

**FLEETWOOD BOROUGH
BERKS COUNTY, PENNSYLVANIA**

**ZONING ORDINANCE
OF 2001**

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Table of Contents

ARTICLE I – TITLE, APPLICATION AND PURPOSE	1
SECTION 101 – TITLE AND SHORT TITLE	1
SECTION 102 – APPLICATION OF ORDINANCE.....	1
SECTION 103 – PURPOSE.....	1
SECTION 104 – STANDARDS ARE MINIMUM	1
SECTION 105 – COMMUNITY DEVELOPMENT OBJECTIVES	2
ARTICLE II – DEFINITIONS.....	2
SECTION 201 – DEFINITIONS	2
ARTICLE III – ZONING MAP AND ZONING DISTRICTS	15
SECTION 301 – OFFICIAL ZONING MAP	15
SECTION 302 – CLASSES OF DISTRICTS.....	16
SECTION 303 – INTERPRETATION OF DISTRICT BOUNDARIES	16
ARTICLE IV – DISTRICT REGULATIONS	17
SECTION 401 - R-1 – LOW DENSITY RESIDENTIAL.....	17
SECTION 402 - R-2 MEDIUM DENSITY RESIDENTIAL	18
SECTION 403 – C-1 GENERAL COMMERCIAL.....	20
SECTION 404 – C-2 COMMERCIAL DISTRICT.....	21
SECTION 405 – I-1 - INDUSTRIAL.....	22
SECTION 406. AOD-1 ARCHITECTURAL OVERLAY DISTRICT.....	25
ARTICLE V – SUPPLEMENTARY REGULATIONS	64
SECTION 501 - ADDITIONAL REGULATIONS	64
SECTION 502 – HOME OCCUPATION REGULATIONS	69
SECTION 503 – ACCESSORY USES OF STRUCTURES	69
SECTION 504 – SIGN REGULATIONS	70
SECTION 505 – PARKING AND TRUCK LOADING REQUIREMENTS.....	86
SECTION 506 – FLOODWAY CONTROLS.....	93
SECTION 507 – OTHER DWELLING TYPES OR LAND USES.....	94

ARTICLE VI – NONCONFORMING LOTS, USES, STRUCTURES AND BUILDINGS.....95

SECTION 601 – STATEMENT OF INTENT95

SECTION 602 - NONCONFORMING LOTS OF RECORD95

SECTION 603 – NONCONFORMING USES OF LAND96

SECTION 604 – NONCONFORMING STRUCTURES OR BUILDINGS.....96

SECTION 605 – NONCONFORMING USES OF STRUCTURES OR BUILDINGS.....97

SECTION 606 – UNSAFE OR UNLAWFUL STRUCTURES98

SECTION 607 – USES UNDER SPECIAL EXCEPTION AND CONDITIONAL USE PROVISIONS
NOT NONCONFORMING USES.....98

ARTICLE VII – ADMINISTRATION AND ENFORCEMENT98

SECTION 701 – ENFORCEMENT98

SECTION 702 – ZONING PERMIT99

SECTION 703 – CERTIFICATE OF USE AND OCCUPANCY100

SECTION 704 – SCHEDULE OF FEES, CHARGES, AND EXPENSES101

SECTION 705 – AMENDMENTS101

SECTION 706 – CONDITIONAL USE PROCEDURES102

ARTICLE VIII – ZONING HEARING BOARD109

SECTION 801 – CREATION – APPORTIONMENT – ORGANIZATION109

SECTION 802 – ZONING HEARING BOARD – POWERS AND DUTIES.....111

SECTION 803 – PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD.....115

SECTION 804 – STAY OF PROCEEDINGS.....116

ARTICLE IX – MISCELLANEOUS116

SECTION 901 – ZONING APPEALS116

SECTION 902 – REMEDIES116

SECTION 903 – PENALTIES.....117

SECTION 904 – PUBLIC UTILITIES CORPORATION EXEMPTED117

SECTION 905 – SEPARABILITY.....117

SECTION 906 – REPEAL OF CONFLICTING ORDINANCES117

SECTION 907 – EFFECTIVE DATE117

ARTICLE I – TITLE, APPLICATION AND PURPOSE

SECTION 101 – TITLE AND SHORT TITLE

101.1 TITLE – An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures, the height, number of stories, and size or bulk of buildings and structures, the density of population, off-street parking and similar accessory regulations in the Borough of Fleetwood, Berks County, Pennsylvania, and for said purposes dividing the Borough into districts and prescribing certain uniform regulations for each such district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.

101.2 SHORT TITLE – This Ordinance shall be known as, and may be cited as “The Fleetwood Borough Zoning Ordinance of 2001”.

SECTION 102 – APPLICATION OF ORDINANCE

Except as hereinafter provided, no building, structure, land, or parts thereof shall be used or occupied, erected, moved, enlarged or structurally altered unless in conformity with the regulations of this Ordinance.

SECTION 103 – PURPOSE

This Zoning Ordinance, including the regulations and districts as hereinafter set forth, is based upon and intended to give effect to the policies and objectives set forth in the Comprehensive Plan of the Borough and is intended to promote public health, safety, morals, and the general welfare by achieving, among others, the following purposes:

- a) Lessen congestion on the roads and highway
- b) Secure safety from fire, panic, and other dangers
- c) Promote health and the general welfare
- d) Avoid undue congestion of population
- e) Encourage the most appropriate use of land
- f) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements
- g) Conserve the value of land and buildings
- h) Encourage the harmonious, orderly development of land

SECTION 104 – STANDARDS ARE MINIMUM

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare.

SECTION 105 – COMMUNITY DEVELOPMENT OBJECTIVES

These regulations were made with reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough.

Further basis for these regulations are embodied in the Fleetwood Plan as adopted by the Borough Council which enumerates in detail the locally desired community development goals and objectives which this regulation seeks to accomplish.

ARTICLE II – DEFINITIONS

SECTION 201 – DEFINITIONS

For the purpose of this Ordinance, certain terms, phrases, and words are defined as follows:

201.1 TENSE, GENDER, AND NUMBER – Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural, and the plural the singular.

201.2 GENERAL TERMS – The word “shall” or “must” is always mandatory; the word “may” is permissive. The words “used for” includes “designated for”, “arranged for”, “intended for”, “maintained for”, or “occupied for”. The word “building” includes “structure” and shall be construed as if followed by the phrase “or part thereof”. The word “person” includes “individual”, “profit or non-profit organization”, “partnership”, “company”, “unincorporated association”, or other similar entities.

201.3 TERMS, PHRASES, AND WORDS NOT DEFINED – When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

201.4 SPECIFIC TERMS – terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

Accessory Buildings: A subordinate building, the use of which is customarily incidental to and located on the same lot occupied by the principal building to include, but not limited to detached garages and sheds.

Accessory Use: A use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates.

Alley: A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties and is not a street. “Any right-of-way identified as an Alley on the Official Map is an Alley.”

Alteration: Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

Animated Sign: A sign which uses movement or change of lighting to depict action or to create a visual effect or scene.

Apartment: A multi-family dwelling, not exceeding three stories in height containing three or more separate dwelling units, on a lot which is held in single and separate ownership, having yards in common but which may also have other joint facilities.

Attic: That part of a building which is immediately below and wholly or partly within the roof framing.

Banner: A sign of lightweight fabric or similar material that is attached at one or more edges or corners to a pole or building.

Basement: A story partly below the finished grade but having at least one-half of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one story in determining the permissible number of stories.

Billboard: Off-premises advertising signs.

Block: An area bounded by three (3) or more streets.

Block or Lot Frontage: That portion of a block or lot which fronts on a single street.

Board of Zoning Hearing: The Zoning Hearing Board of Fleetwood Borough.

Borough: The Borough of Fleetwood, Berks County, Pennsylvania.

Building: Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, shelter, enclosure, or structural support of persons, animals, or property of any kind.

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

Building Coverage: The percentage of a lot covered by principal and accessory buildings and structures. Building coverage does not include carports or unroofed decks and patios or swimming pools.

Building, Detached: A building surrounded by open space on all four sides within the same lot.

Building Line or Building Setback Reserve Line: A line, within property, defining the minimum required front yard distance between any building to be erected, and the adjacent right-of-way.

Building, Semi-Detached: A building which has one (1) wall in common with an adjacent building.

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

Bulk: A term used to describe the size, volume, area or shape of buildings or other structures and their physical relationship to each other, to open space, or to tracts of land, to lot lines, or to other buildings or structures.

Cartway: The paved portion of a street or highway designed for vehicular traffic and paved areas intended for on-street parking, excluding the shoulder of any street or highway.

Cellar: A story partly below the finished grade, having more than one-half of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

Certificate of Use and Occupancy: A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure, sign, and/or land complies with the Zoning Ordinance, or that a building, structure, sign, and /or land may be lawfully employed for specific uses or both.

Clustering: Concentrating residential dwelling instead of spreading dwellings uniformly over a tract to result in decreased land development and community maintenance costs and providing common open space for tract residents and preserving natural amenities of the site.

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

Conditional Use: A use permitted in a particular district by the Borough Council, to occupy or use land for a specific purpose in accordance with this Ordinance, when such is not permitted by right or special exception.

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

District: A portion of Fleetwood Borough within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

Double-Face Sign - A sign with two faces, back to back or 2 faces in one cabinet, readable from two directions.

Dwelling: A building of a permanent foundation arranged, intended, designed, or used as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include hotel, motel, rooming house or tourist home.

- a) Single-Family: A building arranged, designed, or intended for and occupied exclusively by one family.
- b) Two-Family: A building arranged, designed, and intended for and occupied by two families living independent of each other and doing their own cooking therein.
- c) Multi-Family: A building arranged, designed, and intended for occupancy by three (3) or more families living independently of each other and doing their own cooking therein.
- d) Apartment Building or Multi-Family: A building on a single lot arranged, intended, or designed to be occupied as a residence for three or more families, and in which the dwelling units may be separated horizontally and/or vertically.
- e) Apartment Unit: A dwelling unit within an apartment building or dwelling unit in combination with a commercial use as permitted in this chapter.
- f) Single Family Detached Dwelling-versus just Single Family: A building arranged, intended or designed to be occupied exclusively as a residence for one family and having no party wall with an adjacent building.
- g) Single Family Semi-Detached Dwelling versus Two Family: A building arranged, intended or designed to be occupied exclusively as a residence for two families, one family living on each side of a common or party wall.
- h) Two-Family Detached Dwelling: A building arranged, intended or designed to be occupied exclusively as a residence for two families, with one family living wholly or partly over the other and with no common wall with an adjacent building.
- i) Single Family Attached/Townhouse Dwelling: A multi-family structure consisting of three (3) or more but not more than eight (8), attached single family dwelling units, each separated by an unpierced party wall, each single family dwelling unit having a separate entrance from the outside and a semi-enclosed, private rear yard area.

Dwelling Unit: Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Elderly Housing: Either rental or purchased housing arranged or assigned specifically for older persons being restricted to occupancy for persons fifty-five (55) years of age or older with the following exceptions:

- a) A spouse under fifty-five (55) years of age married to one fifty-five (55) years of age or older.
- b) Children over eighteen (18) years of age residing with a parent fifty-five (55) years of age or over.
- c) An adult under fifty-five (55) years of age if their presence is required to administer to an occupant over fifty-five (55) years of age. Any elderly housing development may include appurtenant facilities for the residents, management and/or staff.

Electronic Message Display Sign. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. In addition, the following definitions shall apply to electronic message display signs:

Dissolve. A mode of message transition on an Electronic Message Display Sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

Fade. A mode of message transition on an Electronic Message Display Sign accomplished by varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Frame. A complete, static display screen on an Electronic Message Display Sign.

Frame Effect. A visual effect on an Electronic Message Display Sign applied to a single frame to attract the attention of viewers which includes flashing.

Scroll. A mode of message transition on an Electronic Message Display Sign where the message appears to move vertically across the display surface.

Transition. A visual effect used on an Electronic Message Display Sign to change from one message to another.

Travel. A mode of message transition on an Electronic Message Display Sign where the message appears to move horizontally.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipalities or other governmental agencies of underground or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems.

Family: One or more persons, related by blood, marriage, or adoption, with not more than one (1) boarder, roomer, lodger; or not more than two (2) unrelated persons in R-1 area and not more than three (3) unrelated persons in other areas, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

Flashing Sign: A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory burst and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling. Illuminated signs which indicate the date, time, and/or temperature, or other similar information, shall not be considered a flashing sign.

Floor Area or Gross Floor Area: The gross floor space of all usable floors of the building or buildings, measured from the exterior faces of the exterior walls or from the center line of walls separating buildings.

Foot Candle: A unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot.

Free-Standing Sign: An in-ground or surface-mounted sign which is constructed to be independent of all adjoining structures or which is supported or suspended from a free-standing column or other support located in or upon the ground surface.

Garden Apartment: A dwelling unit within a multi-family structure which may be separated horizontally and /or vertically, having exposure to light and air on at least two walls and having either a separate entrance or an adequately shielded common entrance.

Garage, Private: An enclosed space for the storage of one or more private motor vehicles provided that no business, occupation, or service is therein conducted.

Gasoline Service Station: A structure or area used for the sale of gasoline or motor fuel which may include facilities for lubricating, washing, sale of accessories, and otherwise minor servicing of motor vehicles, but not including body repair or painting thereof.

Glare: A situation created when illumination sources shine with visibly harsh, uncomfortably bright light which: causes discomfort; distracts attention; or leads to reduction or loss of visibility or visual performances (up to and including situations of blinding glare, as defined in the Illuminating Engineering Society of North America's current Lighting Handbook). These situations are typically caused by insufficiently shielded light sources, or high luminance (luminance that is sufficiently greater than the luminance to which the eyes are adapted).

Governing Body: Shall mean the Borough Council of Fleetwood.

Grade: The mean curb line grade.

Height of Buildings: The vertical distance from the mean grade at the front of the building (or the average of the street fronts, if building faces more than one street) to the highest point of the roof beams of a flat roof and to the mean height between eaves and ridge for gabled, hipped, and pitched roofs.

Height of Signs or Other Structures: The vertical distance measured from the grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

Highway Access Point: A place of egress from or access to a street or highway created by a driveway or another street or highway.

Highway Frontage: The lot dimension measured along the right-of-way line of any one street or highway abutting a lot.

Home Occupation: A routine, accessory and customary non-residential use conducted within or administered from a portion of a Dwelling or its permitted Accessory Building and that meets all of the Home Occupation requirements of Section 502.

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.

