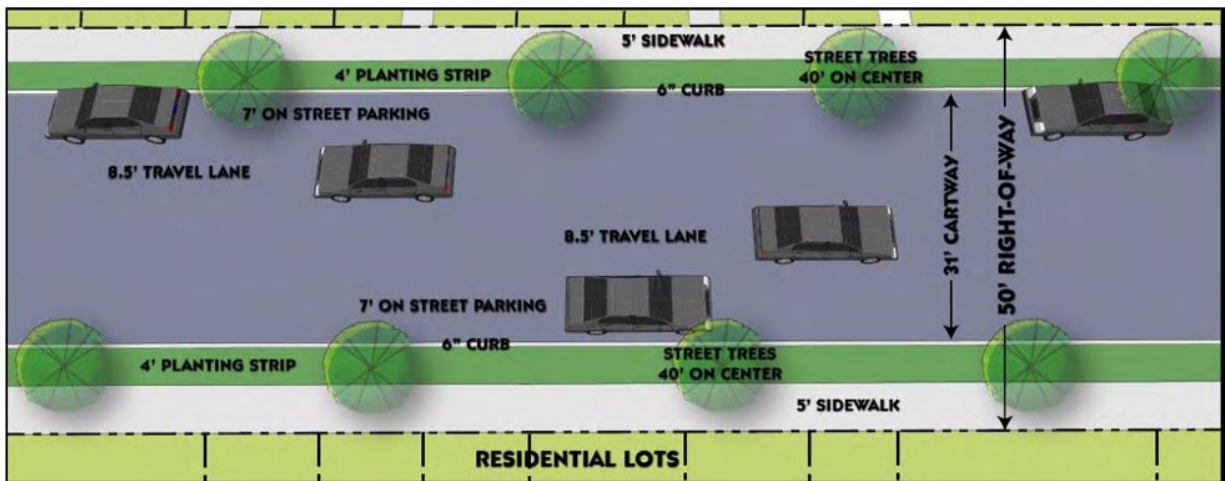
40 feet OC

40 feet OC

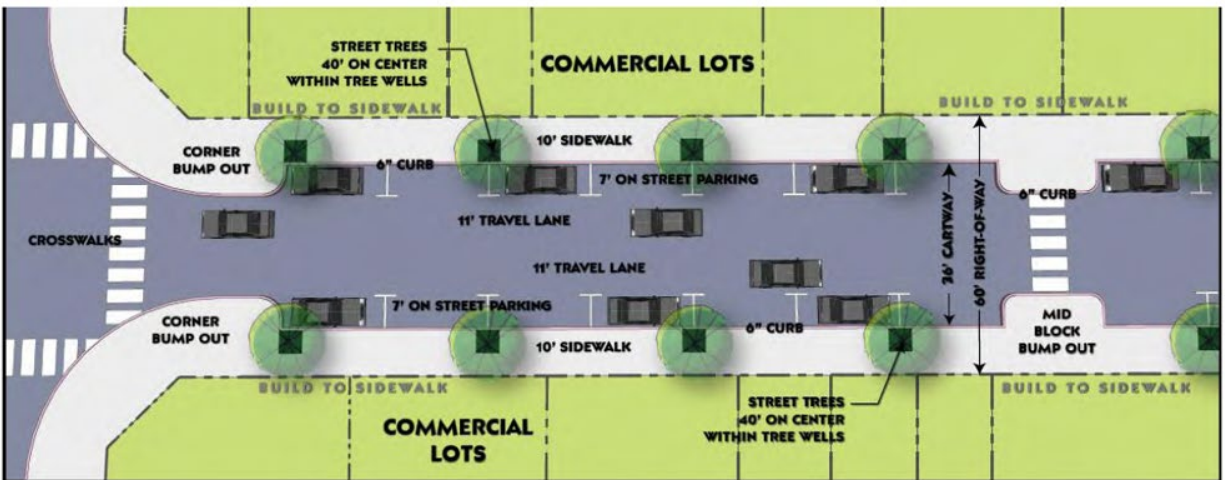
NA

**NOTES:**

1. One-way alley: eight-foot minimum cartway and ten-foot minimum right-of-way
2. Street trees to be planted in planting strip along residential streets, tree wells along commercial streets.
3. The values indicated above are minimum values.



Residential Street



Commercial Street

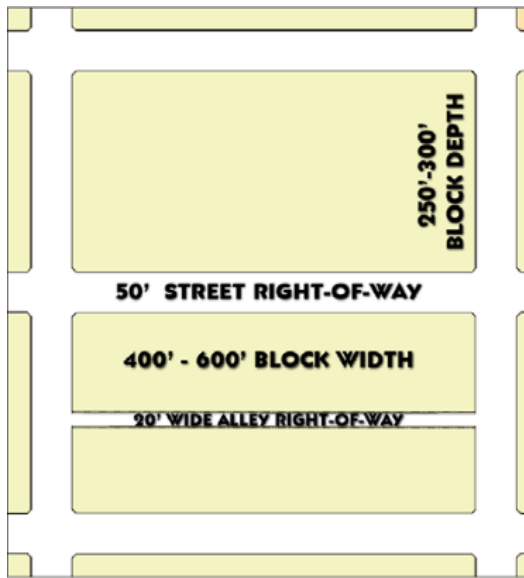
**§27-402. Blocks.**

1. The following are general land development standards for the design of new Streets and Blocks. While the length and depth of Blocks shall fall within these standards, they are not meant to imply that they have to conform to a rigid grid pattern. Street and Block layout

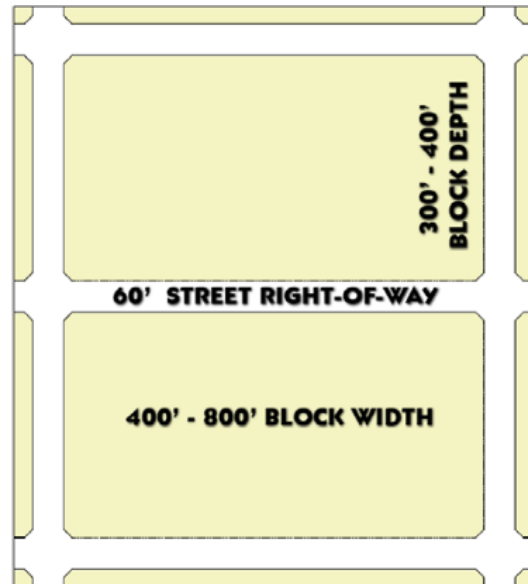
should be modified as necessary to meet site conditions, such as site topographic and hydrologic features.

2. New Blocks shall be connected to the Borough network of Streets, Alleys and Sidewalks to enable a continuous vehicular and pedestrian network.

<b>Blocks</b>	<b>Residential</b>	<b>Commercial</b>
Length	400 to 600 feet	400 to 800 feet
Depth (Street to Street)	250 to 300 feet	300 to 400 feet



**Residential Block**



**Commercial Block**

**§27-403. Building Placement and Access.**

1. Parking shall be provided in accordance with the requirements of § 27-405 of this chapter.
2. Vehicular access to a Property's Parking Facilities shall not be provided through a Front Yard when Alley access is available.
3. When visible from and facing a Street abutting a Front Yard, all garage doors, enclosed carports or similar shall be setback at least 20 feet away from the primary Facade of the principal Building(S).
4. While Buildings are to be placed at the required Build-To Line in their respective zoning districts, municipal/institutional Buildings may be set back farther than the Build-To-Line in order to enhance their architecture and civic function along the Street.

5. Identified by the primary point of ingress/egress of a Building, the primary Facade of Dwellings and nonresidential Buildings shall be oriented parallel to/facing existing Streets when present, and to new Streets when being proposed. When abutting more than one Street, the primary Facade shall be oriented toward the Street of higher classification or, if both Streets are of the same classification, the more trafficked Street.
6. Mechanical equipment, such as air conditioning and heating units, shall not be located in the Front Yard and in all other cases shall be screened from public views of the Property through the use of Fencing, Walls, landscaping or a combination thereof.

**§27-404. Building Size.**

1. Principal Buildings.
  - A. In all districts other than the Industrial District, individual buildings with Street Frontage shall not have any Street Wall greater than one-hundred fifty (150) feet in length without a mid-Building change in the Street Wall plane for a minimum of eight (8) feet deep and twenty (20) feet wide.
  - B. Mid-Building change in any Street Wall plane shall provide adequate architectural detail, buffering and/or screening. In no case shall a single Building or a contiguous Block of attached Buildings be greater than 300 feet in width, regardless of changes in Street Wall planes.
  - C. Mid-Block spacing shall meet the requirements of the District Specifications' Building Spacing requirement.
2. Accessory Buildings. Accessory Buildings shall be designed to be:
  - A. Subordinate, incidental and complementary to the scale and design of the principal Building.
  - B. Smaller in scale and bulk to the principal Building.
    - (1) The Building Footprint shall be no more than  $\frac{2}{3}$  that of the principal Building.
    - (2) The Building Height shall be no more than two stories or  $\frac{2}{3}$  the principal Building Height, whichever is less. If the principal Building is one story, an accessory Building shall not exceed the height of the principal Building.
    - (3) The number of accessory Buildings shall be no more than two.

**§27-405. Parking.**

1. General. Off-street, on-site Parking shall be provided to meet the demand for all proposed uses on a Property. Off-site Parking may be considered when located on a separate Parcel in accordance with the following conditions:
  - A. The separate Parcel containing the required Parking shall be within 500 feet, measured perpendicularly between all Property Boundaries containing the project and the off-site supply.
  - B. The separate Parcel containing the required Parking is under the same ownership as the subject Property, or a Parking agreement shall be drafted, executed and recorded so that if sold, it will pass to any subsequent owners of the Parcel containing the required Parking. The agreement shall be subject to the review and approval by the Borough Solicitor and Council.
2. Parking Demand and Impact Study. An impact study is intended to enable the Borough to assess the feasibility and adequacy of supply as well as potential off-site impacts of a proposal.
  - A. Applicability. Except where specifically stated to the contrary in this article, off-street Parking Facilities and/or a Parking demand and impact study shall be provided whenever:
    - (1) A Building is constructed or a new use is established.
    - (2) The use of an existing Building is changed to a use requiring more Parking, as determined by the Borough.
    - (3) An existing Building is altered so as to increase the amount of Parking required, as determined by the Borough.
  - B. Preparation of Study. The Traffic Impact Study shall be prepared by a qualified professional traffic engineer holding a current Professional Engineer (P.E.) license issued by the Commonwealth of Pennsylvania, in accordance with accepted traffic-engineering standards, with the cost borne by the Applicant.
  - C. A Parking Demand and Impact Study shall not be required for residential developments consisting of four or less Dwellings. For residential developments consisting of four or less Dwellings, the following off-street Parking requirements shall apply:

<b>Land Use</b>	<b>Required Off-Street Parking</b>
Single-family detached	2 spaces per dwelling unit
Two-family (twin/duplex)	Efficiency and one-bedroom unit Minimum: 1.0 per dwelling unit
	Two or more bedroom unit Minimum: 2 per dwelling unit
Townhouse	2 spaces per dwelling unit
Triplex	Efficiency and one-bedroom unit Minimum: 1.0 per dwelling unit
	Two or more bedroom unit Minimum: 2 per dwelling unit
Multi-family	Efficiency and one-bedroom unit Minimum: 1.0 per dwelling unit
	Two or more bedroom unit Minimum: 2 per dwelling unit
Accessory dwelling unit	1 space

3. Parking requirement adjustments for individual uses. The Borough may make adjustments to minimum parking requirement for an individual applicant through the following conditions:
  - A. Shared Parking. An applicant shall be entitled to reduce its minimum Parking requirement, provided that the applicant can demonstrate that it has entered into an agreement to share Parking in a Shared Parking Facility, that is contiguous to the Tract, with other developments.
  - B. Adjustment based on proximity to transit. An applicant shall be entitled to reduce its minimum Parking requirement by 10% for projects located within 600 feet of any Transit Station. A Transit Station does not include a bus stop.
  - C. Town Center Zoning District. Off-street Parking is not required for uses occupying Buildings with Frontage along any of the following: Main Street, Gay Street, and Bridge Street east of Church Street.
4. Design. The design and layout of Parking Facilities for all projects are subject to the approval of the Borough Zoning Officer, and/or Planning Commission and Borough Council.

- A. Front Yard Parking is prohibited.
  - B. Vehicular access to properties shall not be provided through a Front Yard when Alley access is available.
  - C. When visible from and parallel to a Street, all garage doors, carports or similar shall be set back at least twenty (20) feet from the Primary Façade of Buildings.
  - D. When parking in the Rear Yard for Single-Family Detached Dwelling and Twin Dwelling Lots with no Alley access requires excessive paving and a resultant increase in impervious coverage and decrease in usable rear yard occurs, alternative Parking designs may be permitted as follows:
    - (1) When garages are proposed, they may be detached and located in the Rear Yard or between the principal Buildings or may be attached to the principal Buildings, subject to compliance with subsection (c) above.
    - (2) When no garages are proposed, Parking shall be aside Buildings and designed and laid out for Parking that prevents vehicular Parking in a Front or Rear Yard.
  - E. Multifamily Dwellings shall not be permitted to count stacked Parking Spaces toward the required Parking amount for such use.
5. Electric Vehicle Parking.
- A. EVCS are permitted in every zoning district when accessory to the primary permitted use. EVCS located on Lots dedicated to Residential Uses shall be designated as private restricted use only.
  - B. If the primary use of the Parcel is the retail electric charging of vehicles, then the use shall be considered an Automobile Sales and Services use for zoning purposes and shall comply with the regulations associated with said use. Installation shall be located in zoning districts which permit such uses.
  - C. Except when located in conjunction with single-family Dwellings, EVCS shall be reserved for parking and charging of Electric Vehicles only.
  - D. EVCS located within Parking Lots or Garages may be included in the calculation of the minimum required Parking Spaces.
  - E. All Electric Vehicle Parking shall comply with §22-417.7.

**§27-406. Buffering/Screening**

1. Reserved.
2. All Buffering and Screening shall be installed and maintained, shall be designed in accordance with the Phoenixville Borough Subdivision and Land Development Ordinance, and shall be subject to approval by the Borough for the following:
  - A. Off-street Parking and loading areas that can be viewed from public Streets shall be screened through the use of landscaping, Fencing and/or Walls.
  - B. Kennels shall have a twenty-five-foot-wide Buffer and shall be screened through the use of landscaping.
  - C. Commercial and/or office uses in the MG District shall have a twenty (25) foot-wide Buffer area, when adjoining the RI District, and shall be screened through the use of landscaping and Fencing.
  - D. Industrial uses in the I District shall have a twenty-five (25)foot-wide buffer area and shall be screened through the use of landscaping or Fencing.
  - E. Any windowless Building in the MG and I Districts shall be screened through the use of Fencing, landscaping or a combination thereof.
  - F. Permanent or pad-mounted mechanical equipment, such as air conditioning and heating units, shall be screened from public views of the Property through the use of Fencing, Walls, landscaping or a combination thereof.
  - G. Views of plumbing vent pipes, electric/phone/cable terminals and utility meters in Front Yards and on front Building Facades shall be screened or partially screened to help mitigate views of this equipment.

**§27-407. Open Space, Public.**

1. New Public Open Space shall be provided in new Land Development projects in the Mixed Use Growth District and shall be designed as spaces to be used by the public. Spaces of five-hundred (500) to two-thousand (2,000) square feet can be designed as Plazas. Plazas should be built according to a detailed landscape plan that can include ornamental structures, such as fountains, along with benches, low walls and gazebos for sitting. Greens are larger public spaces of two-thousand (2,000) to ten-thousand (10,000) square feet that provide open lawn areas for informal play or picnicking. All Public Open Spaces should be built according to a detailed landscape plan that meets the minimum requirements of the

Subdivision and Land Development Ordinance and is subject to approval of the Borough. At the Borough's discretion, Public Open Space shall be managed privately, by a property owners' association, or subject to a continuous offer of dedication to the Borough.

2. Public Open Space shall also be permitted to be considerably larger in size and improved with various public amenities which may be deemed to qualify as a new use within the designated Tract area, subject to the sole discretion and approval of the Borough.

**§27-408. Permitted Yard Projections.**

1. The following shall be permitted projections into required Yards:
  - A. Bay and bow windows, with not more than three (3) feet of projection and not more than six (6) feet wide.
  - B. HVAC equipment, in Side and Rear Yards only, having a projection of not more than three (3) feet.

**Part 5. BOROUGH EXEMPTION.**

**§27-501. Borough Exemption.**

1. The Borough of Phoenixville shall be exempt from the provisions of this Chapter when engaging in any Municipal Use on Borough-owned Lot(s).

**Part 6. SUPPLEMENTAL REGULATIONS**

**§27-601. Lighting.**

1. Purpose.
  - A. To require and set minimum standards for outdoor lighting to:
    - (1) Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.
    - (2) Protect drivers and pedestrians from the disabling glare of nonvehicular light sources.
    - (3) Protect neighbors and the night sky from nuisance glare and light trespass from poorly shielded, aimed, placed, applied or maintained light sources.
    - (4) Promote energy-efficient lighting design and operation.
    - (5) Protect and retain the intended character of the Borough of Phoenixville.
2. Applicability.

- A. Outdoor lighting shall be required for safety and personal security for uses that operate during hours of darkness where there is public assembly and/or traverse, including but not limited to the following: commercial, industrial, public-recreational, institutional and multifamily residential developments.
  - B. Borough Council may, in its sole discretion, require that lighting be incorporated for other uses or locations or may restrict lighting in any of the above uses, as deemed necessary.
  - C. The glare-control requirements herein contained apply to lighting in all above-mentioned uses as well as, but not limited to, sign, architectural, landscape, recreational, and residential lighting.
  - D. Temporary decorative lighting is exempt from all but the glare-control requirements of this chapter.
3. Definitions. Various terms used in this Section are defined in Part 2, Definitions.
4. Criteria.
- A. Illumination Levels.

(1) Lighting, where required or permitted by this Chapter, shall have intensities and uniformity ratios in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook, 9th Edition or subsequent editions, or as contained in current publications of the IESNA Recommended Practices or Design Guides.

(2) Examples of intensities for typical outdoor applications as extracted from the IESNA Lighting Handbook, 9th Edition, are presented below but are not intended to be all-inclusive nor are the listed uses deemed to be permitted uses within the Borough.

<b>Use/Task</b>	<b>Maintained Footcandles</b>	<b>Uniformity Ratio</b>
(a) Streets, local commercial	0.9 avg.	6:1 avg:min
Streets, residential (when lighting is required)	0.4 avg	6:1 avg:min
(b) Parking, residential (when lighting is required)	0.2 min	5:1 avg:min*

(c) Parking, e.g., shopping centers/fast-food facilities, recreational/civic/cultural events, office parks, hospitals, commuter lots, etc.	0.5 min	5:1 avg:min*
(d) Parking, e.g., neighborhood shopping, industrial employee parking, schools, churches	0.2 min	5:1 avg:min*
(e) Sidewalks		
• Commercial	1.0 avg	5:1 avg:min
• Residential (when lighting is required)	0.5 avg	5:1 avg:min
(f) Building entrances, commercial, industrial, institutional	5.0 avg	
(g) Service station pump islands	20.0 avg	4:1 avg:min
(h) Car dealerships (front row/other sales areas)	20/10 max	5:1 max:min

**NOTES:**

1. Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.
  2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio, e.g., for high-activity commercial parking, the average illuminance shall not exceed 3.6 footcandles (0.9 x 4).
- \* In no case shall the maximum to minimum uniformity ratio for parking be in excess of 20:1

**B. Lighting Fixture Design.**

- (1) Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Borough.
- (2) For the lighting of predominantly horizontal surfaces, such as, but not limited to, roadways, areas of vehicular and pedestrian passage, merchandising and storage areas, automotive-fuel-dispensing facilities, automotive sales areas, loading docks, culs-de-sac, active and passive recreational areas, building entrances, sidewalks, paths, site entrances and parking areas, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria, unless the aggregate wattage per fixture does not exceed the output of a standard sixty-watt incandescent lamp, in which case noncutoff fixtures shall be permitted.
- (3) For the lighting of nonhorizontal surfaces, such as, but not limited to, Facades, landscaping, Signs, fountains, displays, flags and statuary, the use of lighting not

meeting IESNA full-cutoff criteria shall be permitted only with the approval of the Borough Council or its designee, based upon acceptable glare control (approval shall not be required if the aggregate wattage per fixture does not exceed the output of a standard sixty-watt incandescent lamp, i.e., 1,000 lumens).

- (4) "Barn lights," aka "dusk-to-dawn lights," shall not be permitted where they are visible from other uses or properties, unless fitted with a reflector or shield to render them full cutoff.