Light Manufacturing. The manufacture, compounding, processing, assembling, packaging, or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, serviced by modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, smoke, dust or pollutants.

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or build upon as a unit.

Lot Area: The area contained within the property lines, excluding space within all streets.

Lot Coverage: (Maximum Building Coverage) The maximum percentage of lot area which may be covered by buildings and structures.

Lot of Record: A lot recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania.

Lot Width: The mean width measured at the building line between side lot lines and parallel to the front lot line; but in no case shall the street frontage be less than one-half (1/2) of the required lot width in the particular district.

Low Rise Apartment: An apartment where each dwelling unit has exposure to light and air on at least one wall of each dwelling unit with common entrance ways and hall ways. Where common entrance ways and hall ways are provided on the exterior of the building, they shall be adequately shielded from the elements.

Mobile Home: A transportable, single family dwelling, intended for permanent occupancy contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it must be installed on a permanent foundation/cellar.

Motor Vehicle: Any type of mechanical devise, propelled by motor, in which persons or property may be transported, including trailers or semi-trailers pulled thereby.

Municipal Parking Lot: Any parking lot or structure owned, leased, controlled or otherwise operated by the Borough which shall be used by the Borough for public parking.

Municipality: Shall mean Fleetwood Borough, Berks County, Pennsylvania.

No Impact Home Based Business. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no impact to surrounding areas with customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (b) The business shall employ no employees other than family members residing in the dwelling.

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

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

Nonconforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter 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 use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Off-Premises Sign: A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business located or offered elsewhere than upon the premises where the sign is located, or to which it is affixed.

Open Space: Unoccupied space open to the sky and on the same lot with the principal use.

Parking Lot: An off-street area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space.

Parking Space: An off-street space measuring nine (9) feet by eighteen (18) feet, exclusive of driveways, passageways and maneuvering space.

Planning Commission: The Fleetwood Borough Planning Commission.

Pond: Any body of water used for the purposes of landscaping a property that has a water depth in any part of twenty-four (24) inches or more.

Portable Sign: A sign designed to be transported, including but not limited to signs transported by wheels, signs converted to A frames, menu or sandwich board signs, balloons used as signs, and signs attached to or painted on vehicles that are parked and visible from the public right of way, unless said vehicle is used in the normal day to day operations of a business.

Projecting Sign: A sign which is attached to the facade of a building and extends more than one foot (1'), but not more than four feet (4'), from such facade.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance.

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: A notice published once in a newspaper of general circulation in the municipality not more than sixty (60) days or less than seven (7) days from the date of the hearing. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

Responsible Party: The owner or lessee of the property on which a Temporary Sign is located, the Person placing a Temporary Sign and/or the Person on whose behalf the Temporary Sign was placed.

Restaurant:

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

- a) Customers, normally provided with an individual menu, are served their foods, frozen desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- b) A cafeteria-type operation where foods, frozen desserts or beverages are consumed within the restaurant building.

Carry-Out Restaurant: Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in ready-to-consume state, and whose design or method or operation includes both the following characteristics:

- a) Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers.
- b) The consumption of foods, frozen desserts or beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

Fast-Food Restaurant: Any establishment, whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both the following characteristics:

- a) Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers.
- b) The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

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

- a) Foods, frozen desserts or beverages are served directly to the customer through an exterior window in the establishment, or by other means which eliminate the need for the customer to enter the establishment.
- b) The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged or permitted.

Retail Sales: A business activity involving the selling of goods or merchandise to the general public for personal or household use, or consumption and rendering services incidental to such sale.

Retail Service: A business activity involving the provision of personal or professional services or entertainment as opposed to goods or merchandise, to the general public.

Right –of-Way: The total width of any land reserved or dedicated as a street, road, lane, alley, crosswalk, or for other public or semipublic uses.

Screen (Fence): Vegetative material, fence, etc., planted or constructed to screen the buildings, structures and uses on the lot on which the screen is located, from the view of people on adjoining properties.

Semi-Detached Building: See Building, Semi-Detached.

Sight Triangle: An area within which no vision obstructing object is permitted beyond 2 ½ feet of the centerline grades of intersecting streets.

Sign: Any object, device display, or structure that is used to advertise, identify, display, direct, or attract attention, including structural elements, bases, sign faces, trim and borders.

Sign, Business: A “sign” which directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed. Signs offering premises for sale, rent or development, or advertising the services of professionals or building trades during construction or alteration shall be deemed a “business sign”.

Sign, Gross Surface Area of: The entire area within a single continuous perimeter composed of rectangles enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of the sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. More descriptive definitions are provided for freestanding signs.

Special Exception: A use permitted in a particular District by the Zoning Hearing Board, to occupy or use land for a specific purpose in accordance with this Ordinance, when such use is not permitted by right or conditional use.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a story. Each level of a split level building, excluding cellars, shall be considered a ½ story.

Story, Half: Any space immediately below and wholly or partly within the roof framing, with or without a finished floor, where the clear height of not more than 75 percent of such space has structural headroom of seven feet and six inches or more. Any space which has more than 75 percent of its area having such headroom shall be deemed to be a full story.

Street: A public or private thoroughfare which affords the principal means of access to abutting property and contains a right-of-way area (in addition to the cartway); including avenue, place, way, parkway, lane, boulevard, highway, road, alley and any other thoroughfare.

Structure: Any material or a combination of materials which are constructed or erected, the use of which requires location on the ground, or attached to something located on the ground.

Swimming Pool: Any prefabricated swimming pool, temporary or permanent, in-ground or aboveground, which has a water-design depth of twenty-four (24) inches or more.

Temporary Official Sign: A sign temporarily placed by a federal, state or local governmental unit for the protection of public safety, such as a traffic sign.

Temporary Sign: A sign which is not permanently mounted or affixed to the ground, building, or display window and which is displayed for a specific period of time.

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

Variance: Relief, granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance where literal enforcement would create practical difficulty or unnecessary hardship and when granting of that relief would not be contrary to the public interest.

V-Type Sign: A structure or structures with two (2) or three (3) given sign faces, forming the shape of the letter "V" or a triangle when viewed from above, with an angle between any two (2) faces of not more than ninety (90) degrees.

Video Display Sign: A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including Electronic Message Display Signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

Wall Sign: A sign which is attached parallel to a building wall with the face of said sign extending no more than twelve inches (12") from the face of the wall.

Wall Sign, Gross Surface Area of: The entire area within a single continuous perimeter composed of rectangles which enclose the extreme limits of the emblems and/or design together with any frame or background which is used to differentiate such sign from the wall against which it is placed.

If a wall sign is comprised of emblems, designs, words or numerals with separate background or frames, the intervening air space between the background frames shall not be included in the sign area calculations.

Where a sign consists only of individual letters, monograms, numerals, symbols or similar components and is painted on or attached flat onto the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area. The total area of the sign shall be the sum of the areas of the squares or rectangles surrounding each individual sign component.

Yard, Front: An open, unoccupied space between the street line and the building line extending for the full width of the lot.

Yard, Rear: An open, unoccupied space between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

Yard, Side: An open, unoccupied space, between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending the full length of the lot.

Zoning Officer: The agent or official designated by the Governing Body to administrate and enforce the Zoning Ordinance of the Borough.

Zoning Map: Fleetwood Borough's Zoning Map.

Zoning Ordinance: The Fleetwood Borough Zoning Ordinance of 2001.

ARTICLE III – ZONING MAP AND ZONING DISTRICTS

SECTION 301 – OFFICIAL ZONING MAP

Fleetwood Borough is hereby divided into zones or districts as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.

301.1 IDENTIFICATION OF OFFICIAL ZONING MAP – The Official Zoning Map shall be identified by the signature of the Governing Body and attested to by the Secretary of that Body, together with the date of the adoption of this Ordinance.

301.2 CHANGING THE OFFICIAL ZONING MAP – If, in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Governing Body.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.

301.3 LOCATION OF OFFICIAL ZONING MAP – The Official Zoning Map shall be located in the Borough Hall and shall be the final authority as to the current zoning status of land in the Municipality, regardless of unofficial copies which may have been made or published from time to time.

301.4 REPLACEMENT OF OFFICIAL ZONING MAP – In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Governing Body may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signatures of the Governing Body, attested by the Secretary of that body, and bearing the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ as part of Ordinance No. _____ of Fleetwood Borough, Berks County, Pennsylvania”.

Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

SECTION 302 – CLASSES OF DISTRICTS

For the purpose of this Ordinance, the borough is hereby divided into classes of districts which shall be designated as follows:

- R-1 - Low Density Residential
- R-2 - Medium Density Residential
- C-1 - General Commercial
- C-2 - Commercial
- I-1 - Industrial

SECTION 303 – INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map. the following rules shall apply:

303.1 DESIGNATION OF DISTRICT BOUNDARIES – Boundaries indicated as approximately following the center line of streets, highways, alleys, railroad rights-of-way, streams, existing lot lines, or municipal boundary lines shall be construed to follow such features indicated. Where a district boundary line does not follow such a line, position is shown on said Zoning Map by a specific dimension expressing its distance, in feet, from a street right-of-way line or other boundary line as indicated and running parallel thereto.

303.2 DETERMINATION OF LOCATION OF BOUNDARIES – Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or if uncertainty exists as to the true location of a distance boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto.

ARTICLE IV – DISTRICT REGULATIONS

SECTION 401 - R-1 – LOW DENSITY RESIDENTIAL

401.1 PERMITTED USES

- a) Single family detached dwellings.
- b) Public and nonprofit private outdoor recreation areas and facilities – such as parks, playgrounds, picnic grounds and swimming clubs.
- c) Churches
- d) Public schools
- e) Structures owned or operated by the Municipality or Authority organized by the Municipality.

401.2 PERMITTED ACCESSORY USES – Located on the same lot with the permitted principal uses.

- a) Private garages or private parking areas pursuant to the provisions of Section 505 (parking areas may also be located on a separate lot).
- b) Signs pursuant to Section 504.
- c) No-Impact Home-Based Businesses.
- d) Other customary Accessory Uses and Buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

401.3 USES PERMITTED WITH ZONING HEARING BOARD APPROVAL (SPECIAL EXCEPTION)

- a) Accessory Uses not located on the same lot as the principal use.
- b) Membership clubs, outdoor recreational facilities, such as private recreation clubs, swim clubs, tennis clubs, and sports clubs in accordance with provisions of Section 802.6.
- c) Cemeteries.
- d) Fire Stations and Ambulance Facilities, and Medical Facilities.
- e) Home Occupations, pursuant to Section 502.

401.4 MINIMUM LOT SIZE

Area - 10,000 square feet per dwelling unit
Width - 75 feet

401.5 MINIMUM YARD DIMENSION

Front Yard - 30 feet
Each Side Yard - 10 feet
Rear Yard - 40 feet

401.6 MAXIMUM BUILDING COVERAGE AND HEIGHT

Maximum Building Coverage - 30%
Maximum Height (feet) - 35
(stories) - 2 ½

401.7 USES PERMITTED WITH CONDITIONAL USE APPROVAL

- a) Single family semi-detached development in accordance with the provisions of Section 706.3.

401.8 PERFORMANCE STANDARDS

Any use in the R-1 – Low Density Residential District shall be subject to the performance standards as set forth in Section 405.1.d.

SECTION 402 - R-2 MEDIUM DENSITY RESIDENTIAL

402.1 PERMITTED USES

- a) Single family detached and semi-detached dwellings.
- b) Two family detached dwellings.
- c) Parks and Playgrounds.
- d) Churches.
- e) Structures owned or operated by the Municipality or Authority organized by the Municipality.
- f) Public schools.
- g) Single-family attached dwellings.

402.2 PERMITTED ACCESSORY USES – located on the same lot with the Permitted Principal Use.

- a) Private garages or private parking areas pursuant to the provisions of Section 505 (parking areas may also be located on a separate lot).
- b) Signs pursuant to Section 504.

- c) No-Impact Home-Based Businesses.
- d) Other Customary Accessory Uses and Buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

402.3 USES PERMITTED WITH ZONING HEARING BOARD APPROVAL
(SPECIAL EXCEPTION)

- a) Accessory uses not located on the same lot as the principal use.
- b) Conversion of existing dwellings to higher density in accordance with Section 501.13 if the higher density dwelling is not a permitted use in accordance with Section 402.1.
- c) Cemeteries.
- d) Fire Stations, Ambulance Facilities, Medical Facilities and Social Halls.
- e) Home Occupations, pursuant to Section 502.

402.4 MINIMUM LOT AREA PER DWELLING UNIT

Single family attached	-	4,000 square feet
Single family detached	-	6,000 square feet
Single family semi-detached	-	4,000 square feet
Two family detached	-	4,000 square feet
Minimum width	-	None

402.5 MINIMUM YARD DIMENSION

Front Yard	-	20 feet
Each Side Yard	-	5 feet
Rear Yard	-	25 feet

402.6 MAXIMUM BUILDING COVERAGE AND HEIGHT

Maximum Building Coverage	-	40%
Maximum Building Height (feet)	-	35
(stories)	-	2 ½

402.7 USES PERMITTED WITH CONDITIONAL USE APPROVAL

Multi-family development in accordance with the provisions of Section 706.2.

402.8 PERFORMANCE STANDARDS

Any use in the R-2 – Medium Density Residential Zoning District shall be subject to the performance standards as set forth in Section 405.1.d.

SECTION 403 – C-1 GENERAL COMMERCIAL

403.1 PERMITTED USES

- a) Retail stores or shops or service establishments for the conducting of any retail sales or service.
- b) Business, professional, or government offices and office buildings.
- c) Municipal structures.
- d) Structures owned or operated by the municipality or Authorities organized by the municipality.
- e) Single family detached and semi-detached dwellings.
- f) Two family detached dwellings.
- g) Apartments and apartments in commercial structures.
- h) Single-family attached dwellings/town houses.
- i) Banks, savings and loan associations.
- j) Restaurants, except drive-ins.
- k) Automobile sales and service facilities.
- l) Hotels, Theaters and Churches.
- m) Light Manufacturing, pursuant to Section 405.1.d.

403.2 PERMITTED ACCESSORY USES – Located on the same lot with the permitted principal use.

- a) Off-street parking areas pursuant to the provisions of Section 505 (parking areas may also be located on a separate lot).
- b) Signs pursuant to Section 504.
- c) Storage within completely enclosed buildings.
- d) No-Impact Home-Based Businesses.
- e) Other customary Accessory Uses and Buildings provided such are clearly incidental to the principal use.