C. Control of Nuisance and Disabling Glare.

- (1) All outdoor lighting, whether or not required or permitted by this Chapter, on private, residential, commercial, industrial, municipal, recreational or institutional Lots, shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- (2) Floodlights, spotlights and omnidirectional fixtures, regardless of whether for residential or nonresidential applications, shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, skyward or onto a public roadway or pedestrian way.
- (3) Unless Borough Council specifically approves night lighting, lighting for commercial, industrial, public recreational and institutional uses shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells, to extinguish outdoor lighting at the close of business, but no later than 11:00 p.m.
- (4) Lighting proposed for use after 11:00 p.m., or after normal hours of operation of a business, whichever is earlier, for commercial, industrial, institutional or municipal applications, shall be reduced by at least 50% from the levels normally required by this chapter, from then until dawn.
- (5) All illumination for advertising Signs, Buildings and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 11:00 p.m. and sunrise, except that such lighting situated on the premises of a commercial

establishment may remain illuminated while the establishment is actually open for business and until one hour after closing.

- (6) Only the United States and state flags shall be permitted to be illuminated from dusk till dawn, and each flag shall be illuminated by a single source with a beam spread no greater than necessary to illuminate the flag. Flag lighting sources shall not exceed 10,000 lumens per flagpole.
- (7) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and placement.
- (8) The intensity of illumination projected onto a residential Lot from another property shall not exceed 0.1 vertical footcandle, measured line-of-sight, from any point on the adjacent residential Lot.
- (9) Externally illuminated Signs and Billboards shall be lighted by fixtures mounted at the top of the Sign and aimed downward and shall also be subject to additional standards as set forth in the Sign regulations of this Chapter. Such lighting shall be automatically extinguished between the hours of 11:00 p.m. and dawn. The fixtures shall be designed, fitted or aimed to concentrate the light output onto and not beyond the Sign or Billboard.
- (10) Directional fixtures, e.g., floodlights or spotlights, for such applications as Facade, fountain, feature, recreational and landscape illumination, shall be aimed so as not to project their output beyond the objects intended to be illuminated, and shall be extinguished between the hours of 11:00 p.m. and dawn, except as otherwise provided for herein.
- (11) The use of white strobe lighting for tall structures, such as smokestacks, chimneys and radio/communications/television towers, is prohibited during hours of darkness, except as specifically required by the FAA.
- (12) Lighting fixtures that light the area under outdoor canopies shall have flat lenses and shall be shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light-emitting element.

#### D. Installation.

- (1) Electrical feeds for fixtures mounted on poles shall be run underground, not overhead.
- (2) Lighting standards to the rear of Parking Spaces shall be placed a minimum of five feet outside paved area, curbing or tire stops, or on concrete pedestals at least 30 inches high above the pavement, or suitably protected by other approved means.
- (3) Fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of 20 feet above finished grade of the area being illuminated.
- (4) Fixtures not meeting IESNA full-cutoff criteria shall not be mounted in excess of 16 feet above the grade of the area being illuminated.

E. Maintenance.

- (1) Lighting fixtures and ancillary equipment shall be maintained so as always to meet the requirements of this Chapter.

5. Recreational Lighting.

A. When facilities for such outdoor recreational activities as baseball, tennis, football, golf driving ranges, and miniature golf are specifically permitted by the Borough for operation during hours of darkness, the following requirements shall apply:

- (1) Lighting shall be accomplished only through the use of fixtures conforming to IESNA full-cutoff criteria, or as otherwise approved by the Borough based on suitable control of glare and light trespass.
- (2) For new recreational facilities and recreational facilities wishing to change their hours of operation during hours of darkness, sporting events shall be timed so that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 11:00 p.m., regardless of such occurrences as extra innings or overtimes.
- (3) The foregoing outdoor recreational activities shall not be illuminated if located within any residential district or sited on a nonresidential property located within 1,200 feet of a residential use.
- (4) Maximum mounting heights for recreational lighting shall be in accordance with the following:
  - (a) Basketball: 20 feet.
  - (b) Football/golf: 70 feet.

- (c) Soccer: 70 feet.
- (d) Little League baseball:
  - 1) Two-hundred-foot radius: 60 feet.
  - 2) Three-hundred-foot radius: 70 feet.
- (e) Miniature golf: 20 feet.
- (f) Tennis: 20 feet.
- (g) Track: 20 feet.

6. Plan Submission.

A. For subdivision and land development applications where site lighting is required or proposed, lighting plans shall be submitted to the Borough for review and approval with any preliminary or final subdivision/land development plan application, and with any conditional use, special exception, variance application or any building permit where requested, and shall include:

- (1) A site plan, complete with all Structures, Parking Spaces, Building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, and a layout of all proposed fixtures by location, mounting height and type. The submittal shall include, in addition to area lighting, exterior architectural lighting, Building entrance lighting, landscape lighting, etc.
- (2) A ten-foot-by-ten-foot illuminance grid (point-by-point) plot of maintained footcandles, plotted out to 0.0 footcandle, which demonstrates compliance with the light trespass, intensity and uniformity requirements as set forth in this Chapter or as otherwise required by the Borough. The lamp lumen rating and type, maintenance (light-loss) factors and IES file names used in calculating the illuminance levels shall be documented on the plan.
- (3) A description of the proposed equipment, including fixture catalog cuts, photometries, glare-reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.

B. When requested by the Borough, the applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and light trespass and taken to retain the Borough's intended character.

C. Plan Notes. The following notes shall appear on the lighting plans:

- (1) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval.
- (2) The Borough reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this Chapter and as otherwise agreed upon by the Borough, and if appropriate, to require remedial action at no expense to the Borough.

7. Compliance Monitoring.

A. Safety Hazards.

- (1) If appropriate officers or agents of the Borough judge a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action.
- (2) If appropriate corrective action has not been effected within 30 days of written notification, the Borough may commence legal action as provided for in the Borough Zoning Ordinance.

B. Nuisance Glare and Inadequate Illumination Levels.

- (1) When appropriate officers or agents of the Borough judge an installation produces unacceptable levels of nuisance glare, direct skyward light, excessive or insufficient illumination levels or otherwise varies from this Chapter, the Borough may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action.
- (2) If appropriate corrective action has not been effected within 30 days of notification, the Borough may commence legal action as provided for in the Borough Zoning Ordinance.

8. Nonconforming Lighting.

A. Any lighting fixture or lighting installation existing on the effective date of this Chapter that does not conform with the requirements of this Chapter shall be considered as a lawful nonconformance, subject to the following:

- (1) Unless minor corrective action is deemed by the Borough to be an acceptable alternative, a nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this Chapter when:

- (a) It is deemed by the Borough to create a nuisance or safety hazard;
- (b) It is replaced or relocated; or
- (c) The use is abandoned or there is a change in use of the Lot on which the area being illuminated is located.

9. Abatement of Nuisances.

- A. In addition to any other remedies provided in this Chapter, any violation of the regulations controlling lighting and disabling glare shall constitute a nuisance and shall be abated by the Borough by either seeking mitigation of nuisance or appropriate equitable or legal relief from a court of competent jurisdiction, including enforcement under the Borough's ordinance.

**§27-602. Surface Land Uses Affiliated with Transmission Pipelines.**

1. The purpose of this section shall be to:

- A. Accommodate the need for surface land uses affiliated with Transmission Pipelines consistent with the desire to protect the health, safety and welfare of the citizens of the Borough.
- B. Minimize aesthetic, nuisance and visual impacts of surface land uses affiliated with Transmission Pipelines through proper design, siting and vegetative screening.
- C. Ensure the location of surface land uses affiliated with Transmission Pipelines is in compliance with applicable government and industry standards, including standards administered by the Federal Energy Regulatory Commission (FERC), the Pennsylvania Oil and Gas Act, as amended, and Pennsylvania case law.
- D. Preserve the character of neighborhoods adjacent to surface land uses affiliated with Transmission Pipelines.

2. Use provisions.

- A. Permitted by Right. Surface land uses affiliated with Transmission Pipelines shall be permitted as a principal use by right in districts within bounds of the Laurel Pipeline Company/Buckeye Partners existing easement or right-of-way as of April 14, 2020, where underground pipelines exist or are proposed. Such uses shall meet the dimensional requirements, including but not limited to area and bulk standards, of districts. Applicants are required to demonstrate to the satisfaction of the Borough that

the requirements of Subsection 3, Standards for Surface Land Uses Affiliated with Transmission Pipelines, can be met.

- B. Permitted by Conditional Use. Except as otherwise designated in Subsection 2C below, surface land uses affiliated with Transmission Pipelines shall be conditionally permitted as a principal use in all other zoning districts when adjacent to and within 100 feet of underground Transmission Pipelines that exist as of the date of adoption of this Section. Applicants are required to demonstrate to the satisfaction of the Borough that the requirements of Subsection 3, Standards for Surface Land Uses Affiliated with Transmission Pipelines, and § 27-905, Conditional Uses, can be met. In addition, such uses shall meet the dimensional requirements, including but not limited to area and bulk standards, of the underlying district.
  - C. Prohibited. Surface land uses affiliated with Transmission Pipelines shall be prohibited in historic districts as defined in Chapter 12, Historic District.
3. Standards for Surface Land Uses Affiliated with Transmission Pipelines. The following standards will be considered by the Borough prior to permitting surface land uses affiliated with Transmission Pipelines:
- A. Setbacks. While these setbacks originated in amendments to the Pennsylvania Oil and Gas Act (Act 13 of 2012), the Borough intends to monitor emerging science on setback safety and revise these standards periodically, and so unless otherwise approved by Borough Council, the applicant shall demonstrate that the setbacks for surface land uses affiliated with Transmission Pipelines and all supporting equipment to any property line or right-of-way shall be 1) consistent with the minimum Setback in the underlying zoning district; or 2) a minimum of 750 feet from residential buildings and all commercial, industrial and institutional uses, or a minimum of 500 feet from the nearest Lot Line, whichever is greater; provided, however, that these Setbacks may be modified by the Borough pursuant to the type of material being managed at the surface land use affiliated with Transmission Pipelines, whether the use is adjacent to areas of high on-site population, and the current status of science regarding safety protocols in proximity to Pipelines or surface land uses affiliated with Transmission Pipelines. The Borough shall, on a case-by-case basis, determine if increased Setbacks are warranted consistent with the potential impact radius (PIR), defined by the relationship between the diameter

of the adjacent Pipeline (and appurtenances) and its maximum operating pressure (See Ch. 22, Attachment 4.), whether high on-site populations are located in close proximity (often referred to as "high consequence areas"), and whether more than one Transmission Pipeline (such as coupled lines) will be managed at the surface land use affiliated thereto. The PIR approach is applicable only to surface land uses affiliated with gas or petroleum gas Transmission Pipelines as defined by 49 CFR 192.3, as amended and incorporated herein by reference. Surface land uses affiliated with Transmission Pipelines carrying hazardous liquids, as defined by 49 CFR 195.2, as amended and incorporated herein by reference, shall adhere to the setback standards contained in this subsection.

- B. Landscaping. The applicant shall provide a plan prepared by a landscape architect licensed in Pennsylvania showing landscaping proposed to be installed to screen and buffer surface land uses affiliated with Transmission Pipelines. The landscape plan shall incorporate the use of a decorative fence pursuant to § 27-607, surrounded by a mix of native vegetation, including evergreens, shrubbery and trees, which shall not be less than the height of the Fence and shall be of sufficient density to screen the facility. Existing vegetation in proximity to surface land uses affiliated with Transmission Pipelines shall be preserved to the greatest extent possible. Applicants shall submit a visual survey from mutually agreed upon vantage points in order to support the proposed landscaping plan's mitigation of visual impacts.
- C. Noise. Sound produced by the surface land use affiliated with Transmission Pipelines shall not result in noise or vibration clearly exceeding the average intensity of noise or vibration occurring from other causes at the property line; in no case shall the sound pressure level exceed 60 dB(A) according to the American National Standards Institute (ANSI) A-weighted scale at the Lot Line closest to the land use.
- D. Odors. Odor, vapors or particulate matter produced by the surface land use affiliated with Transmission Pipelines shall not exceed the average emission of such substances occurring from other causes at the Lot Line. Specific contaminants shall be regulated by Pa. Code, Title 25, Environmental Protection, Part 1, Subpart C, Article III, Air Resources, as amended and incorporated herein by reference.

- E. Signage. All signs, other than utility identification signs, appropriate warning signs, or owner identification signs, shall be prohibited. There shall be no antennas, advertising, or other items or material affixed to or otherwise placed on surface land uses affiliated with Transmission Pipelines, except as permitted by the Borough.
- F. Parking. If the surface land use affiliated with Transmission Pipelines is fully automated, adequate Parking shall be required for maintenance workers. If the site is not automated, the number of Parking Spaces shall be equal to the number of people on the largest shift. Parking Spaces shall be located within the decorative Fence and landscape buffer area so they are substantially concealed when viewed from surrounding properties.
- G. Lighting. No surface land use affiliated with pipeline utilities shall be artificially lighted except as required for emergency nighttime access. Any such lights shall be shielded so as to prevent intrusion upon nearby properties.
- H. Engineered Drawing Submission. Applications for a land use affiliated with Pipeline utilities shall be accompanied by engineering drawings prepared by an engineer licensed in Pennsylvania. The applicant shall show that all applicable Commonwealth of Pennsylvania and U.S. standards for the construction, operation, and maintenance of the proposed facility are met.
- I. Design. The applicant proposing a surface land use affiliated with Transmission Pipelines must demonstrate that the structure is designed to blend in with or mimic existing structures in the landscape such as residential outbuildings or other uses permitted in the underlying districts.
- J. Visual Impact. Any surface land use affiliated with Transmission Pipelines shall be designed and constructed so as to mitigate the visual impact from public Streets and nearby uses. In addition, the color and other visual features of the land use affiliated with Pipeline utilities shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this Section by, among other things, providing photographic perspectives of the proposed site from all sides of the Property, adjacent Streets and neighboring properties (with permission of the owners).

- K. Need. The applicant for a surface land use affiliated with Transmission Pipelines is required to demonstrate, using scientific and technological evidence, that the facility must be located where it is proposed in order to satisfy its function in the company's Pipeline System and demonstrate that there is a need for this facility at the location where it will be located.
- L. State and Federal Regulation. All applicants, whether commercial Pipeline companies or otherwise, must demonstrate the submission of sufficient filings and/or receive sufficient approvals, as required, through the Federal Energy Regulatory Commission (FERC), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Commonwealth of Pennsylvania, including but not limited to the Pennsylvania Department of Environmental Protection (PADEP) and/or the Pennsylvania Public Utilities Commission (PA PUC). Such documentation is not required as part of the initial application to the Borough but must be provided prior to actual use.
- M. Removal of Surface Land Uses Affiliated with Transmission Pipelines. Any surface land uses affiliated with Transmission Pipelines that are no longer licensed and active shall be removed and the site restored to its original condition at the owner's expense within 60 days of the last date that the facility was licensed by PADEP and FERC. A bond or escrow account shall be posted with the Borough in an amount sufficient to ensure such removal and site restoration prior to the construction of the facility. The applicant shall have prepared and shall submit to the Borough to accompany the bond or escrow account an estimate of the cost necessary to remove the surface land use facility associated with the Pipeline and restore the site to its preconstruction condition.

**§27-603. Reserved.**

**§27-604. Reserved.**

**§27-605. Wireless Communications Facilities.**

1. Purposes and Findings of Fact.

- A. The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in Phoenixville Borough. While the Borough recognizes the importance of wireless communications facilities in providing high-quality communications service to its residents and businesses, the Borough also recognizes that it has an obligation to protect public safety

and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

B. By enacting this section, the Borough intends to:

- (1) Promote the health, safety and welfare of Borough residents and businesses with respect to wireless communications facilities;
- (2) Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Borough residents and wireless carriers in accordance with federal and state laws and regulations;
- (3) Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower-based wireless communications facilities in the Borough, including facilities both inside and outside the public rights-of-way;
- (4) Address new wireless technologies, including, but not limited to, distributed antenna systems, data collection units, cable wi-fi and other wireless communications facilities.
- (5) Encourage the co-location of wireless communications facilities on existing structures rather than the construction of new tower-based structures;
- (6) Protect Borough residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and
- (7) Update the Borough's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

2. General Requirements for All Tower-Based Wireless Communications.

A. The following regulations shall apply to all tower-based wireless communications facilities:

- (1) Standard of Care. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most-recent editions of the American National Standards Institute (ANSI)

Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.

- (2) Wind. Any tower-based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).
- (3) Height. Any tower-based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of 150 feet, which height shall include all subsequent additions or alterations. All tower-based WCF applicants must submit documentation to the Borough justifying the total height of the structure.
- (4) Public Safety Communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (5) Maintenance. The following maintenance requirements shall apply:
  - (a) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.
  - (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- (6) Radio Frequency Emissions. No tower-based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

- (7) Historic Buildings or Districts. No tower-based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places or the official historic structures and/or historic districts list maintained by the Borough, or that has been designated by the Borough as being of historic significance.
- (8) Identification. All tower-based WCFs shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Borough.
- (9) Lighting. Tower-based WCFs shall not be artificially lighted, except as required by law and as may be approved by the Borough. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- (10) Appearance. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.
- (11) Noise. Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Borough Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (12) Aviation Safety. Tower-based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (13) Retention of Experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the tower-based WCF and once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- (14) Timing of Approval. Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within 150

days of the receipt of a fully completed application for the approval of such tower-based WCF, and the Borough shall advise the applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the one-hundred-fifty-day review period.

- (15) Nonconforming Uses. Nonconforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section.
  - (16) Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
    - (a) All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the Borough.
    - (b) If the WCF and/or accessory facility is not removed within six months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.
    - (c) Any unused portions of tower-based WCFs, including antennas, shall be removed within six months of the time of cessation of operations. The Borough must approve all replacements of portions of a tower-based WCF previously removed.
  - (17) Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs in accordance with the Master Schedule of Fees.
3. Tower-Based Facilities Outside the Rights-of-Way.
- A. The following regulations shall apply to tower-based wireless communications facilities located outside the rights-of-way:

(1) Development Regulations:

- (a) Prohibited in Residential Zones. No tower-based WCF shall be located in a district zoned residential or within 500 feet of a lot in residential use or a residential district boundary. Tower-based WCFs are permitted only in such districts as specified in Articles XI, XV, XVI, and XXVI of this chapter.
- (b) Gap in Coverage. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Borough's decision on an application for approval of tower-based WCFs.
- (c) Sole Use on a Lot. A tower-based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district.
- (d) Combined with Another Use. A tower-based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:
  - 1) The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the communications facility.
  - 2) Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.
  - 3) Minimum Setbacks. The tower-based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district, provided that no tower-based WCF shall be located within 500 feet of a lot in residential use or a residential district boundary.
- (e) Notice. Upon receipt of an application for a tower-based WCF, the Borough shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 50 linear feet of the parcel or property of

the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility.

- (f) Co-location. An application for a new tower-based WCF shall not be approved unless the Borough finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Borough that a different distance is more reasonable and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

(2) Design Regulations:

- (a) The WCF shall employ the most-current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Borough.
- (b) Any height extensions to an existing tower-based WCF shall require prior approval of the Borough. The Borough reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Borough.
- (c) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.

(3) Surrounding Environs:

- (a) The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- (b) The WCF applicant shall submit a soil report to the Borough complying with the standards of Appendix G: Geotechnical Investigations, ANSI EIA/TIA 222, as amended, to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.

(4) Fence/Screen:

- (a) A security fence having a maximum height of six feet shall completely surround any tower-based WCF, guy wires, or any building housing WCF equipment.
- (b) An evergreen screen that consists of a hedge or a row of evergreen trees shall be located along the perimeter of the security fence.
- (c) The WCF applicant shall submit a landscape plan for review and approval by the Borough planning consultant for all proposed screening.

(5) Accessory Equipment:

- (a) Ground-mounted equipment associated to, or connected with, a tower-based WCF shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Borough Engineer, then the ground-mounted equipment shall be screened from public view using stealth technologies, as described above.
- (b) All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

(6) Additional Antennas. As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate antennas on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennas without obtaining the prior written approval of the Borough.

(7) Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to the tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility.

- (8) Bond. Prior to the issuance of a permit, the owner of a tower-based WCF outside the right-of-way shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Borough Solicitor, in an amount of \$100,000, to assure the faithful performance of the terms and conditions of this section. The bond shall provide that the Borough may recover from the principal and surety any and all compensatory damages incurred by the Borough for violations of this section, after reasonable notice and opportunity to cure. The owner shall file the bond with the Borough.
  - (9) Visual or Land Use Impact. The Borough reserves the right to deny an application for the construction or placement of any tower-based WCF based upon visual and/or land use impact.
  - (10) Inspection. The Borough reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this section and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
4. Tower-Based Facilities in the Rights-of-Way.
- A. The following regulations shall apply to tower-based wireless communications facilities located in the rights-of-way:
    - (1) Prohibited in Residential Zones. No tower-based WCF shall be located within a residential zone or within 500 feet of a lot in residential use or a residential district boundary. Tower-based WCFs are only permitted in such districts as specified in Articles XI, XV, XVI and XXVI of this chapter.
    - (2) Gap in Coverage. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least-intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Borough's decision on an application for approval of tower-based WCFs in the right-of-way.
    - (3) Notice. Upon receipt of an application for a tower-based WCF, the Borough shall mail notice thereof to the owner or owners of every property zoned residential on

the same street within 500 linear feet of the property or parcel of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility.