403.3 USES PERMITTED WITH ZONING HEARING BOARD APPROVAL (SPECIAL EXCEPTION)

- a) Gasoline service stations in accordance with provisions of Section 802.8.
- b) Car washes in accordance with provisions of Section 802.9.
- c) Wholesale businesses.
- d) Home Occupations, pursuant to Section 502.
- e) Accessory use not located on the same lot with the permitted principal use.

403.4 MINIMUM LOT SIZE

Area - Sufficient to provide for building, required off-street parking and loading space, for each activity located within a commercial structure.

403.5 MINIMUM YARD DIMENSIONS

Front Yard	-	20 feet
Each Side Yard	-	None
Rear Yard	-	None

All lot lines abutting residential districts along the side or rear shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures having a minimum height of four (4) feet and a maximum height of seven (7) feet.

403.6 MAXIMUM BUILDING COVERAGE AND HEIGHT

Maximum Building Coverage	-	50%
Maximum Building Height	-	35 feet

403.7 USES PERMITTED WITH CONDITIONAL USE APPROVAL

Multi-family development for elderly housing in accordance with the provisions of Section 706.2.

403.8 PERFORMANCE STANDARDS

Any use in this C-1 General Commercial Zoning District shall be subject to the performance standards as set forth in Section 405.1.d.

SECTION 404 – C-2 COMMERCIAL DISTRICT

404.1 PERMITTED USES

- a) Retail stores or shops or service establishments for the conducting of any retail sales or service
- b) Business, professional, or government offices and office buildings
- c) Municipal structures
- d) Structures owned or operated by the municipality or Authorities organized by the municipality
- e) Municipal parking lots
- f) Banks, Savings and Loan Associations
- g) Restaurants, Drive-ins, and Private Clubs
- h) Hotels, Theaters and Churches
- i) Light Manufacturing, pursuant to Section 405.1.d.

404.2 PERMITTED ACCESSORY USES

- a) Off-street parking areas pursuant to the provisions of Section 505 (parking areas may also be located on a separate lot).
- b) Signs pursuant to Section 504
- c) Storage of items accessory to the principal use within completely enclosed buildings ("storage" shall not include self-storage units).
- d) No-Impact Home-Based Businesses.
- e) Other customary Accessory Uses and Buildings provided such are clearly incidental to the principal use

404.3 USES PERMITTED WITH ZONING HEARING BOARD APPROVAL (SPECIAL EXCEPTION)

- a) Home Occupations, pursuant to Section 502.
- b) Accessory Uses not located on the same lot as the principal use.

404.4 MINIMUM LOT SIZE

Area – Sufficient to provide for building, required off-street parking and loading space for each activity located within a commercial structure.

404.5 MINIMUM YARD DIMENSIONS

Front Yard	-	None
Each Side Yard	-	None
Rear Yard	-	None

404.6 MAXIMUM BUILDING COVERAGE AND HEIGHT

Maximum Building Coverage – None
Parking Requirements must be met per Section 505.2
Maximum Building Height – 35 feet

404.7 PERFORMANCE STANDARDS

Any use in this C-2 Commercial Zoning District shall be subject to the performance standards as set forth in Section 405.1.d.

SECTION 405 – I-1 - INDUSTRIAL

405.1 PERMITTED USES

- a) Heavy commercial uses, which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities, including wholesale business, storage and warehousing establishments, truck and freight terminals,

delivery and distribution centers, mechanical and vehicle equipment repair establishments and dry cleaning and dyeing plants.

- b) Heavy commercial uses which do not require complete enclosure in a building include building materials, new and used machinery storage and sales.
- c) Light Manufacturing.
- d) General industrial uses which shall be carried on in a completely enclosed building and which include the storage, manufacture, assembly, fabrication, packing, testing or other handling of products from raw materials and from other previously prepared materials, not including retail activity, provided that:
 - 1) Odor – No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the tract.
 - 2) Toxic Gases – No emission of noxious, toxic, or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted outside the lot lines of the tract.
 - 3) Glare and Heat – No visible or objectionable glare and/or heat from any process shall be evident to properties adjoining the operation. Direct glare from incandescent exposed lights shall not be visible from adjoining streets or properties.
 - 4) Liquid Wastes or Sewage – No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water or into the ground of any materials in such a way or of such nature or temperature as could contaminate any water supply or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances – oils, grease, acids, alkalines and other chemicals – are in accordance with the standards as approved by Water Pollution Control Boards, appropriate agencies of the Pennsylvania Department of Environmental Protection and the Fleetwood Borough Water and Sewer Authority.
 - 5) Vibration – Vibration perceptible beyond the lot line shall not be permitted.
 - 6) Noise – No noise shall be audible beyond the lot line exceeding the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.
 - 7) Smoke, Soot, or Dust – The emission of gray smoke at a density greater than No. 2 on a Ringelmann Chart, published by the U.S. Bureau of Mines, shall not be permitted except gray smoke of a shade not darker

than No. 2 may be emitted for not more than four (4) minutes in any thirty (30) minutes

- 8) Electric or Electronic Interference – Electric or electronic devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.
- 9) All raw materials, fuel, machinery, and equipment used in the operations shall be enclosed within a structure or screened by a substantially solid wall or fence of such design and height to conceal all operations and materials from the view of an observer standing at grade level of an existing residential district line or public street.
- 10) Storage, handling and use of flammable liquids or materials shall comply with the existing Borough and /or State fire protection codes and be readily accessible to fire fighting equipment.

405.2 PERMITTED ACCESSORY USES – located on the same lot with the permitted principal use.

- a) Off-street parking facilities pursuant to the provisions of Section 505 (parking areas may also be located on a separate lot).
- b) Signs pursuant to Section 504.
- c) Restaurants, cafeterias or recreational facilities for employees only.
- d) Retail business or service incidental to the principal permitted use with sufficient and separate off-street parking facilities.
- e) No-Impact Home-Based Businesses.
- f) Other Accessory Uses and structures to permitted manufacturing uses.

405.3 USES PERMITTED WITH ZONING HEARING BOARD APPROVAL (SPECIAL EXCEPTION) ¹

- a) Home Occupations, pursuant to Section 502.
- b) Communications Towers and Antennae pursuant to Section 501.12.
- b) Other Accessory uses not located on the same lot as the principal use.

405.4 PROHIBITED USES

- a) Residential development or the construction of dwellings on existing lots or portions of lots zoned industrial.
- b) Public buildings.

¹ Section 405.3 should include “Communications Towers and Antennae pursuant to Section 501.12” as uses permitted with zoning hearing board approval (special exception); however, Communications Towers and Antennae were inadvertently excluded from Section 405.3 in the adoption of Ordinance No. 635 dated July 9, 2018 (See Ordinance No. 635, Section 18).

405.5 MINIMUM LOT SIZE

Sufficient to provide for all required yards and off-street parking and loading requirements.

405.6 MINIMUM YARD DIMENSIONS

Front Yard	-	40 feet
Each Side Yard	-	20 feet
Rear Yard	-	20 feet

Provided, however, no permitted or necessary building or structure shall be constructed within fifty (50) feet of any residential district boundary. All lot lines abutting residential districts along the side or rear shall be appropriately screened by fences, walls, or year round planting and/or other suitable enclosures having a minimum height of four (4) feet and a maximum height of seven (7) feet.

405.7 MAXIMUM BUILDING COVERAGE AND HEIGHT

Maximum Building Coverage	-	50%
Maximum Building Height	-	40 feet

SECTION 406. AOD-1 ARCHITECTURAL OVERLAY DISTRICT

406.1 Purpose: Intent of Regulations

Section 406 is enacted for the purposes outlined herein:

- a) To preserve the aesthetic and architectural essence of the Borough;
- b) Enhance the existing building stock of the Borough through consistency and quality, upkeep and maintenance and attracting buyers and tenants;
- c) Implement new construction and development controls to assume consistency of community character, construction quality and sustainability;
- d) Incentivize rehabilitation and new construction through regulatory bonuses and relief, and financial assistance when available;
- e) Increase property values and stability through quality of construction, quality of upkeep, and property upgrades and redevelopment;
- f) Attract new business opportunities through tax base expansion, employment growth and the support of local businesses;
- g) Enhance the quality of community life through improved neighborhood character and safety, pedestrian friendly design, local business stability and diversity and pride of property ownership.

406.2 Designation of Architectural Overlay District Boundaries

- a) Establishment. Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, PL 805, No. 247, there is hereby ratified and confirmed in effect in the Borough a Zoning District known as the “Architectural Overlay District.”
- b) Boundaries. The limits and boundaries of the Architectural Overlay District shall consist of the geographical area as designated on the Architectural Overlay District Map attached as Exhibit ‘A’ of this Ordinance.
- c) Location of Architectural Overlay District Map. In addition to being placed in the Borough’s Zoning Ordinance, Borough Code of Ordinances and being a part thereof, a copy of the Architectural Overlay District Map shall be located at the Borough office and be accessible for public inspection during regular business hours.
- d) Revisions. The boundaries of the Architectural Overlay District as delineated herein shall not be changed (expanded or decreased) without the review and approval of Borough Council, and in accordance with the Pennsylvania Municipalities Planning Code and other applicable law.

406.3 Conflict with Other Code Sections

The definitions and regulations set forth in this Article shall apply solely to the Architectural Overlay District. Wherever there is a conflict or inconsistency between the Architectural Overlay District regulations and other definitions of the Zoning Ordinance, those regulations set forth in this Article shall govern the development and redevelopment within the Architectural Overlay District.

406.4 Design Criteria

a) Materials

1) Exterior Painting, Metals and Masonry

All buildings within the Architectural Overlay District should be restored to the original architectural period if appropriate. Modifications which use color, details and architectural motifs from other eras should be avoided. Cosmetic “face-lifts” which cover and/or obliterate the original architectural character of a façade should be avoided.

The original materials used for wall facings and ornamentation such as brick, sheet metal, cast iron and the colors themselves, give buildings special character and identity. The materials actually provide visual harmony to the entire streetscape and downtown atmosphere. Covering original material and details of just one building with inappropriate substitutes like aluminum or vinyl siding and

stucco destroys the architectural character and identity of the entire commercial district. Repair and proper maintenance of original exterior surfaces and decorative features is the best solution to the problem of a deteriorating façade. By taking advantage of the quality of the original materials and design, the life of a building will be indefinitely prolonged and its commercial value increased.

A) Brickwork / Masonry

The Architectural Overlay District encourages and recommends the following:

- i) When cleaning or removing paint from buildings that are made of brick or masonry, use steam or low pressure water (no more than 300 psi).
- ii) Never sandblast or use abrasives on brick. Brick is one of the least costly materials to maintain.
- iii) To preserve its original beauty and prolong its life, only periodic cleaning and repointing are required.

Repoint brick and masonry facades when required. Repointing is the process of removing deteriorated mortar from the joints of a wall and replacing it with new mortar. Repointing is required when weather and the elements have worn away the mortar or when the mortar is so old that it begins to break apart and crumble from between the building blocks. Properly done, repointing restores the visual and physical integrity of brick and masonry. When repointing, match new mortar to the original compressive strength, color, composition, depth, and finishing of the original joints. Failure to match mortar may be harmful to the composition of the building.

If brick is already painted, it may be cleaned with a chemical paint remover, but a test should be performed to prevent brick damage. Brick used in some older buildings was fired from inferior clay and was meant to be protected. In this case, match the original paint color that was used to protect the surface; otherwise, painting brick is not recommended or encouraged.

Repair decorative brickwork and masonry whenever possible. Only replace decorative masonry features when they are completely missing or too deteriorated to repair.

Use existing physical evidence to guide the new work and match the original features as closely as possible.

B) Wood

The Architectural Overlay District encourages and recommends the following:

- i) All wood structures and wood trim should be prepared for painting by manually scraping old paint to reveal the original architectural details.
- ii) Wood should not be cleaned by sandblasting or by using pressurized water or steam.
- iii) In areas where wood is beyond repair, appropriate carpentry is available. Professional milling of architectural elements or composite reproductions are available.
- iv) Wood details should not be covered over with cladding which hides the original milled wood work.

C) Metals

i) Sheet Metal

The Architectural Overlay District encourages and recommends the following:

- 1) Clean all sheet metal using chemical paint remover.
- 2) Never sandblast or use abrasives on sheet metal.
- 3) Repair or replace damaged areas with sections duplicated by a commercial sheet metal shop.
- 4) Automobile fiberglass compounds can be used to fill and patch small voids and dented areas.
- 5) Properly prime and paint sheet metal with oil-based paint to prevent rusting.

ii) Cast Iron

The Architectural Overlay District encourages and recommends the following:

- 1) Use wire brushes and steel wool to remove loose or deteriorating paint and rust. Chemical paint removers should not be used on cast iron.
- 2) Heat or low pressure sandblasting may be used to remove paint from cast iron.
- 3) Missing cast iron parts can be recast in aluminum, fiberglass or reinforced gypsum polymer cements.
- 4) Properly prime and paint cast iron with rust inhibitive paint made for use on exterior metal surfaces.
- 5) A powder coating may be applied to entire architectural pieces for longer term rust prevention.

D) Painting and Color Palettes

The Architectural Overlay District encourages and recommends the following:

- i) White paint is a reversible treatment, paint color(s) should nonetheless be chosen from those colors which are appropriate to the period of the building and should be applied to architectural features in a period appropriate fashion.
- ii) The placement and quantity of accent colors and the relationship of lights to darks should be in keeping with the character of the building.
- iii) Use historically accurate color palettes. Local paint suppliers or the Architectural Overlay District resource library can help you select colors from the historical collections.
- iv) For most of Fleetwood's buildings, use colors from the period between 1880 and 1930.

Avoid large areas of stark, bright white, as such color is often not historically accurate and shows dirt faster than most colors. In many cases, the original colors used on any building can be determined with minimum effort. In the process of scraping old paint, one should be able to uncover the original coat of paint and match it to samples provided by local paint suppliers. However, discretion is allowed depending on choices made by original owners.

E) Stucco

The Architectural Overlay District encourages and recommends the following:

- i) Repair stucco façades by removing only the damaged material and patching with new stucco.
- ii) Duplicate the strength, composition, color and texture of the original stucco surface.

406.5 Architectural Elements and Details

This section outlines the uses and appropriateness of architectural designs and features that give personality to existing and new buildings and outdoor spaces.

a) Windows and Doors

1) Store Front Entrance Ways

The Architectural Overlay District encourages and recommends the following:

- A) The design of entrance ways and the street-level portion of façades should be compatible with the design of upper floors to retain the overall character of a building.
- B) Retail stores, service-oriented businesses and restaurants should have large panes, proportioned display windows on the ground level.
- C) Buildings with multiple storefronts should be visually unified through the use of building materials, colors, architectural details, awnings, signage and lighting. It is encouraged to work with attached property owners to create unity.
- D) The original proportions of windows and any special features such as transoms or leaded glass should be retained.
- E) Entrances should be well defined by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, railings, balustrades, etc.
- F) Avoid replacing an entire building front when repairing existing materials and surfaces or replacing parts or sections may be all that is necessary.