- (4) Co-location. An application for a new tower-based WCF in the right-of-way shall not be approved unless the Borough finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Borough that a different distance is more reasonable and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- (5) Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all tower-based WCFs in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
- (6) Equipment Location. Tower-based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the right-of-way as determined by the Borough. In addition:
  - (a) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
  - (b) Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
  - (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.

- (d) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner in accordance with Chapter 6, Part 10, Graffiti, of the Code of Ordinances of the Borough of Phoenixville.
  - (e) Any underground vaults related to tower-based WCFs shall be reviewed and approved by the Borough.
- (7) Design Regulations.
- (a) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Borough.
  - (b) Any height extensions to an existing tower-based WCF shall require prior approval of the Borough, and shall not increase the overall height of the tower-based WCF to more than 150 feet. The Borough reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Borough.
  - (c) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.
- (8) Visual or Land Use Impact. The Borough reserves the right to deny the construction or placement of any tower-based WCF in the right-of-way based upon visual and/or land use impact.
- (9) Additional Antennas. As a condition of approval for all tower-based WCFs in the right-of-way, the WCF applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate antennas on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennas without obtaining the prior written approval of the Borough.
- (10) Relocation or Removal of Facilities. Within 60 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a tower-based WCF in the right-of-way shall, at its own expense, temporarily or

permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- (a) The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
- (b) The operations of the Borough or other governmental entity in the right-of-way;
- (c) Vacation of a street or road or the release of a utility easement; or
- (d) An emergency as determined by the Borough.

(11) Compensation for Right-of-Way Use. In addition to permit fees as described in § 27-1101 of this chapter, every tower-based WCF in the right-of-way is subject to the Borough's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Borough's actual right-of-way management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Borough. The owner of each tower-based WCF shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above. The annual right-of-way management fee for tower-based WCFs shall be determined by the Borough and authorized by resolution of Borough Council and shall be based on the Borough's actual right-of-way management costs as applied to such tower-based WCF.

(12) Bond. Prior to the issuance of a permit, the owner of a tower-based WCF in the right-of-way shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Borough Solicitor, in an amount of \$100,000, to assure the faithful performance of the terms and conditions of this section. The bond shall provide that the Borough may recover from the principal and surety any and all compensatory damages incurred by the Borough for violations of this Section, after reasonable

notice and opportunity to cure. The owner shall file a copy of the bond with the Borough.

- (13) Specific Prohibitions. The installation of small wireless facilities are specifically prohibited on tower-based facilities in the rights-of-way.
5. General Requirements for All Non-Tower Wireless Communications Facilities.
- A. The following regulations shall apply to all non-tower wireless communications facilities that do not substantially change the physical dimensions of the wireless support structure to which they are attached:
    - (1) Permitted in All Zones Subject to Regulations. Non-tower WCFs are permitted in all zones, subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Borough.
    - (2) Standard of Care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most-recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
    - (3) Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association. (ANSI E1N/TIA-22-G, as amended).
    - (4) Public Safety Communications. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
    - (5) Aviation Safety. Non-tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
    - (6) Radio Frequency Emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards

and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

- (7) Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
    - (a) All abandoned or unused WCFs and accessory facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Borough.
    - (b) If the WCF or accessory facility is not removed within three months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.
  - (8) Timing of Approval. Time frame for review and action (approval or denial) on wireless facilities applications is as follows:
    - (a) Sixty days for collocation on existing poles.
    - (b) Ninety days for new or replacement poles.
    - (c) Applicants may resubmit without additional fees within 30 days of a denial.
    - (d) The Borough shall have an additional 30 days to make a decision on the resubmitted application.
  - (9) Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a non-tower WCF in accordance with the Master Schedule of Fees.
- B. The following regulations shall apply to all non-tower wireless communications facilities that substantially change the wireless support structure to which they are attached:

- (1) Permitted in All Zones Subject to Regulations. Non-tower WCFs are permitted in all zones, subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Borough.
- (2) Standard of Care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most-recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
- (3) Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI EIA/TIA 222-E Code, as amended).
- (4) Public Safety Communications. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (5) Historic Buildings. Non-tower WCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places or the official historic structures and/or historic districts lists maintained by the Borough, or which has been designated by the Borough as being of historic significance.
- (6) Aviation Safety. Non-tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (7) Maintenance. The following maintenance requirements shall apply:
  - (a) The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.

- (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- (8) Radio Frequency Emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (9) Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
  - (a) All abandoned or unused WCFs and accessory facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Borough.
  - (b) If the WCF or accessory facility is not removed within three months of the cessation of operations at a site or within any longer period approved by the Borough, the WCF and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.
- (10) Timing of Approval. Time frame for review and action (approval or denial) on wireless facilities applications is as follows:
  - (a) Sixty days for collocation on existing poles.
  - (b) Ninety days for new or replacement poles.
  - (c) Applicants may resubmit without additional fees within 30 days of a denial.
  - (d) The Borough shall have an additional 30 days to make a decision on the resubmitted application.
- (11) Retention of Experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the WCF shall reimburse the Borough for all costs of the

Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.

- (12) Bond. Prior to the issuance of a permit, the owner of each individual non-tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Borough Solicitor, in the amount of \$25,000, for each individual non-tower WCF, to assure the faithful performance of the terms and conditions of this section. The bond shall provide that the Borough may recover from the principal and surety any and all compensatory damages incurred by the Borough for violations of this section, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Borough.
  - (13) Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a non-tower WCF, as well as related inspection, monitoring and related costs, in accordance with the Master Schedule of Fees.
6. Non-Tower Wireless Communications Facilities Outside the Rights-of-Way.
- A. The following additional regulations shall apply to non-tower wireless communications facilities located outside the rights-of-way that substantially change the wireless support structure to which they are attached:
    - (1) Development Regulations. Non-tower WCFs shall be co-located on existing structures such as existing buildings or tower-based WCFs, subject to the following conditions:
      - (a) Such WCF does not exceed a maximum height of 150 feet.
      - (b) If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
      - (c) A six-foot-high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulation on the site for the principal use.
    - (2) Design Regulations.

- (a) Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Borough.
  - (b) Non-tower WCFs which are mounted to a building or similar structure may not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a conditional use permit.
  - (c) All non-tower WCF applicants must submit documentation to the Borough justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
  - (d) Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
  - (e) Noncommercial Usage Exemption. The design regulations enumerated in this Subsection 6A(2) shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.
- (3) Removal, Replacement, Modification.
- (a) The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the number of antennas.
  - (b) Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.
- (4) Visual or Land Use Impact. The Borough reserves the right to deny an application for the construction or placement of any non-tower WCF based upon visual and/or land use impact.
- (5) Inspection. The Borough reserves the right to inspect any WCF to ensure compliance with the provisions of this section and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents

shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

7. Non-Tower Wireless Communications Facilities in the Rights-of-Way.

A. The following additional regulations shall apply to all non-tower wireless communications facilities located in the rights-of-way:

(1) Co-location. Non-tower WCFs in the right-of-way shall be co-located on existing poles, such as existing utility poles or light poles.

(2) Design Requirements:

(a) WCF installations located above the surface grade in the public right-of-way including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

(b) Antennas and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

(3) Compensation for Right-of-Way Use. In addition to permit fees as described above, every non-tower WCF in the right-of-way is subject to the Borough's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Borough's actual right-of-way management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Borough. The owner of each non-tower WCF shall pay an annual fee to the Borough to compensate the Borough for its costs incurred in connection with the activities described above. The annual right-of-way management fee for non-tower WCF shall be determined by the Borough and authorized by resolution of Borough Council and shall be based on the Borough's actual right-of-way management costs as applied to such non-tower WCF.

- (4) Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCFs in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
- (5) Equipment Location. Non-tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the right-of-way as determined by the Borough. In addition:
- (a) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
  - (b) Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the Borough Engineer, that ground-mounted equipment cannot be undergrounded, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
  - (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
  - (d) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner in accordance with Chapter 6, Part 10, Graffiti, of the Code of Ordinances of the Borough of Phoenixville.
  - (e) Any underground vaults related to non-tower WCFs shall be reviewed and approved by the Borough.
- (6) Relocation or Removal of Facilities. Within 60 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary, or such shorter period in the case of an emergency, an owner of a WCF in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall

have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- (a) The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
- (b) The operations of the Borough or other governmental entity in the right-of-way;
- (c) Vacation of a street or road or the release of a utility easement; or
- (d) An emergency as determined by the Borough.

(7) Visual or Land Use Impact. The Borough retains the right to deny an application for the construction or placement of a non-tower WCF based upon visual and/or land use impact.

8. Small Wireless Facilities (SWFs) in the Rights-of-Way.

A. Use of Right-of-Way. Small cell wireless facilities are permitted within the right-of-way per Act 50 of 2021 - 5G Small Cell Technology:

- (1) The Borough shall not enter into an exclusive arrangement with one or more provider(s).
- (2) The Borough sets a maximum annual fee per SWF. The annual fee shall be in accordance with the Borough of Phoenixville Master Schedule of Fees.
- (3) Size limits are set by the Act as:
  - (a) The SWF shall not extend more than five feet above the existing utility pole.
  - (b) An SWF on a new or replacement utility pole shall not be taller than 50 feet above ground level.
  - (c) Each antenna associated with the deployment (excluding the associated equipment) may be no more than three cubic feet in volume.
  - (d) All other equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.
- (4) Any SWF provider seeking to install an SWF in the HARB District must first receive HARB approval prior to issuance of any installation permit.
- (5) Design Guidelines. The Borough may develop objective design guidelines for an SWF regarding the aesthetic impact if technically feasible. When developed, the design guidelines for an SWF will be included as an attachment to this chapter.

(6) SWF providers are required to repair all damage directly caused by the activities of the SWF provider and return the right-of-way in as good of condition as it existed prior to any work being done. If the SWF provider fails to make the repairs required by the Borough within 30 days after written notice, the Borough may perform those repairs and charge the SWF provider the reasonable, documented cost of the repairs plus a penalty not to exceed \$500. The Borough may suspend the ability of an applicant to receive a new permit from the Borough until the applicant has paid the amount assessed for the repair costs and the assessed penalty.

B. Permitting Process. The permitting process is established by Act 50 per the following:

(1) The SWF use is a permitted use in the right-of-way in all zoning districts.

(2) An application is limited to:

(a) Documentation that includes construction and engineering drawings and all necessary approvals from the pole owner.

(b) Self-certify that the filing and approval of the application is required by the SWF provider to provide additional capacity or coverage for wireless services.

(c) Include documentation showing compliance with design guidelines.

(3) The following are the timelines for applications:

(a) Within 10 business days of receiving an application, the Borough will determine and notify the applicant in writing whether the application is incomplete.

(b) An application is deemed approved if the Borough fails to approve or deny the application within 60 days of receipt of a complete application to collocate and within 90 days of receipt of a complete application to replace an existing utility pole or install a new utility pole with SWFs attached.

(c) If an application that is denied is amended and resubmitted, the Borough will approve or deny within 30 days of the resubmission or the application will be deemed approved.

(d) If the Borough receives more than one consolidated application or 20 single applications within a 45-day period, the processing deadline shall be extended 15 days.

(4) A permit may be denied if:

- (a) The SWF materially interferes with the safe operation of traffic control equipment, sight lines or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or similar federal or state standards regarding pedestrian access or movement.
  - (b) The SWF fails to comply with applicable codes.
  - (c) The SWF fails to comply with the requirements specified under the Act.
  - (d) The applicant fails to submit a report by a qualified engineering expert which shows that the SWF will comply with applicable FCC regulations.
- (5) Consolidated Application. An applicant can file a consolidated application for up to 20 SWFs. Each location will be independently responded to by the Borough.
- (6) The applicant has one year from permit issuance date to complete the work.
- (7) New Utility Poles. The Borough may require the SWF provider to demonstrate that it cannot meet the service reliability and functional objectives of the application by collocating on an existing utility pole or municipal pole instead of installing a new utility pole.
- (8) When a permit is granted, the applicant may operate and maintain SWFs and any associated equipment on a utility pole covered by the permit for a period of not less than five years, which shall be renewed for two additional five-year periods if the applicant is in compliance with the criteria set forth in the Act or applicable codes consistent with the Act and the applicant has obtained all necessary consent from the utility pole owner.
- (9) Removal of equipment is required:
- (a) Within 60 days of suspension or revocation of a permit due to noncompliance with the Act or applicable codes consistent with the Act, the applicant shall remove the SWF and any associated equipment.
  - (b) Within 90 days of the end of a permit term or an extension of the permit term, the applicant shall remove the SWF and any associated equipment.
  - (c) Abandoned facilities (i.e., unused for 180 days). The Borough expressly preserves the right to either require removal or, if the owner fails to do so, remove the facilities themselves and recover costs from the owner. The

Borough may also include bonding requirements that will allow the Borough to draw upon a performance bond if the applicant fails to perform its duties under the Code.

- (10) An application is not required for:
  - (a) Routine maintenance or repair work.
  - (b) The replacement of SWFs with SWFs that are substantially similar or the same size or smaller and still qualify as an SWF.
  - (c) The installation, placement, maintenance, operation or replacement of micro wireless facilities that are strung on cables between existing utility poles by or for a communications service provider authorized to occupy the right-of-way, in compliance with the National Electrical Safety Code.
- (11) The Borough may require a permit for work that involves excavation, closure of a sidewalk or closure of a vehicular lane.
- (12) Application fees shall be in accordance with the Borough of Phoenixville Master Schedule of Fees.

C. Municipal Poles.

- (1) Collocation is allowed on municipal poles unless the SWF would cause structural or safety deficiencies to the municipal pole, in which case the applicant may make modifications or replacements that are needed to accommodate the SWF.
- (2) The Borough may require the applicant to pay the actual costs of any "make-ready work" necessary to enable the municipal pole to support the requested collocation.
  - (a) The Borough has 60 days from receipt of application to provide a make-ready estimate, if necessary.
  - (b) Make-ready work must be completed within 60 days of written acceptance of such estimate.
- (3) The Borough may reserve space on an existing municipal pole for future public safety or transportation uses in a documented and approved plan as adopted at the time an application is filed.

9. Violations Applicable to All Wireless Facilities.

- A. Penalties. Any person violating any provision of this section shall be subject, upon finding by a Magisterial District Judge, to a penalty not exceeding \$500, for each and

every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this section and any other remedy at law or in equity, the Borough may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this section.

- B. Determination of Violation. In the event a determination is made that a person has violated any provision of this section, such person shall be provided written notice of the determination and the reasons therefor. Except in the case of an emergency, the person shall have 30 days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Borough may, in its reasonable judgment, extend the time period to cure, provided the person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Borough may take any and all actions authorized by this section and/or federal and/or Pennsylvania law and regulations.

**§27-606. Signs.**

1. Scope and Applicability. In all zoning districts, signs may be erected, altered, maintained, used, removed or moved only when in compliance with the provisions of this chapter and any other applicable ordinances and regulations. All proposed new signs in the Historical Architectural Review Board (HARB) District must receive HARB approval prior to making or erecting the sign. Signs existing at the time of passage of this chapter, which were legally erected, and which do not conform with the requirements of this chapter shall be considered nonconforming signs and, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired (including the lighting), provided that the repainted or repaired sign does not exceed the dimensions of the existing sign. Wording may also be changed. Also see the requirements for nonconformities.
2. Definitions. Various terms used in this section are defined in Part 2, Definitions.
3. General Regulations.
  - A. Location of Signs. In no case, except for official traffic and street signs, shall any sign be erected that does not conform with the following regulations:

- (1) Public Right-of-Way. In no case, except for a Borough-installed banner sign, shall any sign other than highway or traffic signs be erected within or project out into the present or future right-of-way of any street.
- (2) Entrance or Exit to a Building. No sign shall be erected or installed in such a way as to block or obstruct any exit or entrance, including the emergency exits or entrances, of any building or other structure; nor shall any sign obstruct or interfere with or be attached to any part or any fire escape or fire tower.
- (3) Signs on Public Property. No sign shall be erected or maintained on any property owned by the Borough, except with the express permission of the Borough as given by the Borough Council at its duly convened public meeting.
- (4) Signs That Cause Traffic or Pedestrian Hazards. No sign shall be placed in such a position that it will be a danger to traffic on a street or traffic entering a street. All signs shall conform to the following standards:
  - (a) No sign shall obstruct the sight distance from any vehicle leaving the driveway. The minimum setback from a driveway shall be 10 feet from the nearest edge of the driveway to the nearest position of the sign.
  - (b) No sign shall obscure a motorist's view of traffic signals, stop signs, warning devices, roadways or intersections as viewed from a distance of 500 feet along the established thoroughfares, and no sign shall limit a pedestrian's view of vehicular traffic to less than 500 feet while he stands inside the curblines at an intersection or other established crossing point.
  - (c) No sign shall block the movement of pedestrians traveling on public thoroughfares.

**B. General Sign Design Regulations.**

- (1) Signs in all residential districts are limited to the following maximum sizes:
  - (a) Home occupation: two square feet.
  - (b) All uses other than residential: 10 square feet.
- (2) Area of a Sign:
  - (a) The area of a sign shall include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on

which they are displayed (but not including any supporting framework and bracing which is incidental to the display itself).

(b) Where the sign consists of individual letters or symbols attached to or painted on a building's wall or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters and symbols.

(c) In computing the square-foot area of a double-faced sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45°, then both sides of such sign shall be considered in calculating the sign area.

(3) Height of a Sign.

(a) When a freestanding sign is located within 30 feet of a road right-of-way, the maximum height of a freestanding sign shall be measured from the elevation of the shoulder of the road to the highest point of the sign structure; however, where there is a sidewalk along the road, the height of such a sign shall be measured from the elevation of the sidewalk. All other signs shall be measured from the ground level at the base of the sign, provided that the ground level shall not be graded to increase the height of the sign.

(b) For a projecting, parallel, or roof sign, the maximum height shall be determined by its placement on the building. See definitions.

(4) Copy Area Calculation.

(a) The copy area of all signs, except those listed below, shall not exceed 75% of the total area of the sign.

(b) The following signs are exempted from this copy area restriction:

1) Window signs.

2) Wall signs consisting of single and separate letters or script without an enclosed background of the sign.

(5) Illumination of a Sign. Except for electronic message display signs, a light illuminating a sign shall be so arranged that the source of light is not visible from any point off the lot and so that only the sign is illuminated. This illumination may not be direct, through transparent or translucent materials from a source of light

within the sign structure. It may be indirect, with any projected light shielded so that no light is visible elsewhere on the lot. Exception: Wall signs consisting of separate characters, otherwise known as "channel letters," may be internally illuminated.

4. Permanent Signs. The following permanent signs may be erected as permitted in the respective districts, provided that they are erected and displayed in conformance with the following regulations. A portable sign is not a permanent sign and may be permitted only as a temporary sign.

A. Standard Signs. There are 12 standard signs: awning, billboard, canopy, development, electronic message display, fascia, freestanding, hanging shingle, nameplate, projecting, wall, and window.

(1) Awning Sign. Requirements for awning signs:

(a) The permanently affixed copy area of awning signs shall not exceed an area equal to 35% of the face of the awning.

(2) Billboard. See conditional use standards for billboards, § 27-301, Subsection 2A(2)(b).

(3) Canopy Sign. Requirements for canopy signs:

(a) The permanently affixed copy area of canopy signs shall not exceed an area equal to 35% of the face of the canopy, marquee or architectural projection upon which such sign is applied.

(b) Graphic striping, patterns or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

(4) Development Signs (Permanent). A permanent development identification sign may be erected upon final approval of the subdivision and land development plans by the Borough Council in accordance with the following regulations:

(a) Signs and entrance structures shall be for identification purposes only and shall give only the name of the subdivision or land development.

(b) Such a sign shall be a single sign with two faces or may be a single-faced sign located on each side of the entranceway.