2) Windows and Shutters

The Architectural Overlay District encourages and recommends the following:

- A) Repair of windows, original to the structure, is recommended as a priority to business/property owners.
- B) New windows should be compatible with the style, size, finish, color and detail of windows on the existing building.
- C) Whenever possible, windows on upper floors should align vertically with windows and entrances on the first floor.
- D) The rhythm of windows and façade openings and decorative window trim should be consistent with that of the original building.
- E) New windows should match the original ones in size, material and style.
- F) When appropriate to the design of a building, shutters should be provided on all windows.
- G) Proper hardware should be used for the installation of shutters.
- H) Air conditioning vents are discouraged in all windows facing streets.

b) Site and Building Enhancements

The design and use of sidewalks, fences, landscaped areas and lamp posts can dramatically affect the attractiveness of the Architectural Overlay District to potential shoppers. Conversely, if poorly designed or not used at all, these elements can detract from the public's experience of a downtown area and leave negative impressions. Well-designed and implemented site and building enhancements add value to properties.

1) Paving and SITESCAPING

The Architectural Overlay District encourages and recommends the following:

- A) Quality paving materials should be used on sidewalks, pedestrian walkways, pathways, plazas and courtyards. The materials should be appropriate for the proposed pedestrian function and circulation requirements of such areas.
- B) The materials and design should enhance the overall site and be consistent with the building itself.
- C) Avoid using asphalt for pedestrian walk or pathways.

- D) All areas of a site not occupied by buildings, parking facilities or other improvements should be landscaped with trees, shrubs, hedges, perennial gardens or ground cover.
- E) Plantings should be designed in a manner that is complimentary to the surrounding property and buildings.
- F) Tree guidelines, both selection of trees and planting, are on file in the Fleetwood Borough office and are incorporated herein by reference.

2) Walls and Fences

The Architectural Overlay District encourages and recommends the following:

- A) Walls and fences should match the architecture and style of the building(s) on the property.
- B) The materials used and color of walls and fences should be consistent.
- C) Avoid the use of highway-style guard rails and stockade or contemporary security fencing such as chain link fences and barbed or razor wire.
- D) Garden walls and appropriate fencing styles should continue through the building line along sidewalks.

3) Exterior Lighting

The Architectural Overlay District encourages and recommends the following:

- A) When selecting lighting fixtures, use minimum wattage metal halide or high pressure sodium light sources. Low pressure sodium and mercury vapor light sources are discouraged.
- B) Select decorative lamp posts that conform to downtown Fleetwood's lighting standards. Their design should be appropriate to the overall character of the downtown district.
- C) Lamp posts are especially recommended along façade sidewalks, near gateways and side entrance corridors.
- D) Parking area light stands and decorative lamp posts should not exceed twelve (12) feet in overall height.

c) Signs and Awnings

Signs are as important today as they were long ago. Signs have a dramatic impact on the overall image of the Borough. The effect of signage on passersby, whether they are current or potential customers, can leave a great impression.

Signs and awnings that are simple, suitably sized, attractively designed, constructed of appropriate materials and properly located will favorably enhance the image of a business and the overall downtown.

1) Sign Types

The following are recommended sign types with definitions.

- A) Flush Signs are generally meant to be viewed from a distance. These signs are visible when one is directly facing a structure's facade or from across the street. Ideally, flush signs should be placed on vacant panels above doors and display windows.
- B) Projecting Signs are primarily meant to attract the attention of pedestrians because they hang over the sidewalk. Projecting signs are most effective when used on buildings which abut a sidewalk.
- C) Freestanding Signs are appropriate when a structure is set back ten or more feet from the sidewalk. Freestanding signs alert people that a business exists when the structure may be partially hidden from pedestrian or vehicular traffic.
- D) Window Signs are applied on the inside of display windows or doors. Generally, the viewer would need to be relatively close to the sign for legibility, but that depends on the overall size of the window.

2) Sign Basics

The Architectural Overlay District encourages and recommends the following:

- A) Use display windows for creative signage.
- B) Locate signs and awnings in such a way that avoids completely covering or overwhelming architectural details such as cornices, trim, windows, decorative brickwork or other unique architectural features.
- C) The orientation of signs should be geared to sidewalk pedestrians and to vehicular traffic.

- D) Signs should not be so detailed as to be unreadable by vehicular traffic.
- E) Avoid extraneous information on signs and scale them to attract the attention of vehicular traffic.
- F) Limit the quantity of signs on storefront display windows and doors. Signs should be sized and scaled to balance, not hide or overwhelm the structure.
- G) Neon, internally lit plastic signs, or flashing lights are not recommended as they do not reflect the historic character of the Borough. (Unless the sign comes from the original period, as such, is original to the business.)
- H) The size of signs must conform to the Borough Building Codes. Call the Borough's Code Enforcement Officer for this information.

3) Sign Construction and Design

The Architectural Overlay District encourages and recommends the following:

- A) Return to or re-create period signage.
- B) Utilize lettering fashionable to the period of the building. This type of sign should become the main source of identification.
- C) Sign materials and design should reflect the period of the building and the original design of the storefront. Additionally, the colors of signs and awnings should compliment the overall color scheme of the building's facade and the downtown streetscape.
- D) Use artisan-crafted signs and quality sign materials manufactured specifically by the sign industry.
- E) Use graphic elements and details of the building and architectural motifs as part of the sign design when feasible.
- F) Lettering should be kept to a minimum, and likewise, the message should be brief and to the point. A logo, shape and/or illustration can be submitted or included to communicate the nature of the business.
- G) Avoid using multiple signs when one sign will be sufficient, thereby avoiding confusion and distraction. However, the following additional signs may be appropriate in a given situation:

- i) Small secondary signs used for directional purposes are acceptable so long as they maintain the same design elements of the main identification sign.
- ii) Freestanding sandwich signs that advertise daily specials or events are acceptable so long as they maintain the same design elements of the main identification sign.

4) Lighting Signs

The Architectural Overlay District encourages and recommends the following:

- A) Use external lighting fixtures rather than internally lit plastic fixtures.
- B) Avoid using flashing lights of any kind.
- C) Sign lighting should be directed to the sign itself and not used to light the surrounding area. Separate fixtures should be used for area lighting.
- D) Lighting fixture designs, if visible, should be consistent across the facade and compliment the architectural period of the building.
- E) Neon signs are not a good substitute for well-lit, well-designed signs that reflect the Borough's historical character.

5) Awnings

Awnings are both functional and decorative. They provide sun and climate (thus added energy savings) control for merchandise in display windows and shelter for pedestrian shoppers. An added feature of awnings is that they bring the tremendous appeal of color and pattern, not only to individual buildings, but to the entire downtown streetscape. Both fixed position and retractable awnings are acceptable.

The Architectural Overlay District encourages and recommends the following:

- A) Utilize awnings fashionable to the period of the building. Slope-type awnings are appropriate as opposed to a waterfall-type awning.
- B) Awnings may display the name and nature of the business on the front face and/or side facings. Use simple letter designs and keep the message brief.

- C) Awnings may be used on street level and upper stories as long as they are appropriate to and maintain the architectural style of the facade.
- D) Select weather-treated canvas or natural looking material when shopping for awnings. Metal and plastic awnings are not recommended.
- E) Awnings should not be oversized and should fit within the storefront area and not cover architectural elements.

d) New Construction

New construction should conform to the architectural style(s), scale and character of the existing surrounding properties and shall incorporate the objectives of these Design Guidelines.

1) Demolition

Demolition of existing structures should only be considered under the following conditions:

- A) If the building is beyond repair.
- B) If the building is not a significant structure or has lost all integrity of its historic character.
- C) If over 50% of the structure has been destroyed by fire or disaster.
- D) If the structure is an unsound threat to public health that cannot be corrected or stabilized in a reasonable time frame.

406.6 Architectural Design

This section outlines the uses and appropriateness of architectural designs and features that give existing and new buildings and outdoor spaces their personality.

a) Orientation of New Buildings

The Architectural Overlay District encourages and recommends the following:

- 1) New buildings should face a street or other public space. Buildings should not front directly onto parking lots.
- 2) New buildings situated on street corners should have two façades. Both walls do not need to provide their own entrance, but the facade without a door should not be a blank canvas. Rather, it should be an extension of

the facade with the entrance—its design should be integrated with the “main” wall of the building.

- 3) Off street parking areas should be sensitively located to the side or rear of the building. This layout will reduce the visual impact to and disruption of the streetscape’s continuity.

b) Scale and Mass of Additions and New Buildings

The Architectural Overlay District encourages and recommends the following:

- 1) The overall scale, massing and proportions of new additions, buildings and new landscape should relate to and be compatible with those of adjacent and surrounding buildings. Changes in scale and mass, such as offsetting a wall(s), or deviating from the existing roof line should be made in graduated increments.
- 2) Buildings should not have long, uninterrupted flat walls.
- 3) Designing wall offsets, adding changes in floor levels, including windows and ornamentation to exterior walls should be used to add interest and variety.
- 4) Roof line offsets, gables and dormers should be utilized to vary the massing of the roofs of buildings.
- 5) Visibly exposed features of new additions and buildings should be defined with a base and cap or cornice.

c) Materials and Details of Additions and New Buildings

The Architectural Overlay District encourages and recommends the following:

- 1) All materials, details and colors used with new additions should be compatible with the overall design of the original building, as well as with surrounding buildings.
- 2) New additions and buildings should be well integrated with existing structures.
- 3) Architectural features and motifs of the original building should be retained and repeated in the design of new additions whenever possible.
- 4) When designing buildings, the patterns, colors, details and prominence of materials used in adjacent building should be taken into account.
- 5) Aluminum and vinyl siding and trim materials are not recommended.

d) Roofs and Walls of Additions and New Buildings

The Architectural Overlay District encourages and recommends the following:

- 1) The new roof form (its shape) should be appropriate to imitate the existing building's roof profiles.
- 2) In new additions, the use of gables, dormers, masonry chimneys, cupolas and similar elements is encouraged where appropriate to the design of the existing building
- 3) Flat roofs should be avoided on one and two story buildings.
- 4) The facade of a building should be emphasized through window patterns and proportions and the enhanced treatment of entrances through details, materials and architectural motifs.
- 5) The design of visible side and rear walls should be compatible with the facade. The use of blank, windowless walls is discouraged. However, if they are absolutely necessary, they should utilize surface articulation and architectural elements found in other wall facings.

e) Service Areas and Mechanical Equipment

The Architectural Overlay District encourages and recommends the following:

- 1) Loading areas, waste facilities, air conditioning units, exhaust and vent stacks, elevator penthouses and antennae should be located to the rear of buildings or screened from view.
- 2) The use of interior refuse rooms in lieu of outdoor dumpsters or other methods of waste removal is encouraged. Exterior refuse containers and dumpsters should be screened from view.
- 3) Fire escapes should not be visible when viewing the façade.

406.7 Zoning Bonuses in the Architectural Overlay District

a) In R-1 Low Density Residential District

- 1) Minimum Yard Dimensions
 - A. Front Yard - 25 feet
 - B. Each Side Yard - 8 feet
 - C. Rear Yard - 30 feet
- 2) Maximum Building Coverage and Height
 - A. Maximum Building Coverage - 35%

- B. Maximum Building Height - 35 feet; 2 ½ stories
- b) In R-2 Medium Density Residential District
 - 1) Minimum Lot Area Per Dwelling Unit
 - A. Single family attached - 3,500 square feet
 - B. Single family detached - 5,000 square feet
 - C. Single family semi-detached - 3000 square feet
 - D. Two family detached - 3,500 square feet
 - E. Minimum width - None
 - 2) Minimum Yard Dimensions
 - A. Front Yard - 10 feet, unless adjoining structures are less than 10 feet, then equal to adjoining structures
 - B. Each Side Yard - 5 feet
 - C. Rear Yard - 20 feet
 - 3) Maximum Building Coverage and Height
 - A. Maximum Building Coverage - 50%
 - B. Maximum Building Height - 35 feet; 2 ½ stories
- c) In C-1 General Commercial District
 - 1) Minimum Yard Dimensions
 - A. Front Yard - None
 - B. Each Side Yard - None
 - C. Rear Yard - None
 - 2) Maximum Building Coverage and Height
 - A. Maximum Building Coverage - 60%
 - B. Maximum Building Height - 40 feet; 3 stories
- d) In C-2 Commercial District
 - 1) Maximum Building Coverage and Height
 - A. Maximum Building Coverage: Up to 100% if parking is provided under building structure. Parking requirements must be met per Section 505.2.
 - B. Maximum Building Height - 45 feet to top of a ridge-type roof; 35 feet maximum for flat roof; 4 stories

e) In I-1 Industrial District

1) Minimum Yard Dimensions

- A. Front Yard - 30 feet
- B. Each Side Yard - 20 feet
- C. Rear Yard - 15 feet

2) Maximum Building Coverage and Height

- A. Maximum Building Coverage - 60%
- B. Maximum Building Height - 50 feet to top of ridge-type roof; 40 feet maximum for flat roof; 4 stories

406.8 Architectural Overlay District Building Grant Opportunity

- a) The Architectural Overlay District Building Grant provides money to property owners or business owners (with property owner approval) to encourage restoration of building facades and enhance buildings' overall exterior appearance, thus creating attractive and historically charming downtown district. Grants are being offered through funding received from the Pennsylvania Department of Community and Economic Development. The project is designed to create an incentive for private investment in the downtown business district restoration projects and property reinvestment.

The total reimbursement per applicant will not exceed 50% of the total project cost up to a maximum of \$5,000 or as otherwise noted. The grant cannot be used to pay for work that is currently in progress or completed. Following are the guidelines for eligible projects with the accompanying allowable reimbursement dollar amounts as follows:

1) Geographic Boundaries

Grant applications will be accepted for any property within the designated target area of the Architectural Overlay District as shown on Exhibit A.

2) Exterior Painting, Metals and Masonry

Maximum reimbursement of \$5,000.

This category refers to the repair, cleaning, refinishing, painting, restoration or replacement of exterior woodwork, architectural sheet metals and cast iron elements. This category includes exterior masonry repairs, restoration, repointing, repainting (only if currently painted) and appropriate recommended cleaning.

3) Architectural Elements / Windows and Doors

Maximum reimbursement of \$5,000.

This category refers to the construction with respect to existing structures, the repair, replacement, installation, painting or restoration of windows (including display, ornamental, and upper-story windows), shutters and exterior doors as part of storefront or residence entrance ways is also included. This category includes repair, replacement, installation, painting or restoration of cornices, parapets or roofs when part of a facade. Compatible ADA exterior elements are also eligible under the grant.

4) Signs and Awnings

Maximum reimbursement of \$1,500.

This category is for the maintenance of existing signage and awnings, as well as the installation of new signage and awnings. This category includes lighting fixtures that provide direct lighting on signage or provide area lighting under awnings.

5) Site and Building Enhancements

A) Walls and Fences

Maximum reimbursement is \$1,500.

This category is for the maintenance and repair of, or addition of walls to building sites.

B) Exterior Lighting

Maximum reimbursement is \$1,000.

This category is for the maintenance and repair of, or addition of exterior lighting to building sites. Exterior lighting may include building mounted fixtures, lamp posts and parking area lighting.

406.9 Application Process

a) Application and Approval Process

Applicants are required to meet with the Zoning Officer to discuss their project prior to completing the application process. Call the Borough Hall Office at 610-944-8220 to arrange this meeting.

- 1) Applications will be accepted for review at any time. Grants are dependent upon Design Committee approval, funding from the Department of Community and Economic Development (DCED) and is

based on the allocation of funds for the Architectural Overlay District Building Grant from the DCED. There is no certainty that funds will be available at any given time.

- 2) The Architectural Overlay District application form is provided in Exhibit B. Submit the completed application form with the following:
 - a) Applicant identification
 - b) Property owner identification
 - c) Location of property
 - d) Complete copies of the following: written project description, design plan(s), drawing(s), schematic(s), and photograph(s) for each project
 - e) Contractor and material cost estimates for each project
 - f) Architectural drawings as necessary for code compliance
 - g) Signatures of the applicant and property owner

b) Selection Process

- 1) The decision to award grants shall be based upon certain criteria such as the level of improvement(s), the appropriateness of design(s) and the viability and significant impact the project will make to the community environment. Only complete applications will be accepted for processing. The grant applications will be reviewed by the Zoning Officer for completeness of information and supporting documents.
- 2) After the grant application is reviewed, it will be submitted to the Borough's Design Committee and/or its agent(s) for review at their next scheduled meeting within 30 days. The applicant will be notified of the meeting date. Attendance is encouraged but optional at this meeting.
- 3) Only approved work will be eligible for the Architectural Overlay District Building Grant. Project work may not commence until the applicant / property owner receives a notice to proceed from the Borough.

c) Codes and Ordinances

- 1) Applicants are required to meet all codes and ordinances of the Borough of Fleetwood. Applicants are also required to secure any necessary permit(s) from the Borough of Fleetwood before work may commence.

There will be no reimbursement if Borough code or ordinance violations exist.

d) Funding Requirements

- 1) Prior to grant approval, the property or business owner must verify the availability of the 50% matching funds.

e) Reimbursement

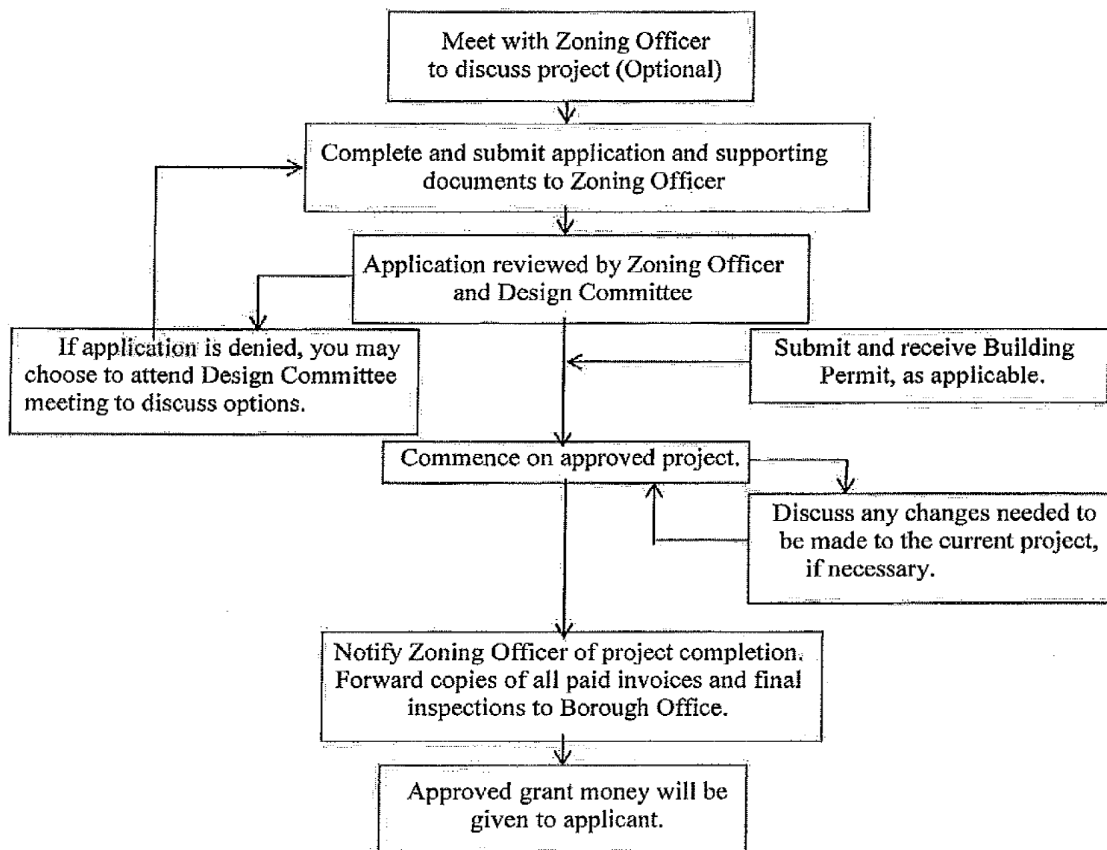
Once the project has been completed in a timely fashion, the applicant and/or contractor will notify the Zoning Officer. Reimbursement to the project applicant requires the following:

- 1) Adherence to design plan and/or project as submitted, reviewed, and approved by the Architectural Overlay District Design Committee;
- 2) Copies of all paid invoices for the approved project;
- 3) The completion of final inspections is required by the Borough of Fleetwood.

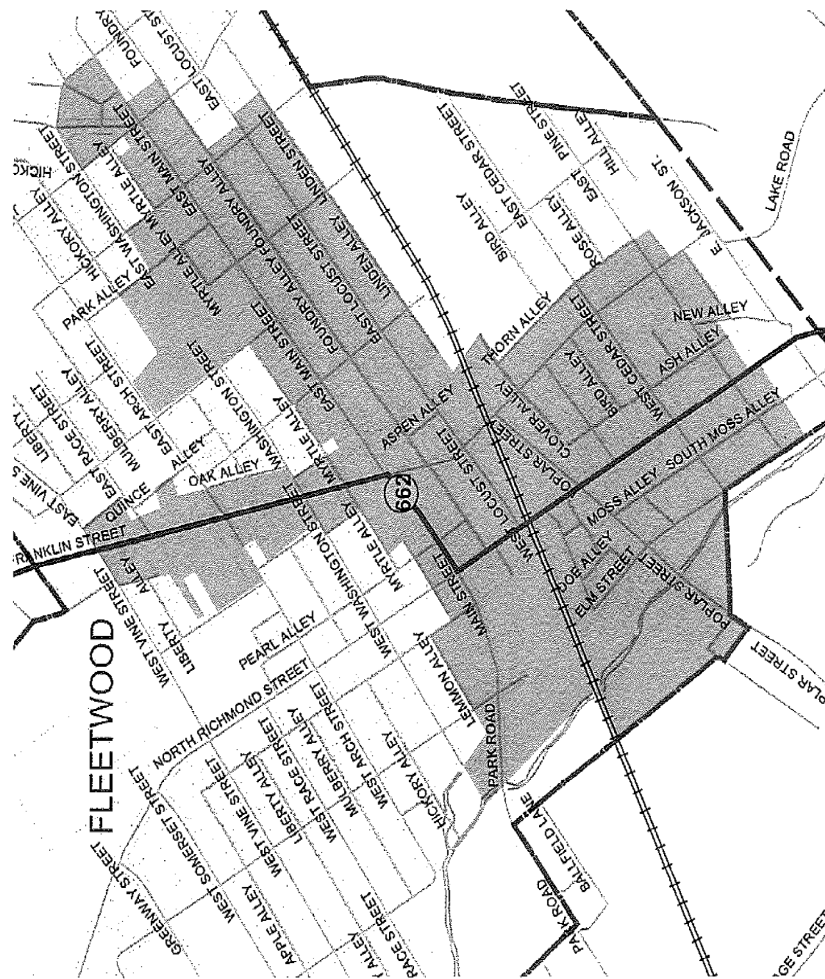
f) Design Changes

Design Committee and/or its agent must pre-approve any changes to the approved design.

FLOW CHART FOR THE GRANT APPLICATION & REIMBURSEMENT



ARCHITECTURAL OVERLAY MAP BOROUGH OF FLEETWOOD BERKS COUNTY, PENNSYLVANIA





WATKINS
ARCHITECTS
ARCHITECT
PO BOX 66 FLEETWOOD, PA 19026
TEL 610-444-2222 FAX 610-444-2223

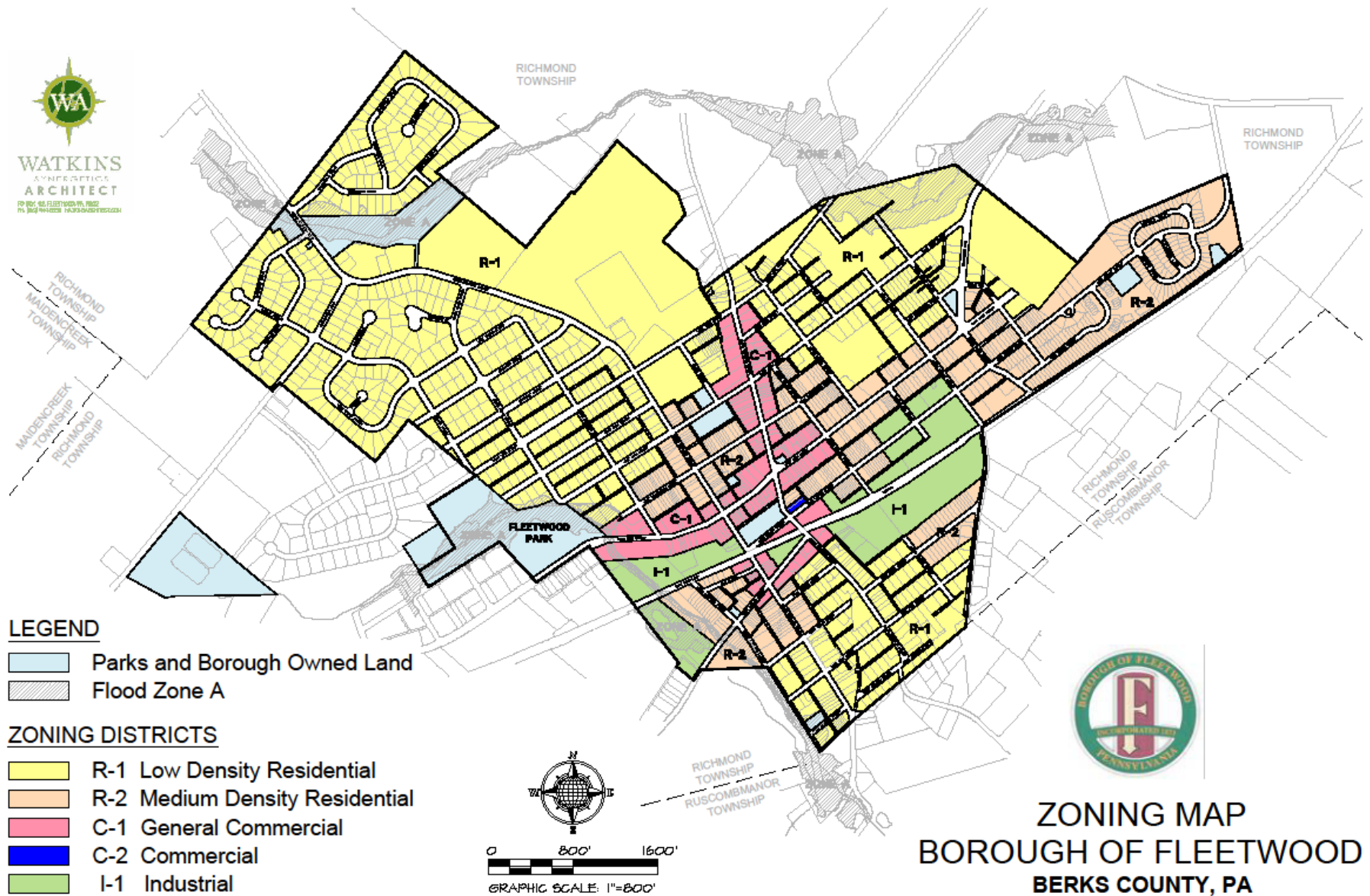


EXHIBIT B

BOROUGH OF FLEETWOOD

Use the template below to help select colors and materials for your addition/ renovation/ new construction project. If the image below is missing any architectural feature please be sure to list it in the miscellaneous section and provide color and material information. Please complete and return this sheet, any paint swatches, and photo documentation of requested existing conditions to the Borough of Fleetwood Zoning Officer, 110 West Arch Street, Suite 104, Fleetwood, PA 19522.

Labels in the diagram:

- roof material
- gutter
- shutter
- body_ brick/ stucco/ siding
- corner trim
- fascia
- porch_ trim/ railing/ deck
- window/
- door trim
- door/
- screen door

Mis:

EXHIBIT C
BOROUGH OF FLEETWOOD

APPLICATION FEE: \$50.00

**AESTHETIC OVERLAY ZONE APPLICATION FOR A CERTIFICATE OF
APPROPRIATENESS**

This permit applies only to those properties located within the Fleetwood Aesthetic Overlay Zone. Please fill out the information requested below and return this application to the Borough of Fleetwood Zoning Officer, 110 West Arch Street, Suite 104, Fleetwood, PA 19522.