- (c) The maximum area of a permanent development sign shall not exceed 16 square feet or a height of four feet, excluding structural elements and decorative features.
- (5) Fascia Sign. Requirements for fascia signs:
- (a) A fascia sign shall have a minimum clearance of eight feet from the sidewalk and shall not extend above the eaves or parapet of the building.
  - (b) Size Restrictions. The fascia sign width shall not extend within two feet of a party wall or side of a building, and the height shall not be greater than two feet.
- (6) Freestanding Sign. Requirements for freestanding signs:
- (a) The sign shall be set back at least eight feet from the right-of-way line or 12 feet from the curblineline, whichever is greater, at least 25 feet from the side property lines and 75 feet from any residential district. When the seventy-five-foot setback from a residential district cannot be achieved, the sign shall be placed to cause the least visible interference with the adjoining residences.
  - (b) If a premises or development is located or has entrances on more than one roadway, one freestanding sign may be erected along each frontage.
  - (c) Area and Height Restrictions. The area of the sign shall not exceed one square foot for each linear foot of the building's facade or 50 square feet, whichever is less. The maximum height of the sign shall not exceed 12 feet. The maximum area of the sign structure (measured from the outside edges of the structure, on the largest cross-section, whether solid or not) shall not exceed 80 square feet. For shopping center land developments, with at least 150,000 square feet of gross leasable floor area, the height and area of one freestanding sign may be increased as follows:
    - 1) Maximum area of sign: 150 square feet.
    - 2) Maximum area of sign structure (measured from outside edges of the structure, on the largest cross section, whether solid or not): 230 square feet.
    - 3) Maximum height: 22 feet. These additional area and height regulations shall only apply if the applicant demonstrates that the design and materials of all signs for the premises or development, and the associated landscaping, have been designed, by a landscape architect and/or architect, as part of an overall

design for all improvements on the premises and/or site and the area around the base of the sign shall be landscaped, which landscaping shall conceal any lighting fixtures used for the sign.

(d) Freestanding signs shall not be internally illuminated.

(7) Hanging Shingle Sign. Requirements for hanging shingle signs:

(a) No hanging shingle sign shall project more than 36 inches beyond the maximum extent of the structure. There must be a minimum eight-foot clearance between the bottom of the sign and the sidewalk, and the top of the sign may be no higher than 12 feet above the sidewalk.

(b) For buildings 40 feet or less in width, the total area of the sign shall not exceed six square feet. For buildings greater than 40 feet in width, the sign area shall not exceed 0.15 square foot per linear foot of the building width. The support bracket shall not be included in the computation of sign area.

(c) Hanging shingle signs will not be permitted where mounting fasteners may permanently damage historic architectural features or where the sign(s) may obscure significant architectural features.

(8) Nameplate Sign. Requirements for nameplate signs:

(a) The size shall not exceed two square feet in the overall area on one face.

(b) Not more than one such sign shall be erected for each permitted use of a dwelling unit unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.

(9) Projecting Sign. Requirements for projecting signs:

(a) One projecting sign may be erected on a building and/or structure fronting onto a public right-of-way if that premises has a minimum of 40 linear feet of frontage along the public right-of-way.

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

(c) The area of the sign shall not exceed 20 square feet. The maximum height of the sign measured from grade shall not exceed 20 feet.

(10) Wall Sign. Requirements for wall signs:

- (a) When a wall sign uses direct illumination, the illumination shall be by internal neon or LED lamps only with separate letters, characters, numbers, symbols and/or logos. No box-type direct illumination signs are permitted. Raceways shall not exceed 25% of the measurement of the orientation of the sign.
  - (b) Area of sign calculation for a wall sign.
    - 1) The maximum area of the sign for all wall signs shall be no more than 1.25 square feet of sign area per linear foot of building wall on the side of the building on which the sign is located, measured in the same direction of the orientation of the copy of the sign. In the case where square is desired, the basis of the linear footage shall be half of the combination of the two linear dimensions.
    - 2) No copy of a wall sign shall extend within two feet of the party or end wall of a building.
  - (c) Signs advertising a specific manufacturer's labeled product are not permitted as wall signs.
- (11) Window Sign. Requirements for window signs:
- (a) A window sign shall consist of words or a logo, or both, but shall not have any painted background. Window signs shall not obstruct the view into the building from outside the window.
  - (b) No permanent window sign shall have any flashing lights or a lighted display. See Subsection 6G for exempted window signs.
  - (c) Window signs may not occupy more than 20% of the total area of the storefront glassed area and no more than 50% of a single glass pane area contained within a window.
  - (d) Signs advertising a specific manufacturer's labeled product are not permitted as window signs.
  - (e) Window signs meeting the above requirements are not counted toward the maximum number of permanent signs permitted on the building.

**B. Other Permitted Permanent Signs.**

- (1) Trespassing signs or signs indicating the private nature of a road, driveway, or premises, and signs prohibiting or otherwise controlling fishing and hunting upon

a particular premises may be erected and maintained, provided that the size of any such sign shall not exceed two square feet per side. Such signs do not require a permit, provided that the applicable requirements of this chapter have been met.

- (2) Directional, informational or public service signs, such as signs advertising the availability of restrooms, telephones or similar facilities of public convenience, and signs advertising meeting times and places of nonprofit service and/or charitable clubs and organizations, may be erected, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods or services and that any such sign shall not exceed three square feet per side in size. Such signs do not require a permit.
- (3) Electronic message display signs are permitted for municipal uses and in the Corridor Development District for nonmunicipal uses. These signs shall comply with the following:
  - (a) Operational Limitations.
    - 1) The duration of each message shall be a minimum of five seconds.
    - 2) The transition time between messages shall be less than one second.
    - 3) The sign must be equipped with brightness controls so that the brightness of the sign has the ability to respond to changes in the outside light levels.
    - 4) Except for traffic control signals, electronic message display signs are prohibited within 100 feet of a traffic control device.
  - (b) The location of the sign shall conform to all other applicable regulations with regard to freestanding and wall signs.
  - (c) Signs shall be no more than eight feet in height.
  - (d) Sign area shall not be permitted to exceed 10 square feet.
  - (e) No more than one electronic message display sign shall be placed on an individual lot.
  - (f) No electronic message display sign shall be erected within 100 feet of any other electronic message display sign.
  - (g) Electronic message display signs shall be set back not more than 35 feet nor less than 10 feet from the lot's boundary with the public right-of-way or street,

whichever is closer to the center point of the lot, and not less than 15 feet from any neighboring lot boundary.

- (4) Electronic message display sign when incorporated within a marquee, shall be permitted only as a conditional use in the Town Center District. The electronic message display sign shall at a minimum comply with the following:
  - (a) No electronic message display sign within a marquee shall be installed on an individual lot less than 100 feet in width.
  - (b) Operational limitations of an electronic message display sign within a marquee:
    - 1) The duration of each static message shall be a minimum of five minutes.
    - 2) The transition time between static messages shall be less than one second.
    - 3) There shall be no animation or motion other than what is allowed in the above transition times.
    - 4) The electronic message display sign must be equipped with brightness controls so that the brightness of the sign has the ability to respond to changes in the outside light levels.
    - 5) Electronic message display signs are prohibited within 100 feet of a signalized intersection.
  - (c) Electronic message display signs within a marquee shall be no more than four feet in height.
  - (d) Electronic message display sign within a marquee shall not be permitted to exceed 10 square feet or shall not be larger than the lighted message display sign that it replaces.
  - (e) No more than two electronic message display signs shall be placed on a marquee.
5. Temporary Signs. In addition to permanent signs, the following temporary signs may be erected, provided that they are erected and displayed in conformance with the following and all other applicable regulations:
  - A. Temporary signs advertising political parties or candidates for election may be erected or displayed as provided by the laws of Pennsylvania and the United States, provided that the size of any such sign shall not exceed four square feet.

- B. One nonilluminated sign advertising the sale or rental of a premises, or one sign indicating that said premises has been sold or rented, may be erected upon said premises, provided that the area of any such sign shall not exceed four square feet for residential uses and 16 square feet for nonresidential uses. Such signs shall be removed within 20 days after agreement of sale or rental has been signed.
- C. One temporary, nonilluminated sign may be erected in connection with the development or proposed development of certain land and/or premises by a builder, contractor, developer, or other persons interested in such sale or development, provided that the area of any such sign shall not exceed 32 square feet and that the sign shall be removed within 20 days after the last structure has been initially occupied or upon expiration of the building permit, whichever is sooner.
- D. Temporary nonilluminated signs of mechanics or artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided that such a sign shall be removed upon completion of work by the mechanic or artisan and that the total area of all such signs shall not exceed four square feet.
- E. Temporary nonilluminated signs for yard sales may be erected and maintained during the period of one week prior to the yard sale, provided that such a sign shall be removed upon completion of the sale and that the total area of such a sign shall not exceed four square feet.
- F. Temporary, nonilluminated signs and banners directing persons to temporary exhibits, shows or events may be erected, subject to the following requirements:
  - (1) Signs shall not exceed 16 square feet in area.
  - (2) Signs shall not be posted earlier than two weeks before the occurrence of the event to which they are related and must be removed within one week after the date of the exhibit, show or event.
  - (3) Sandwich-board-type signs are included in this category but are to be removed during nonbusiness hours and immediately after the event.
- G. A temporary sign or display within a window is permitted when in conjunction with a promotion, special event or seasonal sale, provided that the following requirements are met:

- (1) Such a sign may be erected only for a commercial use.
- (2) Only two such signs shall be permitted in any window.
- (3) No such sign shall be illuminated.
- (4) The total area of such signs shall not exceed 40% of the total area of the window, and such signs shall not be placed where they restrict the view of a permanent window sign.
- (5) Such a sign may be displayed for a period not exceeding 14 days without requiring a sign permit.
- (6) Temporary sign for new owner or tenant while HARB application is in process. A new "Store Opening" sign or banner placed as a temporary sign is permitted as part of the standard building and occupancy permit; however, a sign application for HARB review shall be submitted to the Borough Zoning Officer prior to sign erection. One temporary sign or banner may be posted for maximum of 45 days from the date of HARB application. Temporary signs must be date-stamped with both the application date and the date the sign must be removed on a border of the sign that is visible from the public walkway.

H. Sandwich Board Signs are permitted on those portions of Bridge Street, Main Street and Gay Street located in the TC Town Center District and NC Neighborhood Commercial District, subject to the following requirements:

- (1) The owner or tenant of a building is permitted to display one (1) Sandwich Board Sign per building for the first forty (40) feet of building frontage, with one (1) additional Sandwich Board Sign permitted for each additional complete thirty (30) feet (i.e. round down) of building frontage.
- (2) Sandwich Board Signs shall be placed and removed daily, and shall be removed when the building is closed to the public; but, in no case shall Sandwich Board Signs remain on display between the hours of 11:00 pm and 7:00 am.
- (3) Size:
  - (a) The Area of Sign shall not exceed eight (8) square feet in sign area.
  - (b) No Sandwich Board Sign, including its supporting framework and bracing, shall have a height greater than three and a half (3.5) feet, measured vertically

from the ground at the base of the sign to the top of the sign or its structural support, whichever is higher.

(4) The location:

(a) In the event that a property has a front yard, the Sandwich Board Sign shall be located in the front yard directly abutting the frontage of the building, out of the public right-of-way and off of the public sidewalk.

(b) In the event that a property does not have a front yard, the Sandwich Board Sign shall be permitted between the front face of the building and the curblin, in the area directly abutting the frontage of the building, subject to the following requirements:

1) The Sandwich Board Sign shall be placed either: (i) not more than six (6) inches from front face of building; or (ii) not more than six (6) inches from edge of curb.

2) The location of the Sandwich Board Sign shall allow for ADA minimum pedestrian travel paths over public sidewalks of three (3) feet wide, measured in a straight line six (6) feet on either side of the sign, which area shall be exclusive of any and all poles, benches, trash cans, or other impediments.

3) Where available, Sandwich Board Signs shall be placed next to existing trees and permanent poles, in grassed or landscaped areas, or in vacant tree-wells, in order to limit the obstruction of pedestrian circulation on the public sidewalks.

4) No Sandwich Board Signs shall be located within six (6) feet of the corner of any intersection, ADA ramp, and/or crosswalk.

5) Sandwich Board Signs shall not block access to any crosswalks, ADA ramps, benches, parking meters, or adjacent businesses.

(5) The Borough may remove and/or relocate a Sandwich Board Sign when, in the sole discretion of the Borough:

(a) The location of the Sandwich Board Sign adversely impacts the free flow of pedestrian circulation.

(b) Construction work is occurring in the area of the sign.

- (c) In emergency or similar temporary situations.
  - (d) Other situations deemed advisable by Borough staff.
- (6) Sandwich Board Signs shall not be chained, tied, or otherwise affixed to any object or structure.
- (7) The following shall be prohibited on a Sandwich Board Sign:
  - (a) The words: "stop", "look" or "danger".
  - (b) Any word, place, symbol or character which interferes with, imitates or resembles an official traffic sign
- 6. Exempted Signs. In addition to the signs that do not require a permit, as previously noted, the following signs do not require a permit, provided that the applicable requirements of this chapter have been met:
  - A. Governmental flags or insignias.
  - B. Legal notices.
  - C. Memorial signs or historical signs, provided such a sign does not exceed four square feet.
  - D. Window signs giving store hours, "Open" or the name or names of credit or charge institutions, provided that the total area of any such sign or all signs together does not exceed two square feet.
  - E. Signs which are a permanent architectural feature of a building or a structure, such as a cornerstone, or identifying letters carved or embossed on a building, provided that the letters are not made of a reflective material and do not contrast in color with the building.
  - F. Bunting, pennants and similar materials are permitted to announce the opening of a new business or industry and must be removed after seven days of the opening day or the first day of business.
  - G. Revolving barbershop pole signs are permitted, provided that such a sign does not exceed 36 inches in height.
  - H. Flags used as projecting signs shall comply with the following:
    - (1) They shall be displayed only when the business (occupant of the building to which the flag is attached) is open and shall be removed when the business is closed;

- (2) Only one such flag is permitted for each street frontage of the building and must be displayed only on that frontage;
  - (3) The flag shall not obstruct or interfere with the pedestrian walkway;
  - (4) No part of the flag shall extend above the eaves or parapet of the building; and
  - (5) The area of the flag shall not exceed 15 square feet.
7. Prohibited Signs. The following signs are unlawful and prohibited:
- A. No signs shall be of a flashing, rotating, revolving or electronic messaging type, with the exception of barber poles which are used for barbershops only.
  - B. Any sign suspended.
  - C. Any sign attached to a tree or utility pole, or painted or drawn on a rock or other natural feature, is prohibited. For purposes of this regulation, "attached to" a tree means connected, supported and/or affixed by any method penetrating the surface of the bark of the tree.
  - D. No sign may use the words "Stop," "Look," "Danger," or any other word or character which attempts or appears to attempt to direct the movement of traffic or which interferes with or resembles any official traffic sign, signal, or device within 75 feet of a public right-of-way or within 200 feet of a traffic control device, whichever is greater.
8. Permits, Construction, Maintenance, and Violations.
- A. Permits Required.
    - (1) The permit must be obtained from the Borough before the erection of any signs within the Borough, unless specifically exempted herein.
    - (2) Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from the responsibility of erecting such a sign in a safe manner and in a manner which is in accord with all the other provisions of this chapter.
    - (3) Application Requirements. To obtain a sign permit, an applicant shall make application on a form provided by the Borough.
  - B. Construction Requirements. All signs shall meet the design and construction requirements of the UCC Uniform Construction Code. Electrical message display signs shall be manufactured in accordance with the Underwriters' Laboratories specifications and shall bear the laboratory label.

C. Maintenance Requirements. Every sign permitted by this chapter must be constructed of durable materials and kept in good condition and repair.

D. Removal or Abandonment of Signs.

(1) The owner of any property or premises upon which any sign is erected shall be responsible for its complete removal at such time as the circumstances which caused its erection have ceased to exist, such as a commercial tenant vacating the premises, or at such other time that the sign must be removed under any other provision of this chapter. If the owner of any property upon which a sign has been erected shall fail or neglect to remove it as hereinabove required, the Zoning Officer shall give notice to the owner by certified mail to remove the sign. If this letter is returned undelivered, for any reason, he may post such notice upon the premises. If, upon the expiration of 30 days following such notice, the owner fails to remove the sign, the owner shall be in violation of this chapter. At any time after the expiration of the thirty-day period, the Zoning Officer may arrange for the sign's (signs') removal on behalf of the Borough and shall bill the owner for the cost of such work, plus 10% for administrative cost. If such a bill remains unpaid after the expiration of 30 days, the Borough's Solicitor shall take the necessary steps to collect the same. Failure of a property owner to remove such a sign after the notice hereinabove has been provided shall constitute a violation of the terms of this chapter, and each day's continuance of such failure shall constitute a separate violation.

(2) If the owner of any sign in violation of any of the provisions of this chapter is not the owner of the premises on which it is situated, identical notices, as specified above, may be issued to him in like manner, and the owner of the sign shall be required to take such steps as to comply with the notice or notices issued to him as though he were the owner of the property or premises on which the sign is located; if the owner of the sign fails to comply, such failure shall constitute a violation of the terms of this chapter, and the owner of the sign shall then be liable to the same extent as the owner of the property or premises on which the sign is located.

E. Unsafe and Unlawful Signs. If the Zoning Officer finds that any sign, regulated herein, is unsafe or insecure or is a menace to the public or has been constructed, erected, or

maintained in violation of the provisions of this chapter, he shall give notice [in the same manner as in this § 27-606, Subsection 8D(1)] to the party to whom the permit was originally issued for erection of the sign, or to the owner of the sign, or to any combination of the parties thereof, to remove or alter the sign so as to comply with this chapter. If the parties notified fail to remove or alter the sign to comply with the standards herein set forth within 30 days after such notice, the parties shall be in violation of this chapter, and such sign may be removed or altered by the Building Inspector at the expense of each and every person notified. The expenses of removal or alteration shall be computed and paid for by the parties notified, in the same manner as in this § 27-606, Subsection 8D(1), and the same sanctions shall apply. The Zoning Officer may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

- F. Fines and Costs. The owner of the property and/or the owner of the sign violating any regulation of this § 27-606 shall be liable for a fine for each such violating sign, and each day that the violation continues shall be a separate offense as more fully set forth in § 27-1102. In addition to this fine, the owner of the property and/or owner of the sign shall also be responsible for the cost for removing the sign(s) and the repair of any damage caused by the sign, its erection and/or the violation.
- G. Insurance. It shall be unlawful for any individual, partnership, corporation, or other entity to erect, repair or maintain electrical signs, regardless of the size and location, or any nonelectrical signs which are higher than 10 feet above grade or are larger than 24 square feet, without submitting a certificate of insurance to the Building Inspector's office in the amount of \$100,000 and \$300,000 for personal injury liability, as well as \$25,000 for property damage.

**§27-607. Fencing.**

- 1. Fences.
  - A. Front, Side And Rear Yard requirements do not apply to Fences or Walls six feet and under in height above the natural grade of the required yard area; nor do they apply to terraces, steps, uncovered porches or other similar features not over three feet high above the level of the floor of the ground story. Where Fences are erected directly on

the Lot Line or within three feet of the Lot Line, the height of the Fence shall be measured from the average grade levels between the two Properties.

- B. Where new Fences are erected parallel to a neighbor's existing residential Building Facade that contains windows to habitable spaces, any solid board or similar visually obstructed Fence erected within 10 feet of said Facade shall not project any higher than the top of the windowsill (basement windows excluded). All Fences and Walls shall have a maximum height of six feet.

**§27-608. Miscellaneous Provisions.**

1. Satellite Earth Stations or Dish Antennas.

- A. Satellite earth stations or dish antennas shall be permitted in all districts with the provision that the installation meets the following requirements:

- (1) Only one antenna per Lot.
- (2) No installation in Front Yards.
- (3) The installation shall meet all Side and Rear Yard Setback requirements.
- (4) The installation shall be suitably screened to prevent view from surrounding properties and under any conditions shall not be visible from a public Right-Of-Way.
- (5) The owner of the Property shall remove, or facilitate the removal, of the satellite earth station or dish antenna within 30 days of any discontinuance of service to the device.
- (6) The owner of the Property shall remove, or facilitate the removal, of the satellite earth station or dish antenna from the Property prior to the sale of the Property to a new owner and also prior to entering into a lease agreement with a new tenant.

2. Solar Energy Systems.

- A. Definitions. Various terms used in this section are defined in Part 2, Definitions.
- B. Solar Energy Systems shall be allowed in any zoning district and may be installed upon receipt of the necessary construction, electrical and/or mechanical permit(s), and this applies to Solar Energy Systems to be installed and constructed for residential or commercial use.

C. Solar Energy Systems that are the primary use of a lot may be governed by additional regulations as set forth in the Uniform Construction Code, other sections of the Zoning Ordinance or Subdivision and Land Development Ordinance.

D. Applicability.

(1) These provisions shall apply to Solar Energy Systems to be installed and constructed after the effective date of this Chapter and all applications for Solar Energy Systems on existing Structures, Buildings, or Property.

(2) Solar Energy Systems constructed prior to the effective date of this Chapter shall not be required to meet the requirements of this Chapter.