PROPERTY INFORMATION		
Property Address _____ Evening _____ Property Owner -- Name and Address _____ _____ _____ _____ Owner Address (if different from above) _____ _____ _____ Contact Person (if different from above) _____ _____ _____ Relation to Property Owner _____	Phone _____ Phone _____ Day _____ Fax _____ Email _____ Cell _____ Phone _____ Email _____ Cell _____	
PROPERTY TYPE	BUILDING TYPE	PROJECT TYPE
☐ ☐ ☐ ☐ ☐ ☐ Single-Family Residential Multi-Family Residential Commercial Industrial Institutional Other _____	☐ ☐ ☐ ☐ ☐ ☐ Main Structure Accessory Structure Garage Fence Outbuilding / Shed Deck / Porch / Stoop	☐ ☐ ☐ ☐ ☐ Addition Renovation New Construction Demolition Signage / Awning

PROJECT DESCRIPTION: Use this space to describe in details the changes or new construction you plan for your property. Required information includes any changes in size or shape to existing structure(s), any changes to exterior materials, changes to size, number, or type of windows and doors, etc. Please attach any photographs, sketches, and/or drawings that help describe your project. Product advertisements, material or spec sheets (if available) are recommended, when applicable.		
	PROJECT MATERIALS (Please attach additional sheet, if necessary)	
Architectural Features (Doors, windows, siding, etc.)	Original Material, if applicable	Proposed Material
I hereby certify that the proposed work is authorized by the owner of record and that the work shall conform to all applicable laws of this jurisdiction. By receiving a Certificate of Appropriateness, I realize that a Building Permit and / or Zoning Permit <u>will also be required</u> prior to proceeding with the work outlined above.		
SIGNATURE		DATE
PRINTED NAME		TITLE

DO NOT WRITE BELOW THIS LINE – BOROUGH USE ONLY

☐ Application complete (Required) ☐ Photographs attached (Required) ☐ Graphic Drawings attached (As applicable; Required for new structures) ☐ Fee Paid	☐ Reviewed by Zoning Officer _____ ☐ Reviewed by Architectural Agent _____
DECISION	
☐ Recommended for approval ☐ Not recommended for approval ☐ Remanded for future consideration; Revision or additional information required Date _____ Date _____ Date _____ Reasons or Conditions _____ _____ _____	
Motion by: _____	Seconded by: _____
VOTING RECORD: ☐ Unanimous	Votes for: Votes against:
Signature _____	Date _____

EXHIBIT B

Glossary of Architectural Terms

appearance grade material : Building materials intended for exterior finish application as opposed to materials intended for concealed structural application. Appearance grade is a higher quality than "paint grade" material where imperfections can be hidden by paint.

arbor : A framework, often made of rustic work or lattice work on which plants, such as climbing shrubs or vines, are grown.

architrave : 1) the lowest part of a classical entablature. 2) A molding enframing an opening such as a window.

areaway : The below-grade space between a row house and the sidewalk, usually providing light or access to the basement.

awning : A projecting shading device mounted on the outside of a door or window.

balcony : A platform with a walking surface that projects from the wall of a building in front of a window or door, and is surrounded by a railing, balustrade or parapet.

baluster : One of a series of short vertical posts, often ornamental, used to support a rail.

balustrade : A railing composed of balusters and a top rail running along the edge of a porch, balcony, roof or stoop.

band, belly band or band molding : A flat horizontal member of relatively slight projection, making a division in the wall lane.

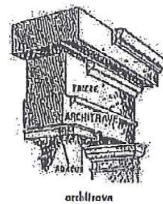
bay : A regularly repeating division of a façade, marked by fenestration.

bay window : A projecting structure containing windows that rises from the ground or from some other support, such as a porch roof; see also oriel.

belt course : A horizontal band of masonry across the exterior of a building that stands out visually.

bituminous roofing : A type of sheet roofing material made from bitumen, a class of cementitious substances found in asphalt and tars.

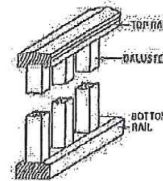
bollard : A short post generally used in a series to define an area or block access by vehicles.



architrave



baluster



balustrade



Bay window

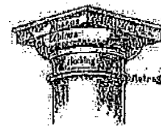
bracket : A projecting angled or curved form used as a support, often ornamental, found in conjunction with balconies, lintels, pediments, cornices, etc.



bracket

brick molding : A milled wood trim piece covering the gap between the window frame and masonry.

canopy : A covering, usually of cloth, held aloft on poles that may be attached to a building.



capital, nomenclature

cap flashing : A waterproof metal sheet that seals the tops of cornices and wells.

capital : The topmost member, usually decorated, of a column or pilaster.

casement : A window sash that is hinged on the side.

cast iron : A type of iron, mass-produced in the 19th century by pouring molten



casement window

cement block, cluder : A hollow building block, of various grades of cast concrete; the standard size is 8" x 8" x 16".

clapboard : Wood siding composed of horizontal, overlapping boards, the lower edges of which are usually thicker than the upper.

clorestory : An upward extension of enclosed daylighted space by carrying a setback, vertical windowed wall through the roof slope.

clinker brick : A partially vitrified brick or a mass of bricks fused together in the heat of a kiln, often irregular in shape.



clorestory

code, building code : Legal restrictions of a given locality governing the building and design of various types of structure.

colonnade : A row of regularly spaced columns supporting an entablature.

colonnette : A diminutive column which is usually either short or slender.

column : A vertical cylindrical support. In classical design it is composed of a base (except in the Greek Doric order), a long, gradually tapered shaft, and a capital.

column t-chamfered : A grooved or fluted column.



colonnade

column type -- square : A square shaped column.

column type -- turned : A rounded column, usually tapered, that is larger at the base and smaller at the top.

console : A scroll-shaped projecting bracket that supports a horizontal member.

coping : A protective cap or cover of a wall parapet, commonly sloping to protect masonry from water.

corbel : An architectural member which projects upward and outward from a wall that supports a horizontal member.

cornice : A projecting molding, usually ornamental, that tops the elements to which it is attached; used especially for a roof or the crowning member of an entablature, located above the frieze.

Corinthian : One of the five classical orders, characterized by slender fluted columns, and ornate foliate capitals.

corrugated metal : Usually galvanized material that is formed into alternate ridges and valleys, roofing or side walls.

cove : A concave molding which can provide a curved junction between a ceiling and side wall, above a cornice if there is one.

cresting : A decorative element, frequently of iron, usually located at the peak or edge of a roof.

crocket : An ornamental foliate form placed at regularly spaced intervals on the slopes and edges of the spires, pinnacles, gables and similar elements of Gothic buildings.

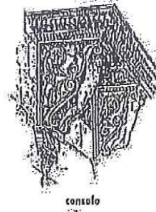
cupola : A small dome on a base crowning a roof.

dagger board sign : A flat sign that hangs perpendicularly from a building face.

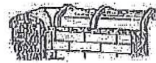
de-lamination : The splitting apart of the outer surface of natural stone into thin layers that peel off, also called exfoliation.

dentil : A small square, tooth like block in a series beneath a cornice.

Doric : One of five classical orders, recognizable by its simple capital. The Greek Doric column has a fluted shaft and no base; the Roman Doric column may be fluted or smooth and rests on a molded base.



console



coping of terrace



Brick wall having a corbel

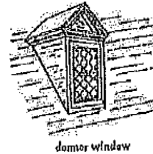


Corinthian capital

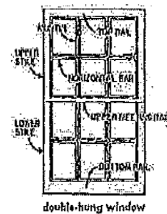


Doric order

dormer : A vertical structure, usually housing a window, that projects from a sloping roof and is covered by a separate roof structure.



double-hung : A type of window with two sashes, each sliding on vertical track.



downspout : A horizontal or vertical cylinder, usually made of metal, which carries water from the gutter to the ground; also called a leader.

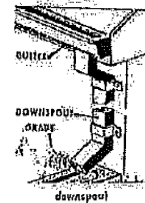
drip molding : A projecting molding around the head of a door or window frame, often extended to the sides of the frame, intended to channel rain away from the opening; also called a drop lintel.

dutchman : A patch cut to size, glued, and sanded in a location where deteriorated material has been removed.

eave : The overhanging edge of a roof.

efflorescence : White powdery soluble salt deposits on masonry, caused by slow seepage of water.

egg and dart : An ornamental band molding of egg forms alternating with dart forms.



elevation : An exterior face of a building; also a drawing thereof.

enframement : A general term referring to any elements surrounding a window or door.

English Bond : A pattern of brickwork with alternate courses of headers and stretchers.

entablature : In classical architecture, a major horizontal member carried by a column(s) or pilaster(s); it consists of an architrave, a frieze and a cornice. The proportions and detailing are different for each order.



escutcheon : The face plate of a keyhole, or one also backing the door handle.

eyebrow dormer : A curved dormer with no sides, covered by a smooth protrusion from the sloping roof.

façade : The main exterior face of a building, sometimes distinguished from the other faces by elaboration or architectural or ornamental details.



fanlight : A semicircular or semi-elliptical window above a door, usually inset with radiating glazing bars.



fanlight

fascia : A horizontal, flat element, often combined with a cornice or architrave.

fenestration : The organization and design of windows in a building.

festoon : A carved ornament in the form of a band, loop or wreath, suspended from two points; also called a "garland" or a "swag."

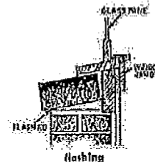
fillet : A narrow flat band serving as a molding or as a division between larger moldings.



finials

finial : The crowning ornament of a pointed element, such as a spire.

flashing : Strips of sheet metal bent to fit the angle between any two roof surfaces or between the roof and any projection, such as a chimney.



flashing

Flemish Bond : A pattern of brickwork in which each course consists of headers and stretchers laid alternately; each header is centered between the stretcher above and the stretcher below it.

flue : Channel in a chimney for conducting flame and smoke to the outside.

foliate : Decorative leafage, often applied to capitals or moldings.



Flemish bond

French door, window : A tall casement window that reaches to the floor usually arranged in two leaves as a double door.

frieze : 1) The middle horizontal member of a classical entablature, above the architrave and below the cornice. 2) A similar decorative band in a stringcourse, or near the top of an interior wall below the cornice.

gable : The upper portion of an end wall formed by the slope of a roof.



foliated niches

galvanized iron : Iron that has been coated with zinc to inhibit rusting, usually coated with paint to further inhibit rusting.

gazebo : An open pavilion often built for a view. A belvedere.

gingerbread : The intricate decorative details in a building.



gable roof

glazing : 1) Glass panes set in a framework. 2) A thin, smooth shiny coating, such as on ceramic tile.

glazing bar : See mullion.

Gothic sash : A window sash pattern composed of mullions that cross to form pointed arches.

grille : A decorative, openwork grating, usually of iron, used to protect and/or to provide ventilation through a window, door or other opening.

gutter : A shallow channel of metal or wood set immediately below and along the eaves of a building to catch and carry off rainwater.

half-timbering : An exterior decorative wall effect giving the illusion of exposed heavy timber construction of the 16th and 17th century, but actually consisting of non-structural timbers, the spaces between which are filled with stucco.

header : A masonry wall unit of brick which is laid so that its short end is exposed.

hood : A projection that shelters an element such as a door or window.

ionic : One of the five classical orders, characterized by capitals with spiral elements called "volute," a fasciated entablature, continuous frieze, dentils in its cornice, and by its elegant detailing.

Jamb : Upright piece forming side of door or window opening.

Jigsaw carving : An ornament cut with a thin narrow saw blade.

Jolst : One of a series of parallel timber beams used to support floor and ceiling loads, and supported in turn by larger beams, girders or bearing walls; the widest dimension is vertically oriented.

key : A block, often used in a series, which projects beyond the edge of the enframing of an opening and is joined with the surrounding masonry. A block handled in such a manner is keyed to the masonry; see quoin.

keystone : The central wedge-shaped member of a masonry arch; also used as a decorative element on arches in wood structures.

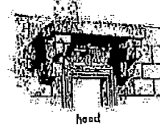
latticework : Thin strips of wood arranged in a netlike grid pattern, often set diagonally.



grille



half-timbered



hood



ionic order



keystone R

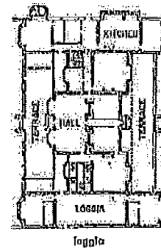
leaded window : A window composed of small panes, usually diamond-shaped or rectangular, held in place by narrow strips of cast lead.

leader : See downspout.

lime : Crushed limestone, historically used as the binder in mortar mixes when combined with an aggregate, usually sand.

lintel : A horizontal structural element over an opening which carries the weight of the wall above it.

loggia : 1) An arcaded or colonnaded structure, open on one or more sides, sometimes with an upper story. 2) An arcaded or colonnaded porch or gallery attached to a larger structure.

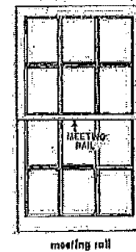


louver : One of a series of horizontal slats, tilted to exclude rain but not air.

lunette : A crescent-shaped or semicircular area or opening on a wall surface.

mansard : a roof having a double slope on all four sides, the lower slope being much steeper. In row house design, a double-sloped roof on the building front, below a flat roof.

marquee : A roof-like structure, often bearing a signboard, projecting over an entrance as to a theater or hotel.



meeting rail : The horizontal rail of a double-hung window sash designed to align with the adjacent rail of the other sash.

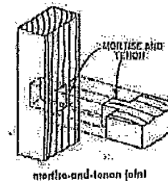
modillion : A simple horizontal block arranged in series under the soffit of a cornice or a projecting scroll-shaped bracket.



molding : A decorative band of varied contour; used to trim structural members, wall planes and openings.

mortar : Material used for pointing and bonding brick and other masonry units; made of cement or lime with aggregate (sand) and water.

mortise-and-tenon : A joinery technique formed by a projecting piece (the tenon) fitting into a socket (the mortise).



mullion : A vertical primary framing member that separates paired or multiple windows within a single opening.

muntin : A thin framing member that separates the panes of a window sash or glazed doors.

newel : the main post at the foot of a stairway or stoop.

oriel : A projecting bay window carried on corbels or brackets.

palladian window : A three-part window opening with a tall, round-arched center window flanked by smaller rectangular windows and separated by posts or pilasters.

panel : A portion of a flat surface recessed, or raised from the surrounding area, sometimes distinctly set off by molding or some other decorative device.

parapet : A low wall that serves as a vertical barrier rising above the edge of the roof, terrace or other raised area; in an exterior wall, the part entirely above the roof.

party walls : In row house construction, the walls shared by adjoining houses.

paver : A block of stone used in sidewalk or areaway paving.

pediment : 1) In classical architecture, the triangular space forming the gable end of a roof above the horizontal cornice. 2) An ornamental gable, usually triangular, above a door or window.

pier : 1) A column designed to support concentrated load. 2) A member, usually in the form of a thickened vertical section, which forms an integral part of a wall; usually placed at intervals along the wall to provide lateral support or to take concentrated vertical loads.

piaster : An engaged pier or pillar, attached to a wall, often with capital and base.

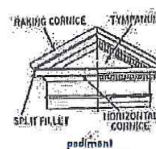
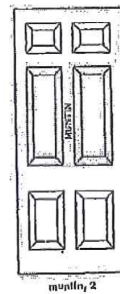
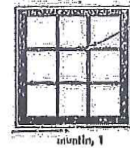
plintle : Vertical rod attached to window frame to attach shutter.

pitched : Sloping, especially referring to a roof.

plinth : A platform base supporting a column or pilaster.

pointing, repointing : The treatment of joints between bricks, stone or other masonry components by filling with mortar; also called tuck-pointing.

porte-cochere : A shelter for vehicles outside an entrance doorway.



portico : A small porch composed of a roof supported by columns, often found in front of a doorway.



portico

p.s.i. : Pounds per square inch, a term generally used when describing water pressure when cleaning a building.

public space : Any of a variety of spaces that are accessible and usable by the general public, such as a plaza, courtyard, sitting area, widened sidewalk, a garden, art or water feature.

purlin : A horizontal roof framing element resting on supporting beams or rafters.

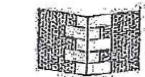


purlins

quoin : A structural form, usually masonry, used at the corners of a building for the purpose of structural or visual reinforcement, frequently imitated for decorative purposes.

rehabilitation : A building restored to good condition, to provide a more useful life.

relief : Carved or molded ornament that projects from a flat surface.



Stone quoins set in brickwork

repointing : See pointing.

restoration : A building returned to its former or original condition.

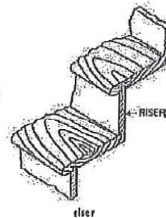
reticulation : Irregular network pattern, particularly in elaborate masonry or quoins.

return : The part of a molding, cornice, or wall surface that changes direction, usually at a right angle, toward the building wall.

reveal : The side of an opening for a door or window between the frame and the outer surface of a wall, showing the wall's thickness.

ridge : The topmost horizontal member of a sloping roof.

riser : The vertical member between treads of a stair. A vertical pipe main.



riser

rock-faced : Masonry treated as a rough surface that retains or stimulates the irregular texture of natural stone.

roofing — standing seam metal : A roofing material that comes in sections, with raised seams, forming a pattern every few inches that runs the length of each panel.

rosette : A round floral ornament, usually carved or pointed.

round arch : A semicircular arch.

roundel : 1) A small circular window or panel 2) A bead molding.

row house : One of a group of an unbroken line of attached houses that share common side walls, known as party walls.

rubble stone : Irregularly shaped, rough-textured stone laid in an irregular manner.

rustication, rusticated : Stonework composed of large blocks of masonry separated by wide, recessed joints; often imitated in other materials for decorative purposes.

sash : The framework of a window which holds the glazing (glass panes) in place; may be operable or fixed; usually constructed of horizontal and vertical members; sash may be subdivided with muntins.

secondary façade : The façade or façades that do not face a public thoroughfare or courtyard.

segmental arch : An arch which is in the form of a segment of a semicircle.

semi-detached : A building attached to a similar one on one side but unattached on the other; a "twin."

setback : A regulated distance between line, plane or boundary and affected building elements. A setback is often an answer to certain zoning restrictions.

shaft : The vertical segment of a column or pilaster between the base and the capital.

sheathe : To apply a covering of boards or other surfacing to the inside or outside of a structural frame.

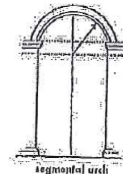
shed dormer : A dormer window covered by a single roof slope without a gable.

shed roof : A roof having only one sloping lane.

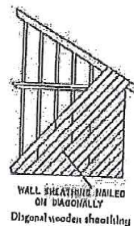
shingle : A unit composed of wood, cement, asphalt compound, slate, tile or the like, employed in an overlapping series to cover roofs and walls.



rosette



segmental arch



WALL SHEATHING NAILED ON DIAGONALLY
Diagonal wooden sheathing



shed dormer

shouldered arch : An arch composed of a square-headed lintel supported at each end by a concave corbel.

shutter : An extra closure for a window or door, usually of wood, paneled and one of a pair.

shutter dog : Metal attachment, often ornamental, which holds shutters in an open position against the face of a building.

sidelight : A vertically framed area of fixed glass, often subdivided into panes, flanking a door.

siding : Finishing exterior wall covering of horizontal boards nailed to a wood frame.

signage : The design or use of signs and symbols, or a group of signs.

sill : The horizontal member at the bottom of a window or door.

single-hung window : Similar to a double-hung window, although only one sash is operable.

soffit : The exposed underside of any architectural element, especially an eave.

soldier course : Usually descriptive of brick standing on their ends with edge to the front.

spalling : the chipping or erosion of masonry caused by abuse or weathering.

spandrel : A panel between the top of one window and the sill of another window on the story directly above it.

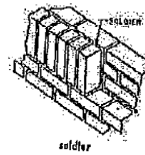
spandrel beam : A beam designed to support the window or windows and wall of a story height between neighboring upright columns.

spindle : 1) A small axel, as the spindle of a weather vane 2) A short turned part, as that on a baluster.

stile : A main vertical member of a door or window.

stoop : The steps which lead to the front door.

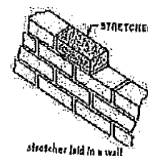
stretcher : A masonry unit or brick laid horizontally with its length parallel to the wall.



soldier



stoop



stretcher laid in a wall

stringcourse : A narrow horizontal band of masonry, extended across the façade, which can be flush or projecting, and flat surfaced, molded or richly carved; also called a "belt course."

stucco : A coating for exterior walls made from Portland cement, lime, sand and water; sometimes referred to as cement plaster.

sugaring : A term describing the deterioration of stone caused by the breaking up or dissolving of the stone surface.

surround : The ornamental frame of a door or window.

surrounds : Something, such as fencing or a border that surrounds a structure or place.

swag : A carved ornament in the form of a draped cloth or a festoon of fruits or flowers.

terra cotta : Hard-fired clay, either glazed or unglazed, molded into ornamental elements, wall cladding and roof tiles.

tie rod : A metal tension rod connecting two structural members, such as gable walls or beams, acting as a brace or reinforcement; often anchored by means of a metal plate in such forms as an "S" or a star.

tilt-up concrete slab : A type of construction made of precast concrete slabs that are "tilted-up" into position to form walls.

tongue and groove : Abbreviated T&G. Applies to boards having a tongue formed on one edge and a groove on the other for tight jointing.

tower : A vertical structure that is higher than the surrounding building.

tracery : An ornamental configuration of curved mullions in a Gothic sash.

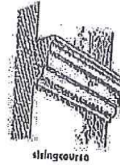
transom : 1) The cross-bar separating a door from a window, panel or fanlight above it. 2) The window above a transom bar of a door.

transom bar : A horizontal element that subdivides an opening, usually between a door and window.

tread : The horizontal surface of a step.

trefoil : A three-lobed decorative form used in Gothic architecture.

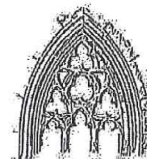
trellis : Latticework as an outdoor screen, often a support for vines.



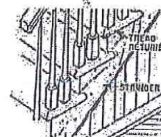
stringcourse



tongue-and-groove joint



tracery



tread

trim : Appearance grade exterior or interior molding applied to building surfaces for decoration and to cover between elements.

tuck-pointing : See pointing.

turret : A small tower, usually supported by corbels.

vestibule : A small entrance hall or passage between the outer door and the interior of a house or building.

viga : The projecting, exterior end of a roof beam, usually decorative only, found primarily in Spanish Revival or Pueblo style buildings.

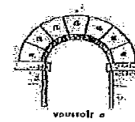
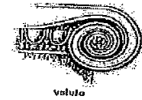
volute : A carved spiral form in classical architecture; often used in pairs in the capital of Ionic columns.

voussoir : A wedge-shaped component of an arch.

wainscot : Decorative pattern of trim applied to interior walls stopping short of the ceiling.

water table : A ledge or projection, usually at first-floor level, that protects the foundation from water running down the wall of a building.

wrought iron : Iron that is worked by being forged or hammered.



ARTICLE V – SUPPLEMENTARY REGULATIONS

SECTION 501 - ADDITIONAL REGULATIONS

501.1 SIGHT DISTANCE AT INTERSECTIONS – Clearsight triangles shall be provided at all street intersections in accordance with Section 4.28 of the Borough's Subdivision and Land Development Code, Ordinance No. 349, as amended.

501.2 FENCES, WALLS, AND HEDGES – Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard provided that no fence, wall, or hedge within any required front yard shall be over thirty-six (36) inches in height and no fence, hedge or wall except retaining wall, shall exceed six (6) feet in height in any yard. No fences, walls, or hedges may be located on property lines.

501.3 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT – In any district, more than one structure housing a permitted or permissible use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

501.4 EXCEPTIONS TO HEIGHT REGULATIONS – The height limitations contained in the District Regulations shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances not intended for human occupancy.

501.5 STRUCTURES TO HAVE ACCESS – Every principal structure hereafter erected or moved shall be on a lot adjacent to a public street (not alley) and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protections, and required off-street parking. Residential principal structures must be facing street.

501.6 CORNER LOT RESTRICTION – A side yard abutting a street line shall have a minimum yard dimension equal to that of the front yard.

501.7 LOTS IN TWO DISTRICTS – Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

501.8 FRONT YARD EXCEPTIONS – When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the district, the front yard required may be reduced to a depth equal to the average of the two adjoining lots, but in no case shall a front yard be reduced by more than fifty (50) percent of the required front yard.

501.9 KEEPING OF ANIMALS – The keeping of domestic farm animals such as a horse, pig, goat, cow, steer, sheep, buffalo or a chicken, duck, rooster, goose, pigeon or other fowl shall not be considered a permitted accessory use.

501.10 EARTH SATELLITE RECEIVING DISHES – Shall not be roof mounted. Not more than one such dish shall be placed on any one lot and all such dishes shall be screened from adjoining properties and streets in accordance with the applicable provisions of this chapter. Does not apply to dishes under 24 inches.

501.11 STORAGE FACILITIES/WAREHOUSES

- a) All storage facilities shall be located in areas which have direct access to a street or driveway. The outdoor storage of materials shall be screened from view from adjoining properties and streets. Such storage shall be limited to the normal operations conducted on the premises and shall not exceed 16 feet in height. Storage areas shall not be located within required front, side and rear yards.
- b) All outdoor storage facilities for fuel, raw materials and products; and all fuel, raw materials and products stored outdoor shall be enclosed by a fence adequate for the protection of the public, as approved by the Borough.
- c) No materials shall be deposited upon a lot in such a form or manner that they may be transferred off the lot by natural causes or forces.
- d) All materials capable of causing fumes or dust or which constitute a fire hazard or which are edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.
- e) Tractor trailer trucks shall not be used for storage and/or sales of materials.

501.12 REGULATIONS GOVERNING COMMUNICATIONS TOWERS AND ANTENNAE
-The following regulations for communications towers and antennae shall apply in any Zoning District where these uses are permitted by special exception.

- a) Building mounted communications towers and antennae shall not be located on any single family dwelling or two family dwelling.
- b) Building mounted communications towers and antennae shall be permitted to exceed the height limitations of the applicable Zoning District by no more than 20 feet.
- c) Omnidirectional or whip communications antennae shall not exceed 20 feet in height and 7 inches in diameter.
- d) Directional or panel communications towers and antennae shall not exceed 5 feet in height and 3 feet in width.

- e) Communications towers and antennae shall be built and constructed according to then prevailing national standards.
- f) Any applicant proposing communications towers and antennae to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the communications towers and antennae location.
- g) Any applicant proposing communications towers or antennae to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the communications towers or antennae will be mounted on the structure for review by the Code Enforcement Officer for compliance with the Borough's Building Code and other applicable law.
- h) Any applicant proposing communications towers or antennae to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the communications towers or antennae are to be mounted.
- i) Whenever possible existing communications towers or antennae must be shared by two or more users. Owners of the existing communications towers or antennae within a $\frac{1}{4}$ mile radius of the proposed communications tower or antennae site be contacted and that one or more of the following reasons for not selecting the existing building, structure, communications tower or antennae apply:
 - 1) The proposed communications tower or antennae and related equipment would exceed the structural capacity of the existing building, structure, communications tower or antennae and its reinforcement cannot be accomplished at a reasonable cost.
 - 2) The proposed communications tower or antennae and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, communications tower or antennae and the interference cannot be prevented at a reasonable cost.
 - 3) The existing buildings, structures, communications towers or antennae do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - 4) Addition of the proposed communications tower or antennae and related equipment would result in electromagnetic radiation from the building, structure, communications tower or antennae exceeding applicable

standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.

- 5) A commercially reasonable agreement could not be reached with the owners of the existing buildings, structures, communications towers or antennae.
- j) Access shall be provided to the communications tower or antennae and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.
- k) A communications tower or antennae may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- l) Recording of a plat of subdivision or land development shall be required for a parcel on which a communications tower or antennae is proposed to be constructed.
- m) The applicant shall demonstrate that the proposed height of the communications tower or antennae is the minimum height necessary to perform its function.
- n) The foundation and base of any communications tower or antennae shall be set back from the property line (not lease line) at least 100 feet and shall be set back from any other property line (not lease line) at least 50 feet.
- o) The base of a communications tower or antennae shall be landscaped to screen the foundation and base and communications equipment building from abutting properties.
- p) The communications equipment building shall comply with the required yards and height requirements of the applicable Zoning District for any accessory structure.
- q) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower or antennae will be designed and constructed in accordance with the current "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Borough's Building Code.
- r) The applicant shall submit a copy of its current Federal Communications Commission (FCC) license; the name, address and emergency telephone number for the operator of the communications tower or antennae; and a

certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower or antenna.

- s) All guy wires associated with guyed communications towers and antennae shall be clearly marked to be visible at all times and shall be located within a locked fenced enclosure.
- t) The site of a communications tower or antennae shall be secured by a locked fence with a minimum height of 8 feet to limit accessibility by the general public.
- u) Signs or lights shall be mounted on a communications tower and antennae as may be required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA) or any other governmental agency, including this Zoning Hearing Board.
- v) Communications towers and antennae shall be protected and maintained in accordance with the requirements of the Borough's Building Code.
- w) If a communications tower or antennae remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within 6 months of the expiration of the 12 month period. One off-street parking space shall be provided within the fenced area.