(3) Any upgrade, modification, or structural change that materially alters the size or placement of an existing Solar Energy System shall comply with the provisions of this Chapter.

E. Design and Installation.

(1) To the extent applicable, the Solar Energy System shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry.

(2) The design of the Solar Energy System shall conform to applicable industry standards.

F. Setbacks and Height Restrictions.

(1) A Solar Energy System may be installed as long as it meets the requirements of this Chapter with respect to Setback and height restrictions in the subject zoning district and all other applicable construction codes. A roof-mounted Solar Energy System shall conform to the height regulations of the zoning district where the Solar Energy System is installed.

G. Ground-Mounted Solar Energy System.

(1) A ground-mounted Solar Energy System must comply with all Setback and height requirements for the zoning district where the Solar Energy System is to be installed.

(2) All exterior electrical and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit.

- (3) A ground-mounted Solar Energy System must comply with the Accessory Structure restrictions contained in the zoning district where the ground-mounted Solar Energy System is located.
3. Wind Energy Facilities and Wind Turbines.
    - A. Definitions. Various terms used in this section are defined in Part 2, Definitions.
    - B. A Wind Energy Facility shall be considered a conditional use allowed in all zoning districts in the Borough, subject to those standard requirements set forth in the conditional use section of this Chapter and the following additional provisions set forth in this section of this Chapter.
      - (1) To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry.
      - (2) The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters' Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
      - (3) All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
      - (4) All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes and relevant and applicable international standards.
    - C. Design and Installation.
      - (1) To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry.
      - (2) The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters' Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
      - (3) All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
      - (4) All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes and relevant and applicable international standards.
    - D. Visual Appearance; Power Lines.
      - (1) Wind Turbines shall be a nonobtrusive color, such as white, off-white or gray.
      - (2) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

- (3) Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator.
- (4) On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.

E. Warnings.

- (1) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (2) Visible, reflective, colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

F. Climb Prevention/Locks.

- (1) Wind Turbines shall not be climbable up to 15 feet above the ground surface.
- (2) All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by nonauthorized persons.

G. Setbacks.

- (1) Wind Turbines shall be set back from the nearest occupied Building a distance not less than the greater of the maximum Setback requirements for that zoning classification where the turbine is located or 1.1 times the turbine height, whichever is greater. The Setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the occupied Building.
- (2) Wind Turbines shall be set back from the nearest occupied Building located on a nonparticipating landowner's Property a distance of not less than five times the hub height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the occupied Building.
- (3) All Wind Turbines shall be set back from the nearest Lot Line a distance of not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the turbine height, whichever is greater. The Setback distance shall be measured to the center of the Wind Turbine base.
- (4) All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the Right-Of-Way line of the nearest public road to the center of the Wind Turbine base.

H. Local Emergency Management Services.

- (1) The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s).
- (2) Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

I. Noise and Shadow Flicker.

- (1) Audible sound from a Wind Energy Facility shall not exceed 55 dBA, as measured at the exterior of any occupied Building on a nonparticipating landowner's Property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems, Volume I: First Tier." The municipality may grant a partial waiver of such standards where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.
- (2) The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied Building on a nonparticipating landowner's Property.

J. Decommissioning.

- (1) The facility owner and operator shall, at their expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within 12 months after the end of the useful life of the facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of their useful life if no electricity is generated for a continuous period of 12 months.
- (2) Decommissioning shall include removal of Wind Turbines, Buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities and shall be the responsibility of the Property owner if the facility owner and operator does not decommission the facility in the time period allotted.

## **Part 7. NONCONFORMITIES**

### **§27-701. Statement of Intent.**

1. The purpose and objective of these provisions is to establish specific regulations pertaining to nonconforming uses, lots, land areas, buildings and/or structures.
2. As part of the establishment of zoning districts by this chapter, there exists or will exist certain nonconformities which, if lawful before this Chapter was passed or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Chapter or future amendments thereto.
3. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Chapter and on which actual building construction has been diligently conducted.

### **§27-702. Registration and Nonconformities.**

1. The burden of proof that the use, lot, structure or building is a nonconformity shall be the responsibility of the Property owner, who shall register said nonconformity with the Borough. All known nonconformities shall be a matter of public record and shall constitute sufficient notice and the limitations therein express and implied to any transferee acquiring any right to use or own such Property. It shall also be the responsibility and burden of the Property owner to notify the Borough of any permitted reestablishment of any nonconformities.

### **§27-703. Nonconforming Lots of Record.**

1. Any Lot shown on a recorded subdivision or land development plan on the effective date of this Chapter 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 regulations of that zoning district, provided that all yard, height, coverage and open space requirements of the zoning district shall be met. However, when a developer or applicant has had an application for approval of a preliminary or final subdivision plan which has been approved prior to the effective date of this chapter, no provision and/or regulation in this Chapter shall be applied to affect adversely the right of the developer or applicant to commence and complete any

aspect of the approved preliminary or final plan within such time periods as are established within the Pennsylvania Municipalities Planning Code.

2. Any Lot held in single and separate ownership on the effective date of this Chapter 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 zoning district, provided that all yard, height, coverage and open space requirements of the district are met. However, if two or more Lots, combination of Lots or portions of Lots with continuous frontage held under 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.

**§27-704. Nonconforming Uses of Land.**

1. Lawful uses of land, which at the effective date of this Chapter or subsequent amendment thereto become nonconforming: such nonconforming use or uses may be continued by the present or any subsequent owner so long as they remain otherwise lawful, subject to the provisions listed within this Article of this Chapter.
2. A nonconforming land use shall not be enlarged, increased and/or extended in order to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Chapter.
3. Whenever a Nonconforming Use has been discontinued for a period of 12 consecutive months, such use shall not thereafter be reestablished, except if the owner of such property files within 30 days of the date of discontinuance a letter of intention to maintain such use. If such certificate is filed in the time period for which a Nonconforming Use may be discontinued and still be reestablished, such nonconforming use shall be permitted to be reestablished; however, it must be reestablished within 12 months from receipt of the letter of intent to maintain such use.
4. A Nonconforming Use, if changed to a conforming use, shall not thereafter be changed back to any Nonconforming Use. A Nonconforming Use shall not be moved, in whole or

in part, to any portion of the Lot or Parcel other than that occupied by such at the effective date of adoption or amendment of this Chapter.

5. A Nonconforming Use of land may be changed to another Nonconforming Use, provided that the proposed use is equally appropriate or more appropriate to the zoning district than the existing Nonconforming Use. Such determination shall be made by a special exception granted by the Zoning Hearing Board, which shall take into consideration the following issues: the intent of the provisions for the zoning district; the ability to change the use to a conforming use; traffic generation and congestion; noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration or other nuisances; external storage; solid waste disposal; sewer and water facilities; and the general impact of the use compared to the uses within 500 feet of the Lot Lines.
6. No additional Structures or Buildings which do not conform to the requirements of this Chapter shall be erected in connection with such Nonconforming Use of land.

**§27-705. Nonconforming Buildings and Structures.**

1. Lawful Nonconforming Structures or Buildings, which at the effective date of this chapter become nonconforming by reason of restrictions on area, lot coverage, height, yards, their location on the Lot or other requirements concerning the Buildings or Structures, may be continued as long as they remain otherwise lawful, subject to the provisions listed in the following Subsections.
2. A Nonconforming 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.
3. A Nonconforming Building or Structure shall not be enlarged, increased, repaired, maintained or modified in any manner which will further violate any applicable dimensional requirements imposed by this Chapter, except that a principal Building which existed at the effective date of this Chapter which is nonconforming as to a yard requirement may have repairs, improvements, modifications and/or additions made to those portions of the Building located within the required yard. All such repairs, improvements, modifications and/or additions shall not further increase or extend into the required yard.

4. Any total future expansion of a Nonconforming Building or Structure shall not exceed 25% of the gross floor area or ground area occupied at the time of the effective date of this Chapter, and such expansion shall not violate any applicable Zoning Ordinance regulations.
5. Any lawful Nonconforming Building or other Structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm or other similar active cause may be reconstructed in the same location, provided that:
  - A. The reconstructed Building or Structure shall not exceed the height, area or volume of the damaged or destroyed Building or Structure.
  - B. Reconstruction shall begin within one year from the date of damage or destruction and shall be carried on without interruption.

**§27-706. Nonconforming Uses of Structures or Buildings.**

1. Lawful Nonconforming Uses of Structures or Buildings, and land in combination, which exist at the effective date of this Chapter that would not be allowed in the district under the terms of this Chapter, may be continued so long as they remain otherwise lawful, subject to the provisions contained within this Article of this Chapter.
2. An existing Structure devoted to a use not permitted by this Chapter within the zoning district where it is located may be enlarged, extended, constructed, reconstructed or structurally altered up to but not more than 25% of its gross floor and/or use area as it existed at the time of the passage of this Chapter or subsequent amendment, provided that the Lot or Lots upon which the Nonconforming Building is situated were held under single ownership or long-term lease (10 years or more) and purchased or leased prior to the enactment of this Chapter.
3. Any enlargement, extension, construction, reconstruction or structural alteration must conform to all other regulations of the zoning district in which it is located.
4. Any Nonconforming Use may be extended throughout the Building which was in use for the Nonconforming Use at the time of adoption of this Chapter, but no such use shall be extended to occupy any land outside such Building unless provided for under this Article of this Chapter.
5. A Nonconforming Use of land may be changed to another Nonconforming Use, provided that the proposed use is equally appropriate or more appropriate to the zoning district than the existing Nonconforming Use. Such determination shall be made by a special exception

granted by the Zoning Hearing Board, which shall take into consideration the following issues: the intent of the provisions for the zoning district; the ability to change the use to a conforming use; traffic generation and congestion; noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration or other nuisances; external storage; solid waste disposal; sewer and water facilities; and the general impact of the use compared to the uses within 500 feet of the Lot Lines.

6. Any Structure, Building, or Structure/Building and land in combination, in or on which a Nonconforming Use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the Nonconforming Use may not thereafter be resumed. When a Nonconforming Use of a Structure, Building, or Structure/Building and Lot in combination, is discontinued or abandoned for 12 consecutive months, the Structure, Building, or Structure/Building and Lot in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
7. Where a Building or Structure occupying a Nonconforming Use is damaged or destroyed, the Nonconforming Use shall be permitted to continue, provided that reconstruction and/or repair shall be completed within one year from the date of damage or destruction. If such action is not taken and the Nonconforming Use is not reestablished within one year from the date of damage or destruction, the status of the Nonconforming Use shall be eliminated at that point in time.

## **Part 8. ADMINISTRATION AND ENFORCEMENT**

### **§27-801. Statement of Intent.**

1. The purpose and objective of the provisions established under Part 8 of this Chapter is to establish specific regulations and guidelines for the administration and enforcement of this Chapter.
2. Any person, partnership or corporation who or which shall violate the provisions of this Chapter shall be held accountable for his/her/its actions in accordance with the provisions specified by this chapter and the Borough Code.
3. Where a conflict or discrepancy should arise concerning the procedural requirements specified within this Chapter and the Pennsylvania Municipalities Planning Code, the Borough Solicitor shall review the conflict or discrepancy and advise the Borough Council,

Planning Commission, Zoning Officer, Engineer and/or Zoning Hearing Board of the procedural requirements that should be followed.

4. The provisions established for administration and enforcement shall be subject to the interpretation of the Borough Zoning Officer. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board.

**§27-802. Zoning Officer Responsibilities.**

1. The provisions of this Chapter shall be enforced by an agent, to be appointed by the Borough Council, who shall be known as the "Zoning Officer." The Zoning Officer shall not hold any elective office and shall continue to serve the Borough until such time as the Borough Council declares otherwise.
2. The Zoning Officer is responsible to enforce the provisions of this Chapter and shall have such duties and powers as are referenced by this Chapter. The Zoning Officer's duties shall include, but are not limited to, the following:
  - A. To receive, examine and process permit applications for zoning, land use, buildings and signs.
  - B. To issue permits for the construction, alteration, repair, extension, replacement, occupancy and uses of land which are in accordance with the regulations of this Chapter and the Borough Code.
  - C. To record and file all applications for permits and accompanying plans and documents and keep them for public record.
  - D. To inspect Nonconforming Uses, Buildings and Lots of record by examining them periodically, with the objective of eliminating the Nonconforming Uses under the existing laws and regulations, and to issue certificates of occupancy for them when warranted.
  - E. Upon the request of the Borough Council, the Planning Commission or the Zoning Hearing Board, to present to such bodies facts, records and any similar information on specific requests to assist such bodies in reaching their decisions.
  - F. To be responsible to recommend periodic updates to this Chapter and the Zoning Map, which is filed with the Borough, and to include any amendments thereto.

- G. To keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Chapter and of the action taken consequent to each such complaint.
  - H. To forward applications for variances, special exceptions or conditional use approvals to the Planning Commission and Borough Council for review.
  - I. To issue permits for uses permitted by right, variance, special exception or conditional use, as specified within this Chapter.
  - J. To provide preliminary opinions to the owner of the Property for which such opinion is sought, in accordance with the procedures provided by Section 916.2 of the MPC.
  - K. To perform all other duties as may be required for the administration of this Chapter and the MPC.
3. Borough Council may establish reasonable fees to be paid by the applicant in accordance with the MPC for applicant-requested reviews by the Zoning Officer, including, without limitation, requests for preliminary opinions pursuant to Section 916.2 of the MPC, which fees shall be reflected in the Borough's Master Schedule of Fees.
  4. Where a review is undertaken by the Zoning Officer and other Borough consultants at the request of an applicant, the Zoning Officer may require that the applicant execute a professional services reimbursement contract and post any escrow required thereby before such request is deemed to be administratively complete and before any such review is commenced

**§27-803. Remedies and Enforcement Notice.**

1. If it appears to the Borough that a violation of any provision of this Chapter or the Borough Code or any amendment thereto, any detailed statement or a plan approved under the provisions of this Chapter or any amendment thereto, or any condition of a variance or special exception granted by the Zoning Hearing Board or of a conditional use granted by the Borough Council has occurred or is occurring, the Zoning Officer may initiate enforcement proceedings by sending notice thereof. By means of the enforcement notice, the Zoning Officer may order discontinuance of illegal use of the land or structures, removal of illegal structures thereon, or discontinuance of any illegal work being done.
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 such a

notice regarding that Parcel, and to any other person requested, in writing, by the owner of record of the Parcel.

3. The enforcement notice shall, at least, state 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 or the Borough Code.
  - 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 the procedures set forth in this Chapter and the Municipalities Planning Code.
  - F. That failure to comply with the notice within a time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions as described in this Chapter.

**§27-804. Building Permits, Zoning Permits, Certificates of Use and Occupancy, and Other Permits.**

1. The following general requirements shall apply to zoning permits, building permits and certificates of use and occupancy as reviewed and issued by the Zoning Officer:
  - A. Persons desiring to undertake any new construction, structural or site alteration or changes in the use of a Building or lot shall apply to the Borough Zoning Officer for a permit by filling out the appropriate application form and by submitting the required fee.
  - B. The Zoning Officer shall either issue the appropriate permit or shall refuse the permit, indicating in writing the reason for refusal. Certain construction activities, alterations or land use activities may require approval of the Borough Council, Planning Commission and/or Zoning Hearing Board.
  - C. If the permit is refused by the Zoning Officer, the applicant may appeal to the Zoning Hearing Board for further consideration.

- D. After the permit has been received by the applicant, he may undertake the action that is specifically referenced on the approved permit application.
  - E. Upon completion of such action, the applicant may apply to the Zoning Officer for an occupancy permit (where such a permit is required).
  - F. If the Zoning Officer finds that the action of the applicant is in accordance with the zoning permit, building permit and any other required permit approvals, the Zoning Officer shall issue an occupancy permit allowing the premises to be occupied.
2. The following specific provisions shall apply to an application for a zoning permit and/or building permit within the Borough:
- A. No person shall erect, alter, convert, move or add to any Building, Structure or Sign, or alter the use of any land or Structure, until the Zoning Officer issues a zoning permit and/or building permit to the person or applicant for said change or construction.
  - B. Unless otherwise specified by the Zoning Ordinance, a zoning permit is not required for normal maintenance and repairs.
  - C. The following provisions shall apply to the types of procedural requirements for a use permitted by right, special exception or conditional use:
    - (1) A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted by right, subject to the provisions and requirements of the Zoning Ordinance.
    - (2) A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted as part of a zoning variance application which has been approved by the Zoning Hearing Board and subject to the provisions and requirements of the Zoning Ordinance.
    - (3) A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted as part of a special exception application which has been approved by the Zoning Hearing Board and subject to the provisions and requirements of the Zoning Ordinance.
    - (4) A zoning permit and/or building permit may be issued by the Zoning Officer for all uses permitted as part of a conditional use application which has been approved by Borough Council and subject to the provisions and requirements of the Code.

- D. All applications for a zoning permit and/or building permit shall be made in writing to the Zoning Officer and shall be accompanied by three complete sets of plans, accurately drawn to scale, submitted in a format acceptable to the Zoning Officer, indicating or illustrating the following information, if applicable:
- (1) The actual dimensions and shape of the lot to be built upon, as prepared by a licensed surveyor or engineer.
  - (2) The exact size and location on the lot of Buildings, Structures or Signs existing and/or proposed extensions thereto, prepared by a licensed surveyor or engineer.
  - (3) The number of Lots or Dwelling units.
  - (4) Off-street Parking Spaces provided and/or loading facilities.
  - (5) Statement indicating the existing or proposed use.
  - (6) The detailed scale drawing of the Structure, Building, Sign or other improvement, including the precise dimensions.
  - (7) A written agreement that the applicant is the owner of the premises on which the improvement will be conducted or that the applicant has obtained the consent of the owner of such premises to improve the Property in accordance with the permit application.
  - (8) All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Chapter.
- E. Upon approval or disapproval of the zoning permit and/or building permit, the Zoning Officer shall return one copy of the permit application and plans to the applicant. The Zoning Officer shall indicate that the permit has been approved or disapproved by signing the application. Where appropriate, conditions of approval should be specified on the zoning permit and/or building permit application. One copy of such plans shall be retained by the Zoning Officer for his permanent records, and one copy shall be retained by the Borough.
- F. Approval or denial of the requested zoning permit application or building permit application shall be made within 30 days from the date the application was considered complete by the Zoning Officer. The Zoning Officer may verbally advise an applicant of an incomplete application, and the applicant may be given an opportunity to resubmit a complete application. In denying a zoning permit application or building permit

application, the Zoning Officer shall inform the applicant of the reasons for denial and specify the provision(s) of the Zoning Ordinance or other applicable provisions of the Borough Code which have not been satisfied. Applicants shall be informed of their rights of appeal and provided with all necessary information to pursue such appeals.

- G. Zoning permits and/or building permits shall expire within one year from date of issuance if the work described in any permit has not begun. If the work described in any zoning permit and/or building permit has begun, said permit shall expire after one year, exclusive of any time required for administration and permitting, from date of issuance thereof, within which time said work shall be completed.
3. The following specific provisions shall apply to an application for a certificate of use and occupancy within the Borough:
- A. A certificate of use and occupancy shall be required upon the completion of the work and improvements authorized as part of the zoning permit and/or building permit. It shall be unlawful to use and/or occupy any Structure, Building and/or portions thereof in any manner until a certificate of use and occupancy has been issued by the Zoning Officer.
  - B. The application for a certificate of use and occupancy shall be submitted on such form as the Zoning Officer may prescribe.
  - C. The Zoning Officer shall inspect any Structure, Building, Sign, improvements and/or land or portions thereof to determine compliance with this Chapter and permit requirements. If satisfied that the completed work is in conformity with this Chapter and permit requirements, a certificate of use and occupancy shall be issued.
  - D. Upon inspection, the Zoning Officer shall either grant or deny the certificate of use and occupancy, in writing, within 15 days from the date of application or last inspection.
  - E. In situations in which performance standards are imposed, no certificate of occupancy shall become permanent until 30 days after the use or facility is fully operating and, following inspection by the Zoning Officer, it is determined that the facility is in compliance with the performance standards. After said inspection, the Zoning Officer shall notify the applicant that the facility is in full compliance with all performance standards and that the certificate of use and occupancy is permanent or that the facility does not comply and that the certificate of use and occupancy is still temporary. In no

case shall a temporary certificate of use and occupancy extend 90 days past the date of first inspection.

- F. The certificate of use and occupancy shall be kept on the premises and shall be publicly displayed in a manner required by the Borough Code.
- 4. The owner of the Property occupied by a lawful Nonconforming Use or Structure may secure a certificate of Nonconforming Use or Structure from the Zoning Officer. Such certificate shall be authorized by the Zoning Officer and shall certify to the owner his right to continue such Nonconforming Use or Structure.
- 5. Pursuant to the provisions of the Borough Code, additional permits may be required by local, regional, county, state and federal agencies, which shall be issued prior to the commencement of any improvement or site activities.
- 6. Notwithstanding the foregoing provisions of this Section, appeals related to building permit decisions shall only be appealed to the Zoning Hearing Board when such denial relates to the requirements of this Chapter. In all other cases, building permit decisions shall be appealed in accordance with Chapter 5 (Code Enforcement) of the Borough's Ordinances.

**Part 9. ZONING HEARING BOARD, VARIANCES, SPECIAL EXCEPTIONS AND  
CONDITIONAL USES**

**§27-901. Zoning Hearing Board — Membership and Powers.**

- 1. Borough Council shall appoint five residents to serve as members of the Zoning Hearing Board in accordance with the provisions of this Chapter and the Pennsylvania Municipalities Planning Code.
- 2. The following provisions shall apply to the establishment of the Borough Zoning Hearing Board:
  - A. Newly appointed members of the Zoning Hearing Board shall serve five-year terms and shall be so fixed that the term of office of one member shall expire each year. Current members of the Zoning Hearing Board shall serve their remaining term of office as established prior to the adoption of this chapter and may be reappointed by the Borough Council upon expiration of their term of office to a new five-year term.

- B. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies which may occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.
  - C. The members of the Zoning Hearing Board shall hold no other office within the Borough.
  - D. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council taken after the member has received 15 days of advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
  - E. The Borough Council may appoint one resident to serve as an alternate member of the Zoning Hearing Board.
3. The following provisions shall apply to the organization of the Borough Zoning Hearing Board:
- A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
  - B. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board.
  - C. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board, as provided within the MPC.
  - D. The Zoning Hearing Board may appoint a solicitor or attorney to oversee the procedures of the hearing in accordance with the provisions of the MPC.
  - E. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure consistent with the MPC and laws of the Commonwealth of Pennsylvania.
  - F. If requested by the Borough Council, the Zoning Hearing Board shall submit an annual report of its activities to the Borough Council.
4. The following provisions shall apply to expenditures and fees for the Zoning Hearing Board:
- A. The members of the Zoning Hearing Board may receive compensation for the performance of their duties and services, which shall be \$50 per meeting attended.

- B. Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.
  - C. The applicant before the Zoning Hearing Board shall deposit with the designated secretary or treasurer of the Borough such a sum of money as shall be deemed sufficient by the Zoning Hearing Board and established in a resolution to pay the cost of the expenses for the hearing, which may include the notice and advertising costs and all other necessary administrative overhead associated with conducting the hearing.
  - D. Funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completion of the proceedings; and, in the event that the cost of the hearing exceeded the funds deposited, the applicant shall pay to the designated secretary or treasurer of the Borough the appropriate funds equal to such excess cost.
5. The following provisions shall apply to the general functions of the Borough Zoning Hearing Board:
- A. The Zoning Hearing Board shall act in strict accordance with the procedures specified within this Chapter and the MPC.
  - B. The Zoning Hearing Board shall consider applications for variances, special exceptions, appeals concerning the interpretation of this chapter by the Zoning Officer, including, without limitation, preliminary opinions provided pursuant to Section 916.2 of the MPC, and other duties that are specified by the Borough Code.
  - C. All appeals and applications made to the Zoning Hearing Board shall be in writing, on forms prescribed by the Borough Council or Zoning Hearing Board.
  - D. 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 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.
6. In all cases before the Zoning Hearing Board, the Borough Council, Planning Commission and Zoning Officer may review and comment on the application prior to rendering a decision.

**§27-902. Zoning Hearing Board — Public Hearings and Procedures.**

1. The first hearing shall be commenced within 60 days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time. Each subsequent hearing before the Zoning Hearing Board shall be held within 45 days of the prior hearing unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case in chief (the part of the hearing in which the applicant presents evidence to support his or her claim or defense) within 100 days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing, held after the completion of the applicant's case in chief. An applicant may, upon request, be granted additional hearings to complete his case in chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent, on the record by the applicant and the Borough, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of hearings for rebuttal.

A. The Zoning Hearing Board shall give notice of the public hearing in accordance with the following:

(1) By publishing a notice once each week for two successive weeks in a newspaper of general circulation within the Borough. Such notice shall state the time and place of the public hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall be not less than seven days from the date of the hearing.

(2) By mailing a notice thereof to the parties of interest at least 14 days prior to the public hearing.

(3) By mailing or issuing a notice to the Borough Manager, Zoning Officer, Borough Council, Planning Commission, and to every person or organization who or which shall have registered with the Zoning Hearing Board for the purpose of receiving such notices.

(4) The Zoning Hearing Board or Zoning Officer may mail notice of the hearing to the owner of every Lot within 500 feet of the Lot or Building in question, provided that

failure to give notice, either in part or in full, as stated by this subsection shall not invalidate any action by the Zoning Hearing Board.

- (5) The required notices by this section shall state the location of the Lot or Building that is the subject of the application, as well as the general nature of the request(s) being made by the applicant(s).
- B. Borough Council may establish reasonable fees to be paid by the applicant in accordance with the MPC.
2. The Zoning Hearing Board shall conduct the hearings, or the Zoning Hearing 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, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
  3. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board and any other person, including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing 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.
  4. The Chairman or Acting Chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.
  5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
  6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
  7. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
  8. The Zoning Hearing 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 communications, reports, staff memoranda or other 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.

9. The Zoning Hearing 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 Zoning Hearing Board or hearing officer. 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 act, 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 Zoning Hearing Board shall make his report and recommendations available to the parties, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 45 days after the decision of the hearing officer. Where the Zoning Hearing Board has power to render a decision and the Zoning Hearing Board or the hearing officer, as the case may be, fails to commence, conduct or complete the required hearing as required by this Chapter, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous.
10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him by certified mail not later than the day following its date. To all other persons who have filed their names and addresses with the Board, the Zoning Hearing Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

**§27-903. Zoning Variances.**

1. The Zoning Hearing Board shall hear requests for zoning variance applications, where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant.

The zoning variance application shall be considered by the Zoning Hearing Board in accordance with the provisions specified by this Chapter.

2. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the MPC. The Zoning Hearing Board may, by rule, prescribe the form of application and may require a preliminary application to be issued and reviewed by the Zoning Officer.
3. In all cases before the Zoning Hearing Board, the Borough Council, Planning Commission and Zoning Officer may review and comment on the zoning variance application prior to rendering a decision.
4. The Zoning Hearing Board may grant a variance, provided that all 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 Zoning Hearing Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
5. Where the Zoning Hearing Board has jurisdiction over other zoning matters described under this Chapter, the Zoning Hearing Board shall also hear all appeals which an applicant

may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same Lot, Parcel, Property or development. In any such case, the Zoning Hearing Board shall have no power to pass upon the non-zoning-related issues but shall take evidence and make a record in accordance with the procedures established by this Chapter. At the conclusion of the hearing, the Zoning Hearing Board shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the court.

6. The approval of a variance, if authorized by the Zoning Hearing Board, which anticipates construction or modification of a Structure or Building, creation of new or revised Lot lines or dimensional standards for a Property or Structure situated thereon, shall be valid and remain in effect for a term of one year from the date of said approval and shall thereafter expire and be void unless said construction, modification, new or revised Lot Lines or dimensional standards or change of use or occupancy is initiated within said one-year term or said term is expressly extended as part of the initial approval. In the event that the activity anticipated by the variance should not be initiated within one year of the approval or such additional term as may be expressed in the approval, or should the activity which is the subject of the variance be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.
7. For zoning variance applications where compliance with the minimum dimensional requirements and/or maximum coverage requirements of this Chapter of the Code are considered to be "de minimis" in terms of their impact, the Zoning Hearing Board shall consider such application in accordance with state law.

**§27-904. Special Exceptions.**

1. The Zoning Hearing Board shall hear requests for special exception applications, as permitted under the provisions of this Chapter. By so providing, the Zoning Hearing Board recognizes that certain uses may or may not be appropriate at every location within any specific district and, where it appears that a use permitted by special exception fails to comply with all of the definitional aspects thereof or would be contrary to the public health, safety, morals and/or welfare of the community at specific locations within a district, that the use would not be permitted there.

2. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the MPC, as amended. The Zoning Hearing Board may, by rule, prescribe the form of application and may require a preliminary application to be issued and reviewed by the Zoning Officer.
3. The Zoning Hearing Board shall consider the comments issued by Borough Council, Planning Commission, Engineer, Zoning Officer and/or other agencies that could assist the Zoning Hearing Board with the special exception application. All such comments shall be made either in writing and presented as evidence during the hearing or as part of sworn testimony at the public hearing.
4. The Zoning Hearing Board shall consider the following issues prior to rendering its decision on a special exception application:
  - A. That such use is consistent with the Borough Comprehensive Plan.
  - B. That such use shall be one which is specifically authorized as a special exception use within the zoning district wherein the applicant seeks a special exception.
  - C. That such special exception shall only be granted subject to any applicable conditions and safeguards as required by this Chapter.
  - D. That such use shall not adversely affect the health, safety and/or welfare of residents or Property owners within the general neighborhood.
  - E. That there will be no adverse effect of the proposed special exception upon the logical, efficient and economical extension of public facilities and services, including public water, sanitary sewers, streets, police and fire protection, public schools and all other similar facilities and services that are considered appropriate by the Zoning Hearing Board.
  - F. The Board may impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Chapter is complied with, which conditions may include, but are not limited to, harmonious design of Buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements and adequate standards of Parking and sanitation.
5. The approval of a special exception, if authorized by the Zoning Hearing Board, which anticipates construction or modification of a structure, creation of new or revised Lot Lines

or dimensional standards for a Property, Building, or Structure situated thereon, shall be valid and remain in effect for a term of one year from the date of said approval and shall thereafter expire and be void unless said construction, modification, new or revised Lot Lines or dimensional standards or change of use or occupancy is initiated within said one-year term or said term is expressly extended as part of the initial approval or a further extension of the term being granted by the Zoning Hearing Board prior to the expiration of the one-year period. In the event that the activity anticipated by the special exception should not be initiated within one year of the approval or such additional term as may be expressed in the approval or should the activity which is the subject of the special exception be discontinued, the Property, Building, or Structure or Structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.

**§27-905. Conditional Uses.**

1. Borough Council shall hear requests for conditional use applications, as permitted under the provisions of this Chapter. By so providing, the Borough Council recognizes that certain uses may or may not be appropriate at every location within any specific district and, where it appears that a conditional use fails to comply with all of the definitional aspects thereof or would be contrary to the public health, safety, morals and/or welfare of the community at specific locations within a district, that the use would not be permitted there.
2. In granting any conditional use, the Borough Council 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.
3. Prior to the commencement of the conditional use hearing or during the proceedings of the conditional use hearing, the Borough Council may consider the comments of the Planning Commission, Zoning Officer, Engineer, the appointed professional consultants and/or other agencies that could assist Borough Council with the merits of the conditional use application. All such comments shall be made either in writing and presented as evidence during the hearing or as part of sworn testimony at the conditional use hearing.
4. All of the standards for conditional uses hereinafter set forth shall, where relevant, apply to all conditional uses within the Borough and are deemed definitional in character so that

the failure to comply with any standards shall be deemed a failure to bring the applicant within that definitional aspect for which a conditional use may be granted; or, in the discretion of the Borough Council, such failure to comply with the standards may be deemed a basis for the imposition of appropriate conditions to such grant. It is further the intention of Borough Council that the standards hereinafter described shall be deemed additional standards and shall in no way impair any other applicable standard described elsewhere in this Chapter. Where there is a conflict between the standards set forth in this Article and other standards elsewhere established by this Chapter or other applicable ordinances, it is intended that the more stringent thereof shall apply, and it is not the intent of this article to abrogate or impair any other such standards or requirements.

5. Borough Council shall consider the following general issues and site requirements prior to rendering its decision on a conditional use application:
  - A. That such use is consistent with the Comprehensive Plan.
  - B. That the Property is suitable for the use desired and that the proposed request is consistent with the goals, objectives and policies established within this Chapter.
  - C. The applicant shall establish by a fair preponderance of credible evidence that the use intended at the location intended shall not be contrary to the public health, safety, morals and/or public welfare.
  - D. The applicant shall provide evidence with supporting documentation that the capacity of the road system providing access to the Property or Lot in question has sufficient capacity to accommodate the use and that when the incremental increase in traffic attributable to the proposed use is superimposed upon the existing use of the road, it shall not lower the level of service of the roads or any portions thereof or any street intersections below an acceptable level of service.
  - E. The applicant shall provide evidence with supporting documentation that the interior traffic circulation for the proposed use at the proposed location, including but not limited to acceleration and deceleration lanes where required at the proposed entrances to the location, shall be adequate to provide safe and convenient circulation for users of the facility, visitors to the facility, employees of the facility and all emergency vehicles that may require entrance thereon.

- F. The applicant shall provide evidence with supporting documentation that the facility or use provides safe and convenient pedestrian access and internal circulation within the grounds of the facility and particularly for points of access from the facility to the Parking Areas.
  - G. The applicant shall provide evidence with supporting documentation that adequate screening and Buffering is provided between the lands in question and surrounding Residential Uses and residentially zoned districts to screen the facility from view and preclude any glare from lighting or noise from being ascertainable beyond the Boundaries of the Property.
  - H. The applicant shall provide evidence with supporting documentation that the local fire department has the abilities to provide adequate fire protection and emergency management services for the proposed use.
  - I. Where, in the opinion of Borough Council, the use or facility may require supervision and protection, the applicant shall provide evidence with supporting documentation that additional security measures will be accounted for by the owner or site manager so the facility or use does not create a continuous burden on the emergency management services and providers.
  - J. The applicant shall provide evidence with supporting documentation that the existing or proposed sanitary sewage disposal facilities have sufficient capacity for the proposed use.
  - K. The applicant shall provide evidence with supporting documentation that the existing or proposed municipal water supply facilities have sufficient capacity for the proposed use.
  - L. The applicant shall provide evidence with supporting documentation that there will be no increase in surface water runoff and erosion within the property or at the boundaries of the facility as a result of the site improvements.
6. The following provisions shall apply for the public hearing procedures and administrative requirements for all conditional use applications within the Borough:
- A. Borough Council shall schedule and hold a public hearing on the application pursuant to public notice within 60 days from the date of the applicant's request for a hearing. The request for a hearing shall be accompanied by a completed application on the

required form. The date for the scheduling of the first hearing may be extended by the applicant on the record or in writing addressed to Borough Council, in which event the date agreed upon by the applicant shall be considered timely for purposes of this subsection.

- B. The applicant shall provide written notification of the filing of an application for conditional use to all Property owners within 200 feet of the subject property as follows:
- (1) The 200 feet shall be measured at a right angle from all points on every Property line.
  - (2) The names and addresses of the adjacent Property owners shall be obtained from records of the Chester County Tax Assessment Office.
  - (3) The notification shall be sent by regular first-class mail, postage prepaid, a minimum of 14 days prior to the first scheduled public hearing of the Borough Council. At the hearing, the applicant shall provide a copy of the actual notice mailed and a list of those names and addresses to which the notice was sent.
  - (4) At a minimum, the written notice shall contain the street address of the parcel, a general description of what is proposed by the applicant, the time, date and location of the hearing where the application will be considered, and shall inform the Property owner that only one notice will be provided and that he or she is not required to attend but may attend if interested.
- C. As part of the conditional use hearing, Borough Council may consider those comments issued by the Planning Commission, Zoning Officer, Engineer, the appointed professional consultants and all other agencies providing comments, as may be authorized by the Borough Code and the Pennsylvania Municipalities Planning Code.
- D. Borough Council shall conduct the hearing or Borough Council may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by Borough Council. 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 Borough Council and accept the decision or findings of the hearing officer as final. All hearings must be completed

no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas.

- E. Any substantial revisions to the application or plan made by the applicant subsequent to filing of the application or plan may be subject to further review and recommendations by Borough agencies and consultants. In such event, the Zoning Officer shall secure from the applicant a written extension of the date within which Borough Council must hold a public hearing pursuant to the provisions of this chapter. If the applicant fails to execute the extension, Borough Council shall decide the conditional use application on the basis of the plan and application as originally filed.
- F. A stenographic record of the hearing shall be made by a certified court reporter, whose appearance fee shall be reimbursed through the application fee paid to the Borough as part of the initial application. The cost of the original transcript shall be paid by the Borough or by any party requesting an original transcript. In either case, the cost of additional copies shall be paid by the party or person requesting such copies.
- G. Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before Borough Council. The date of the decision may be extended by the applicant either on the record or in writing addressed to Borough Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact, reasons or conclusions based thereon. Any conclusions based upon this chapter, the MPC or any 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. A copy of the decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.
- H. If, after the conclusion of the public hearing(s), the application is amended or revised, Borough Council shall hold one or more public hearings thereon as may be necessary and shall issue a new decision thereon in conformance with the procedure established in this section. In the event that Borough Council fails to commence the public hearing within 60 days from the date of the applicant's request for a hearing or fails to complete the hearing no later than 100 days after the completion of the applicant's case in chief,

unless extended for good cause upon application to the Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because Borough Council failed to commence the hearings, complete the hearings or render a decision as required by this section, Borough Council shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this section. If Borough Council shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

7. Nothing in this section shall be construed to relieve the applicant for a conditional use approval from obtaining all other required approvals mandated by the Borough Code as well as other pertinent laws, ordinances and regulations that have been adopted by local, state and federal agencies. This may include the submission of a subdivision plan and/or land development plan to be prepared by the applicant and submitted to the Borough for review and consideration.
8. Unless otherwise specified by Borough Council in its decision and order, a conditional use approval shall expire if the applicant does not secure a building permit or, if no building permit is required, then a use and occupancy permit, within 12 months from the date of the Council's written approval of the conditional use application, unless the applicant makes written application to Borough Council for an extension of time, which shall be based upon reasonable cause shown. No formal hearing shall be required by Borough Council in the consideration of such application. An extension of time may be granted by Borough Council for a period of time considered appropriate by Borough Council.

**§27-906. Reasonable Accommodation.**

1. Purpose. It is the policy of the Borough, pursuant to the federal Fair Housing Act, to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities.
2. Applicability.

- A. Reasonable accommodation, in the context of this ordinance means, providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.
  - B. An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.
  - C. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.
3. Requests for reasonable accommodation shall be in writing and provide the following information:
- A. Name and address of the individual(s) requesting reasonable accommodation;
  - B. Name and address of the Property owner(s);
  - C. Address of the Property for which accommodation is requested;
  - D. Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
  - E. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
4. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection, to the extent permitted by law.
5. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
6. If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.

7. The Zoning Officer shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation.
8. In determining whether a requested accommodation is reasonable, the Zoning Officer shall consider:
  - A. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
  - B. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
  - C. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction and;
  - D. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's zoning ordinance.
9. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process. The notice of decision shall be sent to the applicant by certified mail.

**Part 10. APPEALS AND AMENDMENTS**

**§27-1001. Amendments.**

1. Borough Council may from time to time amend, supplement, change, modify or repeal the contents of this Chapter, including the Zoning Map. Any amendment, supplement, reclassification or change may be initiated by the Borough Council, the Planning Commission or by a petition to Borough Council from a Property owner within the Borough. Borough Council shall fix the time and place of a public hearing on the proposed change, amendment or repeal and cause notice thereof to be given as follows:
  - A. By publishing a notice once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first

publication shall be not more than 30 days or less than seven days from the date of the hearing.

B. The notice shall also set forth the principal provisions of the proposed change, amendment or repeal in reasonable detail and a reference to a place in the Borough where copies of the proposed change, amendment or repeal may be examined or purchased at a charge not exceeding the cost thereof. Full opportunity to be heard will be given to any citizen and all parties in interest attending such hearing.

C. If the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the authorized representatives of the Borough at points deemed sufficient along 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. In addition to the requirement that notice be posted along the Property, if the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by the Borough at least 30 days prior to the date of the hearing by first-class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing.

2. Borough Council shall refer each petition or proposal for change or amendment, whether under this Article or under another Article, to the Planning Commission, which shall consider whether or not such proposed change or amendment would be, in the view of the Planning Commission, consistent with and desirable in furtherance of the Comprehensive Plan upon which this Chapter is based, as the same may be modified from time to time. The Planning Commission shall transmit its recommendations and conclusions to Borough Council within 30 days. Borough Council shall take such recommendations and conclusions into consideration in reaching its decision but shall not be bound thereby.

3. Borough Council shall submit the proposed zoning amendment to the Chester County Planning Commission at least 30 days prior to the hearing for its review and comments. Borough Council shall take such comments into consideration in reaching its decision but shall not be bound thereby.

4. The public hearing shall be conducted in accordance with the appropriate provisions that are established within this Chapter and the MPC.

5. If the zoning amendment is enacted by Borough Council, an endorsed copy of the zoning amendment shall be forwarded to the Chester County Planning Commission within 30 days of enactment.

**§27-1002. Curative amendments.**

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to Borough Council with a written request that his challenge and proposed amendment be heard. All such landowner curative amendments shall be decided as provided in accordance with the appropriate provisions that are established within this chapter and the MPC.
2. The Borough, by formal action, may declare this Chapter or portions thereof substantively invalid and propose the preparation of a municipal curative amendment to overcome such invalidity. All such municipal curative amendments shall be decided as provided in accordance with the appropriate provisions that are established within this chapter and the MPC.
3. All landowner curative amendments and/or municipal curative amendments shall be referred to the Planning Commission and the Chester County Planning Commission at least 30 days prior to the initial hearing date to provide both agencies with an opportunity to submit recommendations.
4. The advertisement, posting and scheduling of the public hearing shall be conducted in accordance with the appropriate provisions that are established within this Chapter and the MPC.
5. If the landowner curative amendment and/or the municipal curative amendment is enacted by Borough Council, an endorsed copy of the amendment shall be forwarded to the Chester County Planning Commission within 30 days of enactment.

**§27-1003. Appeals.**

1. All appeals concerning the review, application, interpretation and decisions authorized by this Chapter shall be in accordance with the appropriate provisions that are established within this chapter and the MPC.
2. All appeals concerning an alleged error in the processing or enactment of any components of this Chapter shall be raised by appeal taken directly from the action of the Borough

Council to the appropriate court, which shall not be filed later than 30 days from the effective date of this Chapter.

**Part 11. FEES AND ENFORCEMENT**

**§27-1101. Fees.**

1. Borough Council shall establish by resolution a schedule of fees, charges and expenses as well as the collection procedures for zoning permits, certificates of occupancy, special exceptions, variances and appeals and other matters pertaining to this Chapter. The resolution or schedule of the fees shall be available for inspection in the office of the Zoning Officer.
2. Borough Council may alter or change the schedule of the fees by resolution in accordance with appropriate provisions established within this Chapter and the MPC.

**§27-1102. Violations, penalties and 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 in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500, plus all court costs, including reasonable attorneys' fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice determines otherwise as prescribed by the MPC.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per-diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Chapter shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Chapter.
4. In the event any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter of the Code, or in case any land, building or structure for which a use and occupancy permit is

required is conveyed or possession otherwise transferred to a bona fide purchaser or lessee without obtaining such certificate of occupancy and delivering the same to such bona fide purchaser or lessee at or prior to conveyance or transfer of possession, whichever first occurs, Borough Council, in addition to other remedies, may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or the conveyance thereof, or to prevent in or about such premises any act, conduct, business or use constituting a violation.


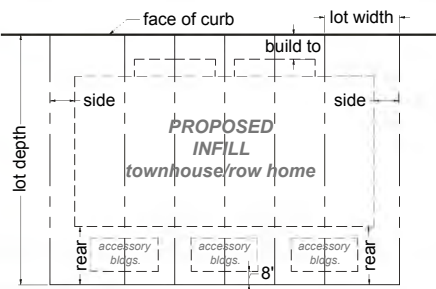

**EXHIBIT "B"**  
**ATTACHMENT 1 – DISTRICT SPECIFICATIONS**

# §27-302. RI - RESIDENTIAL INFILL DISTRICT

## Uses

Refer to §27-301 for complete list of By-Right, Conditional and Special Exception uses.

\* Note: Some of these Dimensional Standards are modified by the Infill Development Standards in 27-301.1 for projects with Tract Areas or Lot Areas less than one (1) acre.


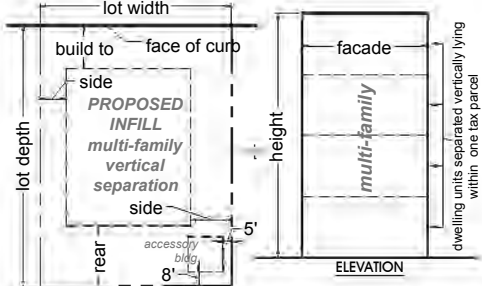

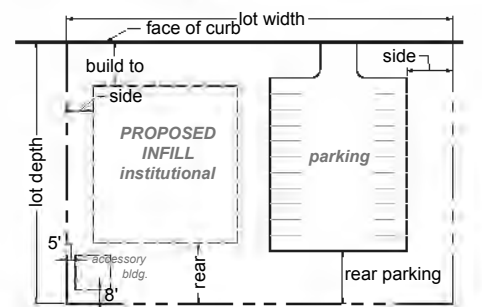
TYPE	PHOTO	DIAGRAM	DIMENSIONAL STANDARDS
<b>SF DETACHED</b>			<ul style="list-style-type: none"> <li>Build-To Line existing*</li> <li>Min. Lot Area 3,500 SF*</li> <li>Min. Lot Width 40 ft.</li> <li>Min. Side Yard 5 ft.*</li> <li>Min. Rear Yard 25 ft.</li> <li>Min. Lot Depth 120 ft.*</li> <li>Max. Building Height 35 ft.</li> <li>Max. Impervious Coverage 80%</li> <li>Min. Building Spacing 10 ft.</li> <li>Accessory Building-rear/side 8/5 ft. or attached</li> </ul>
<b>TWIN</b>			<ul style="list-style-type: none"> <li>Build-To Line existing*</li> <li>Min. Lot Area 3,000 SF*</li> <li>Min. Lot Width 30 ft.</li> <li>Min. Side Yard 5 ft.*</li> <li>Min. Rear Yard 20 ft.</li> <li>Min. Lot Depth 120 ft.*</li> <li>Max. Building Height 35 ft.*</li> <li>Max. Impervious Coverage 85%</li> <li>Min. Building Spacing 10 ft.</li> <li>Accessory Building-rear/side 8/5 ft. or attached</li> </ul>
<b>TOWNHOUSE</b>			<ul style="list-style-type: none"> <li>Build-To Line existing*</li> <li>Min. Lot Area 2,000 SF*</li> <li>Min. Lot Width 20 ft.</li> <li>Min. Side Yard 5 ft.*</li> <li>Min. Rear Yard 20 ft.</li> <li>Min. Lot Depth 120 ft.*</li> <li>Max. Building Height 35 ft.*</li> <li>Max. Impervious Coverage 90%</li> <li>Min. Building Spacing 15 ft.</li> <li>Accessory Building-rear/side 8/5 ft. or attached</li> </ul>
<b>DUPLEX</b>			<ul style="list-style-type: none"> <li>Build-To Line existing*</li> <li>Min. Lot Area 2,000 SF*</li> <li>Min. Lot Width 40 ft.</li> <li>Min. Side Yard 5 ft.*</li> <li>Min. Rear Yard 20 ft.</li> <li>Min. Lot Depth 120 ft.*</li> <li>Max. Building Height 35 ft.*</li> <li>Max. Impervious Coverage 90%</li> <li>Min. Building Spacing 15 ft.</li> <li>Accessory Building-rear/side 8/5 ft. or attached</li> </ul>
<b>TRIPLEX</b>			<ul style="list-style-type: none"> <li>Build-To Line existing*</li> <li>Min. Lot Area 3,000 SF*</li> <li>Min. Lot Width 40 ft.</li> <li>Min. Side Yard 5 ft.*</li> <li>Min. Rear Yard 20 ft.</li> <li>Min. Lot Depth 120 ft.*</li> <li>Max. Building Height 35 ft.*</li> <li>Max. Impervious Coverage 90%</li> <li>Min. Building Spacing 10 ft.</li> <li>Accessory Building-rear/side 8/5 ft. or attached</li> </ul>

# §27-302. RI - RESIDENTIAL INFILL DISTRICT

## Uses

Refer to §27-301 for complete list of By-Right, Conditional and Special Exception uses.

\* Note: Some of these Dimensional Standards are modified by the Infill Development Standards in 27-301.1 for projects with Tract Areas or Lot Areas less than one (1) acre.

TYPE	PHOTO	DIAGRAM	DIMENSIONAL STANDARDS																				
<b>MULTI-FAMILY</b>			<table border="0"> <tr> <td>Build-To Line</td> <td>existing*</td> </tr> <tr> <td>Min. Lot Area</td> <td>4,000 SF*</td> </tr> <tr> <td>Min. Lot Area per Unit</td> <td>1,000 SF</td> </tr> <tr> <td>Min. Lot Width</td> <td>40 ft.</td> </tr> <tr> <td>Min. Side Yard</td> <td>15 ft.*</td> </tr> <tr> <td>Min. Rear Yard</td> <td>20 ft.</td> </tr> <tr> <td>Min. Lot Depth</td> <td>120 ft.*</td> </tr> <tr> <td>Max. Building Height</td> <td>35 ft.*</td> </tr> <tr> <td>Max. Impervious Coverage</td> <td>80%</td> </tr> <tr> <td>Min. Building Spacing</td> <td>30 ft.</td> </tr> </table>	Build-To Line	existing*	Min. Lot Area	4,000 SF*	Min. Lot Area per Unit	1,000 SF	Min. Lot Width	40 ft.	Min. Side Yard	15 ft.*	Min. Rear Yard	20 ft.	Min. Lot Depth	120 ft.*	Max. Building Height	35 ft.*	Max. Impervious Coverage	80%	Min. Building Spacing	30 ft.
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<b>INSTITUTIONAL</b>			<table border="0"> <tr> <td>Build-To Line</td> <td>existing*</td> </tr> <tr> <td>Min. Lot Area</td> <td>8,000 SF*</td> </tr> <tr> <td>Min. Lot Width</td> <td>60 ft.</td> </tr> <tr> <td>Min. Side Yard</td> <td>5 ft.*</td> </tr> <tr> <td>Min. Rear Yard</td> <td>25 ft.</td> </tr> <tr> <td>Min. Lot Depth</td> <td>120 ft.*</td> </tr> <tr> <td>Max. Building Height</td> <td>35 ft.*</td> </tr> <tr> <td>Max. Impervious Coverage</td> <td>70%</td> </tr> <tr> <td>Min. Building Spacing</td> <td>10 ft.</td> </tr> <tr> <td>Accessory Building-rear/side</td> <td>8/5 ft. or attached</td> </tr> </table>	Build-To Line	existing*	Min. Lot Area	8,000 SF*	Min. Lot Width	60 ft.	Min. Side Yard	5 ft.*	Min. Rear Yard	25 ft.	Min. Lot Depth	120 ft.*	Max. Building Height	35 ft.*	Max. Impervious Coverage	70%	Min. Building Spacing	10 ft.	Accessory Building-rear/side	8/5 ft. or attached
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# §27-303. TC - TOWN CENTER DISTRICT

## Uses

Refer to §27-301 for complete list of By-Right, Conditional and Special Exception uses.

**Residential use not permitted on the ground story of buildings fronting Bridge Street (east of Church Street), Main and Gay Streets in the Town Center.**

\*Note: Some of these Dimensional Standard are modified by the Infill Development Standards in §27-301.1 for projects with Tract Areas or Lot Areas less than one (1) acre.

TYPE	PHOTO	LOT DIAGRAM	DIMENSIONAL STANDARDS																		
<b>ATTACHED</b>			 <table border="0"> <tr><td>Build-To Line</td><td>existing*</td></tr> <tr><td>Min. Lot Area</td><td>2,000 SF*</td></tr> <tr><td>Min. Lot Width</td><td>20 ft.</td></tr> <tr><td>Min. Side Yard</td><td>na</td></tr> <tr><td>Min. Rear Yard</td><td>0 ft.</td></tr> <tr><td>Min. Building Height</td><td>35 ft.*</td></tr> <tr><td>Max. Building Height</td><td>45 ft.*</td></tr> <tr><td>Max. Impervious Coverage</td><td>100%</td></tr> <tr><td>Min. Building Spacing</td><td>na</td></tr> </table>	Build-To Line	existing*	Min. Lot Area	2,000 SF*	Min. Lot Width	20 ft.	Min. Side Yard	na	Min. Rear Yard	0 ft.	Min. Building Height	35 ft.*	Max. Building Height	45 ft.*	Max. Impervious Coverage	100%	Min. Building Spacing	na
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<b>MID-RISE</b>			 <table border="0"> <tr><td>Build-To Line</td><td>existing*</td></tr> <tr><td>Min. Lot Area</td><td>4,000 SF*</td></tr> <tr><td>Min. Lot Width</td><td>40 ft.</td></tr> <tr><td>Min. Side Yard</td><td>10 ft.*</td></tr> <tr><td>Min. Rear Yard</td><td>10 ft.</td></tr> <tr><td>Max. Building Height</td><td>60 ft.*</td></tr> <tr><td>Max. Impervious Coverage</td><td>90%</td></tr> <tr><td>Min. Building Spacing</td><td>20 ft.</td></tr> </table>	Build-To Line	existing*	Min. Lot Area	4,000 SF*	Min. Lot Width	40 ft.	Min. Side Yard	10 ft.*	Min. Rear Yard	10 ft.	Max. Building Height	60 ft.*	Max. Impervious Coverage	90%	Min. Building Spacing	20 ft.		
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<b>HIGH-RISE</b>			 <table border="0"> <tr><td>Build-To Line</td><td>existing*</td></tr> <tr><td>Min. Lot Area</td><td>6,000 SF*</td></tr> <tr><td>Min. Lot Width</td><td>60 ft.</td></tr> <tr><td>Min. Side Yard</td><td>15 ft.*</td></tr> <tr><td>Min. Rear Yard</td><td>15 ft.</td></tr> <tr><td>Max. Building Height</td><td>80 ft.*</td></tr> <tr><td>Max. Impervious Coverage</td><td>90%</td></tr> <tr><td>Min. Building Spacing</td><td>30 ft.</td></tr> <tr><td>Min. Building stepback</td><td>5 ft.*</td></tr> </table>	Build-To Line	existing*	Min. Lot Area	6,000 SF*	Min. Lot Width	60 ft.	Min. Side Yard	15 ft.*	Min. Rear Yard	15 ft.	Max. Building Height	80 ft.*	Max. Impervious Coverage	90%	Min. Building Spacing	30 ft.	Min. Building stepback	5 ft.*
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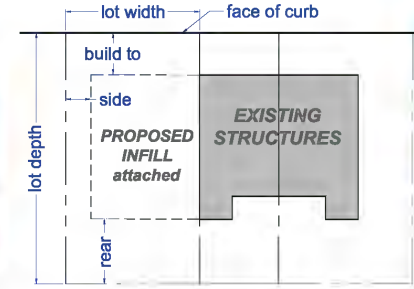
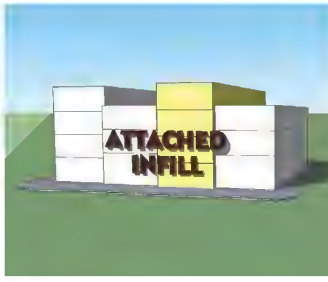

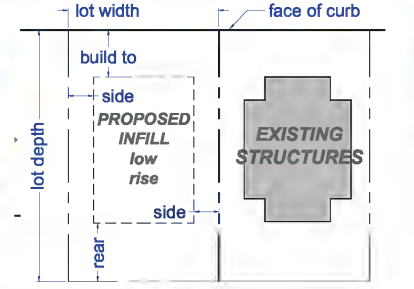


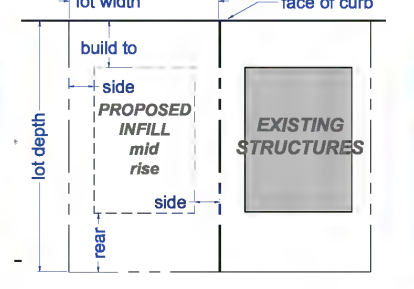

\* High-Rise only permitted along Bridge Street, east of Church Street.

# §27-304. MI - MIXED USE INFILL DISTRICT

## Uses

Refer to §27-301 for complete list of By-Right, Conditional and Special Exception uses.

\*Note: Some of these Dimensional Standard are modified by the Infill Development Standards in §27-301.1 for projects with Tract Areas or Lot Areas less than one (1) acre.



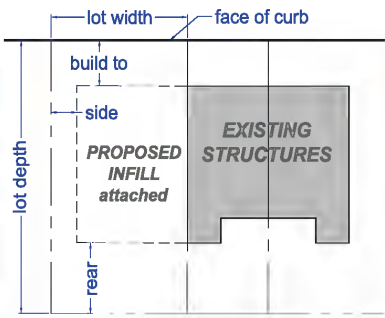


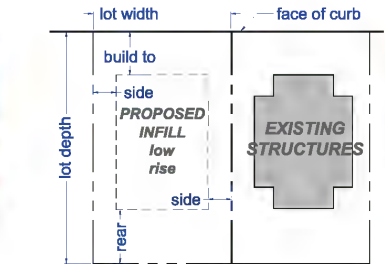
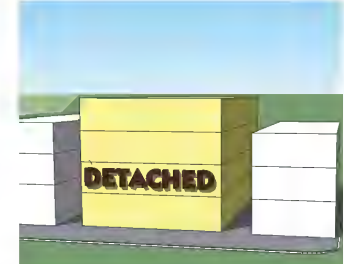
TYPE	PHOTO	LOT DIAGRAM	DIMENSIONAL STANDARDS																				
<b>RESIDENTIAL</b>		<p>All residential building types permitted in the RI – Residential Infill District are also permitted in the Mixed Use Infill District. The Dimensional Standards in the RI District may be modified by up to 25% as necessary to meet the context of the existing streetscape.</p>																					
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# §27-305. NC - NEIGHBORHOOD CENTER DISTRICT

## Uses

Refer to §27-301 for complete list of By-Right, Conditional and Special Exception uses.

\*Note: Some of these Dimensional Standard are modified by the Infill Development Standards in §27-301.1 for projects with Tract Areas or Lot Areas less than one (1) acre.

TYPE	PHOTO	LOT DIAGRAM	DIMENSIONAL STANDARDS																					
<b>RESIDENTIAL</b>		<p>All residential building types permitted in the RI – Residential Infill District are also permitted in the Neighborhood Center District. The Dimensional Standards in the RI District may be modified by up to 25% as necessary to meet the context of the existing streetscape.</p>																						
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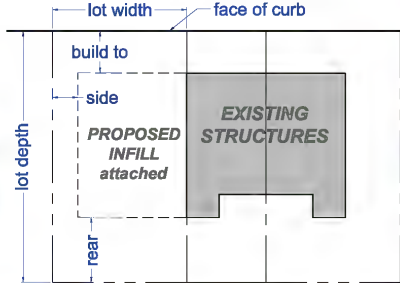

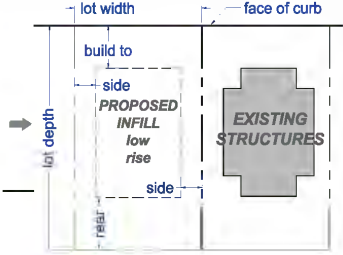

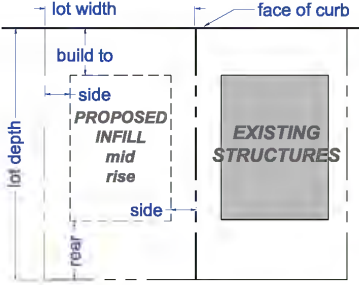
**Uses**

Refer to §27-301 for complete list of By-Right, Conditional and Special Exception uses.

\*Note: Some of these Dimensional Standard are modified by the Infill Development Standards in §27-301.1 for projects with Tract Areas or Lot Areas less than one (1) acre.

Adopted 12/10/13, Amended x/x/xx by Ordinance Number

TYPE	PHOTO	LOT DIAGRAM	DIMENSIONAL STANDARDS
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>RESIDENTIAL</b></p>		<p>All residential building types permitted in the RI – Residential Infill District are also permitted in the Corridor Development District. The development standards in the RI District may be modified up to 25% as necessary to meet the context of the existing streetscape.</p>																					
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# §27-307. MG - MIXED USE GROWTH DISTRICT



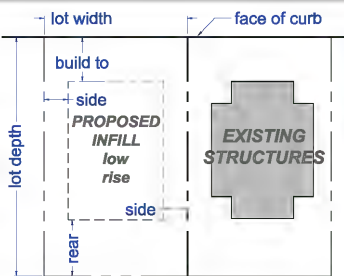
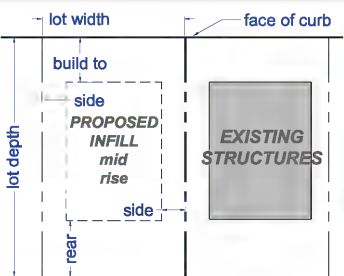
## Uses

Refer to §27-301 for complete list of By-Right, Conditional and Special Exception uses.

## Required Public Open Space

For subdivisions and/or land developments on tract areas of 5 acres or more, a minimum 10% of gross tract area shall be public open space. *At least 25% of public open space shall be usable for active recreational purposes.*

\*Note: Some of these Dimensional Standard are modified by the Infill Development Standards in §27-301.1 for projects with Tract Areas or Lot Areas less than one (1) acre.

TYPE	PHOTO	LOT DIAGRAM	DIMENSIONAL STANDARDS																						
<b>RESIDENTIAL</b>	All residential building types permitted in the RI – Residential Infill District are also permitted in the Mixed Use Growth District. The Dimensional Standards in the RI District may be modified by up to 25% as necessary to meet the context of the existing streetscape.																								
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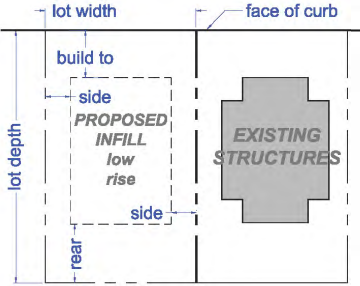

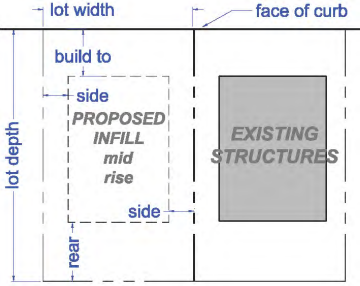
Adopted 12/10/13, Amended x/x/xx by Ordinance Number

# §27-308. I - INDUSTRIAL DISTRICT

## Uses

Refer to §27-301 for complete list of By-Right, Conditional and Special Exception uses.

\*Note: Some of these Dimensional Standard are modified by the Infill Development Standards in §27-301.1 for projects with Tract Areas or Lot Areas less than one (1) acre.

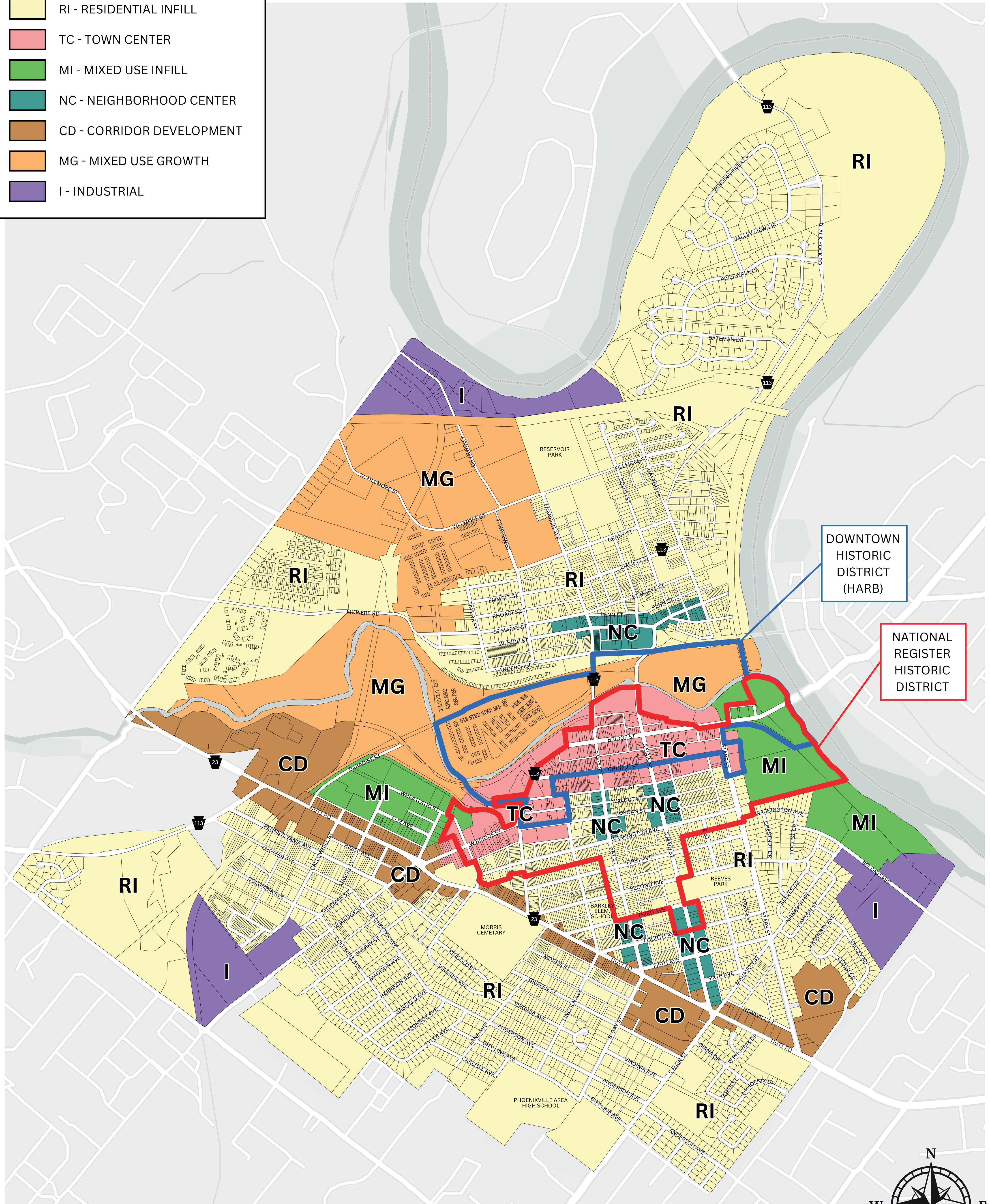
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<b>MID-RISE</b>			<table border="0"> <tr> <td>Build-To Line</td> <td>existing*</td> </tr> <tr> <td>Min. Lot Area</td> <td>12,000 SF*</td> </tr> <tr> <td>Min. Lot Width</td> <td>70 ft.</td> </tr> <tr> <td>Min. Side Yard</td> <td>15 ft.*</td> </tr> <tr> <td>Min. Rear Yard</td> <td>20 ft.</td> </tr> <tr> <td>Min. Lot Depth</td> <td>150 ft.</td> </tr> <tr> <td>Max. Building Height</td> <td>60 ft.*</td> </tr> <tr> <td>Max. Impervious Coverage</td> <td>70%</td> </tr> <tr> <td>Min. Building Spacing</td> <td>30 ft.</td> </tr> </table>	Build-To Line	existing*	Min. Lot Area	12,000 SF*	Min. Lot Width	70 ft.	Min. Side Yard	15 ft.*	Min. Rear Yard	20 ft.	Min. Lot Depth	150 ft.	Max. Building Height	60 ft.*	Max. Impervious Coverage	70%	Min. Building Spacing	30 ft.
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**EXHIBIT "C"**  
**OFFICIAL ZONING MAP OF THE BOROUGH OF PHOENIXVILLE**

# PHOENIXVILLE BOROUGH ZONING MAP

## ZONING DISTRICTS

- RI - RESIDENTIAL INFILL
- TC - TOWN CENTER
- MI - MIXED USE INFILL
- NC - NEIGHBORHOOD CENTER
- CD - CORRIDOR DEVELOPMENT
- MG - MIXED USE GROWTH
- I - INDUSTRIAL



DOWNTOWN  
HISTORIC  
DISTRICT  
(HARB)

NATIONAL  
REGISTER  
HISTORIC  
DISTRICT



**Personnel and Public Safety Committee Meeting**

**Tuesday, August 5, 2025**

**6:00 pm**

**MINUTES**

Committee: Chairperson, Ms. Burckley, Mr. Strenfel, and Mr. Weiss

Mayor Urscheler

Staff: Mr. Krack, Ms. Getzfread, Chief Marshall, Chief Brazunas, and Ms. Donato (as needed). Deputy Chief Dixon – TowerDIRECT

I. Call to Order at 6:01 pm

II. Public Comment on Non-Agenda Items.

There was no public comment.

III. Committee Member Updates/Discussions.

There was no updates or discussions.

IV. New Business

A. Review of monthly Police, Fire and Ambulance Reports.

Ms. Burckley stated she reviewed the reports and asked if there were any questions.

Mr. Weiss asked about the rise in responses to hazardous situations.

B. Interview Applicants for two HARB appointments for terms expiring August 31, 2029.

William Felton – Reappointment.

Mr. Felton was not present.

Jonathan Ichter – Reappointment.

Mr. Ichter was not present but advised of same.

Brandon Wertz – Appointment.

Ms. Burckley asked Mr. Wertz to provide background on his reasons for wanting to participate on the HARB. Mr. Wertz gave his background and reasoning.

C. Motion to recommend Borough Council appoint two applicants to the HARB for terms expiring August 31, 2029.

Mr. Weiss made a motion to recommend Borough Council reappoint Mr. Felton to the HARB for a new term expiring August 31, 2029. Second by Mr. Strenfel. Motion passed 3-0.

Mr. Weiss made a motion to recommend Borough Council appoint Mr. Wertz to the HARB for a term expiring August 31, 2029. Second by Mr. Strenfel. Motion passed 3-0.

- D. Call for Residents interested in being appointed to various Boards and Commissions.

Ms. Burckley reminded everyone of the opportunities to participate on various boards and commissions.

V. Old Business

- A. PXV Inside Out.

Ms. Getzfreed provided an update on the 2025 PXV Inside Out.

- B. Emergency Management.

Nothing new to report.

- C. Community Policing. Chief Marshall reminded everyone of the First Responders recognition on Thursday at the Recreation Center and Pat Natle Field.

- D. Retention/Recruitment Update

Mr. Krack reported on the ongoing negotiations with the AFSCME Contract and the status of the Fire Department personnel seeking IAFF designation. He also reported that Staff had recently received consortium reports from Bucks, Chester and Montgomery Counties regarding salaries and benefits and that with the support of Borough Council, Borough Staff is now in the average or above average for salaries and benefits. He thanked the Committee for all of their support in getting us there.

VI. Public Comment

There was no public comment.

VII. Adjournment at 6:40 pm by Mr. Weiss.

Next Meeting Date: Tuesday, September 2, 2025, at 6:00 pm

**Parks and Recreation Committee Meeting**  
**Tuesday, July 15, 2025**  
**6:00 pm**

**MINUTES**

Committee: Chairperson, Mr. Moore, Ms. Burckley, Ms. Dugan, and Mr. Weiss

Public Members: Janet Hunter

Staff: Mr. Krack, Ms. Gibbons, Ms. Getzfread, Ms. Strunk, and Mr. Watson

I. Call to Order at 6:00 pm with Ms. Dugan excused.

II. Public Comment on Non-Agenda Items

There were no public comments.

III. Presentations

There were no presentations.

IV. Committee Member Updates/Discussions

Mr. Moore asked Staff to look in to the availability of courts and fields when such locations were not being used for scheduled team sports.

Mr. Weiss also expressed interest in balancing the availability of courts and fields.

V. New Business

A. Review of Quarterly Recreation Board reports. Next meeting in July.

B. Motion to recommend Borough Council approve a Temporary Community Event Application for the Ride for the River on the portion of the Schuylkill River Trail between Township Line Road and Bridge Street on Saturday, September 20, 2025 from 8:00 am to 1:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Weiss made a Motion to recommend Borough Council approve the request as presented. Second by Ms. Burckley.

On the Question. Mr. Tim Fenchel from the Schuylkill River Greenways Association provided background on the event.

Motion passed 3-0.

- C. Motion to recommend Borough Council approve a Temporary Community Event Application for the Orion Wellness Harvest Market in Reeves Park on Saturday, October 18, 2025 from 11:00 am to 5:00 pm. Second Avenue and Third Avenue to be closed between Starr Street and Main Street from 9:00 am to 6:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Weiss made a Motion to recommend Borough Council approve the request as presented. Second by Ms. Burckley.

On the Question. Ms. Haley Page provided background on the event.

Motion passed 3-0.

- D. Motion to recommend Borough Council approve a Temporary Community Event Application for the Schuylkill River Greenways Fun Run on the Schuylkill River Trail on the portion of the Schuylkill River Trail between Township Line Road and Bridge Street on Saturday, October 18, 2025 from 7:00 am to 1:00 pm. Conditioned upon receipt of valid Certificate of Insurance naming Borough as Additional Insured.

Mr. Moore made a Motion to recommend Borough Council approve the request as presented. Second by Mr. Weiss. Motion passed 3-0.

VI. Public Comment

There was no public comment.

VII. Adjournment at 6:32 pm by Ms. Burckley.

Next Meeting Date: Tuesday, August 19, 2025, at 6:00 pm.

**Policy Committee Meeting  
Tuesday, July 22, 2025  
Immediately following Finance Committee  
Meeting which starts at 6:00 pm**

**MINUTES**

Committee: Chairperson, Mr. Carminito, Mr. Ewald, Mr. Kirkner, and Mr. Strenfel  
Staff: Mr. Krack and Mr. Boelker

I. Call to Order at 6:15 pm. Mr. Carminito excused.

II. Public Comment on Non-Agenda Items

There was no public comment.

III. Committee Member Updates/Discussions

Mr. Ewald asked about sandwich board signage at the PACS location. R. Boelker provided information from the ordinance.

IV. New Business

A. Motion to recommend Borough Council schedule and advertise an Ordinance changing the name and location of a Borough Street.

Mr. Ewald made a Motion to recommend Borough Council approved the ordinance. Second by Mr. Strenfel.

On the question: Mr. Krack provided information as to what the name change was and the reason for it.

Motion passed 3-0.

B. Motion to recommend Borough Council schedule and advertise an Ordinance amendment to Chapter 15 “Motor Vehicles”.

Mr. Strenfel made a Motion to recommend Borough Council approved the ordinance. Second by Mr. Ewald. Motion passed 3-0.

C. Motion to recommend Borough Council schedule and advertise an Ordinance establishing the Borough of Phoenixville Firefighters Pension Plan.

Mr. Ewald made a Motion to recommend Borough Council approved the ordinance. Second by Mr. Strenfel.

On the question: Mr. Krack provided information as to what the ordinance was and the reason for it.

Motion passed 3-0.

- D. Motion to recommend Borough Council schedule and advertise an Ordinance amendment repealing and replacing Chapter 1, “Administration And Government,” Part 7 “Pensions, Retirement And Social Security”.

Mr. Ewald made a Motion to recommend Borough Council approved the ordinance. Second by Mr. Strenfel. Motion passed 3-0.

V. Old Business

- A. Enforcement of bans on reproductive health services.

VI. Public Comment

David Saneck asked what Items A, B and C above were for. Mr. Krack provided information.

VII Adjournment at 6:30 pm by Mr. Ewald.

Next Meeting Date: Tuesday, August 26, 2025, immediately following the Finance Committee which starts **at 5:30 pm.**

**INFRASTRUCTURE, TECHNOLOGY, TRANSPORTATION,  
AND SUSTAINABILITY (ITTS)  
COMMITTEE MEETING  
Tuesday, July 15, 2025  
7:00 PM**

**MINUTES**

Committee: Chairperson, Mr. Weiss, Ms. Burckley, Mr. Moore, and Mr. Strenfel  
Staff: Mr. Krack, Mr. Watson, and Ms. Getzfread

I. Call to Order at 7:00 pm.

II. Public Comment on Non-Agenda Items

Gary Vail asked that “No Trucks” signs be installed on Wilson Street and Taylor Street as large trucks continue to use those streets for no apparent reason.

III. Committee Member Updates/Discussions

There were no committee member updates.

IV. New Business

There was no new business.

V. Infrastructure

A. Engineering Reports (Jan, Apr, Jul, Oct)

Mr. Weiss noted receipt of the reports and asked whether any member had any questions. There were none.

B. Stormwater Management

No action to report.

C. Phoenix Wheel

Mr. Krack reported that Staff is waiting for the Agreement with the Schuylkill River Heritage Center to be finalized. The contract with Specialty Metals should be in place within the next week and the project should start before the August meeting of the committee.

D. Borough Properties and Habitat for Humanity

Mr. Krack reported that Habitat and Petra Housing are finalizing design details while the attorneys are also working out the documents necessary for transferring the two properties.

F. Borough Parking Lots

Mr. Krack reported that he met with the Solicitor and Nate Hoffer from Good Samaritan on possibly transferring the small parking lot at High Street and Richards Lane to Good Samaritan for their use and maintenance.

VI. Transportation

A. Bridge and Starr Street

Mr. Krack reported that PennDOT is now reviewing the project for the Highway Occupancy Permit (HOP). Once issued, the project bid package can be developed.

B. Paradise Street – Phase 2

Mr. Krack reported the project is ready to go to bid, but the Borough is waiting on funding and the contract from the County before the bid package can be finalized.

C. Paradise Street Emergency Access

Mr. Watson reported that weather has made it difficult to finalize the work needed to open the road.

D. Bridge and Nutt – 23 Corridor Improvements

Mr. Krack reported that PennDOT has scheduled a pre-construction meeting for July 28 at which time more detail will be provided as to start of construction and timeline for the project.

E. Trails

Mr. Krack reported that Staff, Borough Engineer and Solicitor had met earlier in the day to discuss the possibility of upgrading the project to an emergency repair due to the significant amount of rainfall that has occurred and increased erosion along the stream bank.

F. Walkability

Ms. Getzfread reported on the progress of the website update to include trails and sidewalk accessibility.

G. Bump outs/Rain gardens

Mr. Krack reported on the new curb work at Church and Main Streets. He reported that Staff is waiting for cost estimates to construct a new bulb out on Bridge Street for the mid-block crossing in the 100 block of Bridge Street. He also reported the Borough Traffic Engineer is in discussion with PennDOT as to applicability of bulb outs at the intersection of Second Avenue and Starr Street on all four corners.

VII. Sustainability

A. PXVNEO

Mr. Watson reported that all of the equipment has been ordered and the contractor is working through the design elements for the electrical and ventilation piping.

B. Energy Audit for Solar Installation - Fire Station and Rec Center

Mr. Krack reported that audits were done and in the packets. He reported the next step is to get a design cost estimate from the Borough Engineer. Ms. Getzfread noted the Borough has submitted a grant application to the County for funding of the solar panels but no decision has been made to date.

VIII. Technology Updates

A. Monthly Reports

Mr. Weiss noted receipt of the reports and asked whether there were any questions. There were none.

IX. Public Comment

Mr. Tom Carnevale expressed his appreciation for the rapid response from the Borough in cleaning up after the significant storms over the past few weeks.

X. Adjournment at 7:27 by Mr. Strenfel.

Next Meeting Date: **Tuesday, August 19, 2025, immediately following the Parks and Recreation Committee which starts at 6:00 pm.**

**FINANCE COMMITTEE MEETING**  
**Tuesday, July 22, 2025**  
**6:00 pm**

**MINUTES**

Committee: Chairperson Ms. Dugan, Mr. Carminito, Mr. Ewald, and Mr. Kirkner  
Staff: Mr. Krack, Ms. Getzfreed, Ms. Koza-Lubinsky, Ms. Donato, and Ms. Niemczuk

I. Call to Order at 6:01 pm. Ms. Dugan and Mr. Carminito excused and Mr. Strenfel assigned by Mr. Ewald to make up the quorum.

II. Public Comment on Non-Agenda Items

There were no public comments.

III. Committee Member Updates/Discussions

There were no committee member updates.

IV. New Business

A. Motion to recommend Borough Council approve the 2025 pre-paid dated 6/1/2025 - 6/30/2025 in the amount of \$959,687.27.

Mr. Ewald made a Motion to recommend Borough Council approve as presented. Second by Mr. Strenfel. Motion passed 3-0.

B. Motion to recommend Borough Council approve the 2025 pre-paid Credit Card Statement dated 6/1/2025 - 6/30/2025 in the amount of \$72,909.18.

Mr. Ewald made a Motion to recommend Borough Council approve as presented. Second by Mr. Strenfel. Motion passed 3-0.

C. Motion to recommend Borough Council approve the 2025 pre-paid ACH dated 6/30/2025 in the amount of \$61,046.27.

Mr. Ewald made a Motion to recommend Borough Council approve as presented. Second by Mr. Strenfel. Motion passed 3-0.

D. Motion to recommend Borough Council approve Budget Increase 2025-16 from Water Fund Balance in the amount of \$50,000.00 to Water Distribution (Basic Hydrology Study) to identify strengths & weaknesses in water system and identify potential storage tank locations.

Mr. Strenfel made a Motion to recommend Borough Council approve as presented. Second by Mr. Ewald. Motion passed 3-0.

- E. Motion to recommend Borough Council approve Budget Increase 2025-17 from General Fund Balance in the amount of \$28,870.00 to Highway Maint - Road & Bridges (Repair & Maintenance Streets) for 2023 paving project – change order.

Mr. Ewald made a Motion to recommend Borough Council approve as presented. Second by Mr. Strenfel. Motion passed 3-0.

V. Public Comment

There was no public comment.

VI. Adjournment at 6:15 pm by Mr. Ewald.

Next Meeting Date: Tuesday, August 26, 2025, **at 5:30 pm**