501.13 CONVERSION OF EXISTING STRUCTURES TO HIGHER DENSITIES – Conversion of existing residential structures to higher densities, which are permitted uses in accordance with Section 402.1, is allowed subject to the following conditions:

- a) The minimum lot area per dwelling unit shall not be less than two thousand (2000) square feet per each dwelling unit.
- b) Conversion is not allowed unless off-street parking is provided on the premises at a rate of two (2) off-street parking spaces per each dwelling unit proposed within the existing structure.
- c) Where off-street parking cannot be accommodated on the lot, shared off-street parking may be permitted at the discretion of the Zoning Hearing Board.
- d) Provide two different locations of ingress or egress for second story and higher dwelling units in case of fire. Provide an exterior fire escape constructed of non-combustible material or fire rated material, 30-minute minimum.
- e) Each dwelling unit to have a minimum of a 10 lb chemical Class A fire extinguisher and a 25 lb. Class A chemical fire extinguisher in hallways. Smoke

detectors are also required in each dwelling unit with either an AC power source or battery power source.

501.14 RESIDENCES IN COMMERCIAL STRUCTURES – Residences in Commercial structures are permitted in General Commercial District subject to the following conditions:

- a) Off-street parking shall be provided at the rate of one (1) parking space per each dwelling unit in addition to the commercial parking requirements.
- b) A minimum area of five hundred (500) square feet of lot area shall be provided for the use and enjoyment of the dwelling.
- c) Provide two different locations of ingress and egress for each second story or higher dwelling unit in case of fire.

SECTION 502 – HOME OCCUPATION REGULATIONS

502.1 STANDARDS

A Home Occupation shall be conducted entirely within a dwelling unit and carried on only by a resident thereof, which is clearly incidental and secondary to the use of the dwelling unit and does not change the character thereof or have exterior evidence of secondary use other than a small sign on the dwelling. The Home Occupation shall be a one person occupation and no assistants are permitted.

All parking shall be off-street, and two additional off-street parking spaces, in addition to those required of the residence units, shall be required.

A home occupation shall take place inside the dwelling unit and shall not occupy more than twenty-five (25) percent of the total floor area of the dwelling unit, and shall not be carried on in an accessory building.

Home occupations shall be subject to the general industrial performance standards found in Section 404.1(c), 1 through 10.

SECTION 503 – ACCESSORY USES OF STRUCTURES

503.1 No attached or detached accessory building or structure shall be erected in any required front yard or side yard in front of the rear yard area. A detached accessory building or structure may be erected in the rear yard area but not within five (5) feet of the side and rear property line. All accessory buildings or structures, regardless of size, shall have a minimum four (4) inch concrete pad on stone; a minimum of three (3) inch macadam pad; or a six (6) by six (6) inch treated wood frame filled with stone. There shall be no openings around the base of accessory building or structures; this is required to keep out animals.

EXCEPTION: Decks and patios that are accessory to a single-family semi-detached or attached dwelling shall be exempt from the five (5) foot side yard setback requirement. However, this exemption shall only pertain to the side property line that is shared with the attached dwelling.

503.2

- a) Private permanent, portable above-ground or temporary swimming pools or ponds may only be located in the rear yard area, set back five (5) feet from side and rear property lines and ten (10) feet from any section of any structure, except attached decks or patios that are fenced and gated in accordance with the provisions of this ordinance.
- b) In-ground pools must be entirely enclosed with a permanent fence four (4) feet in height and the fence may not have openings greater than four (4) inches.
- c) Aboveground pools must have sidewalls that are a minimum of forty-eight (48) inches high or must have a fence installed around the pool that is a minimum of forty-eight (48) inches above the finished grade.
- d) Above listed pools must have a locking gate or lift up ladder to prevent entrance to pool by unauthorized persons.
- e) All swimming pool installations must comply with the requirements of the Uniform Construction Code of the Commonwealth of Pennsylvania.

503.3 No non-residential activities shall be permitted in any residential zone except those permitted by Home Occupation Regulations, Section 502 of this Ordinance.

Nothing in this Section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety and/or welfare of the community.

SECTION 504 – SIGN REGULATIONS

504.1 SCOPE AND APPLICABILITY.

- a) Signs perform an important function by identifying a broad range of land uses. Control of the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of signs is necessary to promote the health, safety, general welfare and aesthetics of the Borough. Signs have a direct and substantial impact on traffic safety, pedestrian safety, community aesthetics and property values. Signs also provide a guide to the physical environment and, as such, serve an important function to the community and economy. Electronic signs, including video display signs, are highly visible from long distances and at very wide viewing angles both day and night and are designed to draw the attention of persons in their vicinity and hold it for extended

periods of time. If left uncontrolled, electronic signs, including video display signs, can constitute a serious traffic safety threat.

- b) Those elements which may be excluded from sign controls include (1) flags of any governmental unit or branch or of any charitable or religious organization, (2) flags or signs posted by any religious organization to provide directions to a place of worship, (3) interior signs not visible from a public right of way or adjoining property, (4) cornerstones built into or attached to a wall of a building commemorating a person or event, (5) official notices of any court or public office, (6) legal notices posted pursuant to law, and (7) public service signs as aids to safety or service.
- c) In all permitted zoning districts signs may be erected, altered, maintained, used, removed or moved only if they comply with the provisions of this Section and other regulations of the Borough relating to such activities.

504.2 GENERAL SIGN REGULATIONS.

- a) No sign shall be erected containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this Section in the zoning district within which the property to which the sign relates is located.
- b) On-site signs advertising a use no longer in existence or a product no longer available shall be removed or changed to advertise the new use or product within thirty (30) days of the cessation of the original use or product availability. Only signs in conformance with this Section shall replace signs once removed.
- c) No sign shall be so located or arranged that it interferes with traffic because of glare; blocking of reasonable sight lines for streets, sidewalks, or driveways; confusion with a traffic control device (by reason of color, location, shape, or other characteristic); or any other reason.
- d) In no case shall any sign, other than an official sign, be erected within the official right-of-way of any street, unless specifically authorized by ordinance or regulation of the Borough and in conformance with the Commonwealth of Pennsylvania regulations, where appropriate.
- e) In no case shall any sign, other than an official sign, be erected within the boundaries of a designated clear sight triangle at an intersection of streets or access drives.
- f) Signs may be illuminated by direct lighting but shall have such lighting shielded so no glare or direct light will shine on abutting properties or in the normal line of vision of the public using the streets or sidewalks. No red, amber, or green lights

shall be permitted, and no flood or spotlights shall be mounted higher than fifteen feet (15') above ground level.

- g) No sign, except such directional devices as may be required by the Federal and State Aviation Authorities, that is a part of or is supported by a building, shall be placed, inscribed, or supported upon the roof or upon any structure which extends above the roof of any building.
- h) All sign provisions of this Section shall apply to signs on smokestacks, water towers, and other similar structures.
- i) Non-illuminated temporary signs may be permitted on new construction sites, if such signs do not to exceed twelve (12) square feet in total area and if they are removed within seven (7) days after completion of the construction work. Not more than one (1) sign shall be placed on each street frontage of the construction site.
- j) If an establishment has walls fronting on two (2) or more streets, the sign area for each street may be computed separately.
- k) No sign in any zoning district other than a residential district shall be located so as to face any residential district on the same side of the street on which the property bearing the sign fronts. No sign in any district other than a residential district shall be located within thirty-five feet (35') of any residential district boundary line.
- l) Free-standing signs shall be set back at least ten feet (10') from the street right of way line. No free-standing sign shall project beyond a street right-of-way line. No free-standing sign in any district other than a residential district shall be located within thirty-five feet (35') of any residential district boundary line. No portion of any freestanding sign shall be located within five feet (5') of any side lot line.
- m) Wall signs shall not extend beyond the edge of any facade or other surface to which they are mounted and shall not project more than twelve (12) inches from its surface.
- n) Projecting signs shall not extend more than four feet (4') from the wall or surface to which they are mounted. Projecting signs shall not interfere with normal pedestrian or vehicular traffic, shall not be less than ten feet (10') above the pavement or ground, and shall not be closer than six feet (6') to the property line.
- o) No signs shall be posted, stapled, or otherwise permanently attached to public utility poles or trees within a street right-of-way. No temporary signs shall be placed on any Borough-owned property or on any other edifice owned or

controlled by any governmental entity or any public utility except signs specifically authorized by such government or public utility.

- p) All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated or a hazard shall be repaired or removed by the property owner or lessee of the property or the sign may, after 30 days notification, be removed by the Borough at the expense of the owner or lessee of the property on which it is located.
- q) No person shall maintain or permit to be maintained on any premises that they own or control a sign which has been abandoned. Any such abandoned sign shall be repaired or removed by the property owner or lessee of the property or the sign may, after thirty (30) days notification, be removed by the Borough at the expense of the owner or lessee of the property on which it is located. An “abandoned sign”, for the purpose of this Section is a sign that:
 - 1) Is located on and/or related to the use of a property which becomes vacant and unoccupied for a period of nine (9) months or more,
 - 2) Was erected for an occupant or business unrelated to the present occupant in business and is not being lawfully used for the new occupant; or
 - 3) Which relates to a time, event or purpose which has passed.
- r) Signs existing at the time of passage of this Ordinance and which do not conform to the requirements of this Ordinance shall be considered non-conforming signs and once removed shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired (including lighting), provided that a repainted or repaired sign does not exceed the dimensions of the existing sign. Copy may also be changed, but a new permit must be obtained before such copy change takes place, unless the copy changes on a sign involved frequent or periodic changes of copy. Any nonconforming sign which is damaged in excess of twenty-five percent (25%) of its cost of replacement or is removed shall be replaced only with a conforming sign. Neither Temporary Signs nor signs which are prohibited under Section 504.4 or otherwise prohibited by this Ordinance shall be considered non-conforming signs.
- s) In addition to other applicable regulations of the Borough and state laws, the following shall apply to all adult business use signs and other visible messages:
 - 1) Sign messages shall be limited to written descriptions of material or services available on the premises.

- 2) Sign messages shall not include any graphic or pictorial depiction of material related to specific sexual activities or anatomical areas.
- 3) Advertisements, displays or other promotional materials related to specific sexual activities or anatomical areas shall not be shown or exhibited so as to be visible to the public from the exterior of the building.
- 4) The entrance of the adult business should include a sign warning all individuals that the premises is classified as an adult business.

504.3 PERMITTED SIGNS. The types, numbers and sizes of signs shall be in accordance with the following regulations.

a) All Zoning Districts.

- 1) Official traffic or directional signs and other official Federal, State, County or local government signs.
- 2) Temporary signs in accordance with Section 504.9.
- 3) Trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed four (4) square feet.
- 4) Nameplate signs displaying the name and address of the occupant of a Dwelling, or Dwelling Unit, provided that the area of each such sign shall not exceed two (2) square feet and provided that such a sign shall not be internally illuminated or illuminated by any lighting having a total wattage of more than one hundred (100) watts.
- 5) Signs identifying a permitted home occupation displaying the name, profession or activity, and address of the occupant, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed two (2) square feet. Each such sign shall not be internally illuminated or illuminated by any lighting.
- 6) Signs identifying residential subdivisions or land developments comprising ten (10) or more Dwelling Units. Such signs shall have a maximum area of thirty (30) square feet and a maximum height of eight feet (8'). These signs may be located at up to three (3) of the major entrances from exterior streets and may include the overall name of the development and any logo. Such signs shall not include advertising.

b) Residential Districts. Temporary yard signs in accordance with Section 504.9.

- c) Signs for Multi-Family Dwellings (Garden Apartments, Apartment Buildings, Multi-Family Dwelling Units, or other rental Units). Signs shall be permitted in accordance with Section 706.2 9) of this Ordinance.
- d) Commercial and Industrial Districts.
 - 1) Temporary business signs in accordance with Section 504.9.
 - 2) Permitted Awnings. No awnings (non-collapsible type) shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
 - (a) Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
 - (b) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than seven feet (7') above the level of the public sidewalk or public thoroughfare.
 - (c) Setback from Curb Line. No awning shall extend within one foot (1') of the curb line.
 - 3) Permitted Canopies. No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
 - (a) The structural support of all canopies shall be approved by the Zoning Officer as in compliance with any local and state building codes. All frames and supports shall be of metal and designed to withstand wind pressure. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
 - (b) Height Above Sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight feet (8') above the level of the sidewalk or public thoroughfare.
 - (c) Setback From Curb. No canopy shall extend beyond a point two feet (2') from the curb line.

- 4) Wall or free-standing signs on the same lot as the use to which they relate, provided that the total area of such signs shall be limited to two (2) square feet for each lineal foot of horizontal building facade length, but not to exceed an aggregate area of one hundred sixty (160) square feet. No more than one (1) freestanding sign structure shall be permitted on a lot having less than five hundred feet (500') of street frontage. No more than two (2) freestanding sign structures shall be permitted per lot.
- 5) Special temporary promotional devices, signs or displays, such as banners or pennants. Where such signs are outside of a building, they shall remain on display for a period not to exceed sixty (60) consecutive days. Banners shall not exceed twenty (20) square feet in sign area.
- 6) "A" type, sandwich type, sidewalk, or curb signs and balloons or devices shall be permitted only in commercial, business, and industrial districts for special occasions not more than four (4) times a year for a period totaling not more than fifteen (15) days within a calendar year, as long as they do not obstruct any public right-of-way. At no other time shall such devices be permitted. Such "A" type, sandwich type, sidewalk, or curb signs shall not exceed thirty-two (32) square feet in area per side.
- 7) Window signs shall not exceed twenty percent (20%) of the total area of the window.
- 8) Signs identifying office, commercial or industrial subdivisions or land developments comprising three (3) or more principal uses. Such signs shall have a maximum area of thirty (30) square feet and a maximum height of eight feet (8'). These signs may be located at up to three of the major entrances from exterior streets and may include the overall name of the development and any logo. Such signs shall not include advertising.
- 9) Signs indicating the existence of, and direction to tourist attractions of a natural, scenic and/or outdoor recreational nature, provided that no such sign shall exceed twenty (20) square feet.
- 10) Electronic Message Display Signs, in accordance with the provisions under Section 504.6.

504.4 SIGNS PROHIBITED IN ALL DISTRICTS

- a) Signs which in any way simulate official, functional, directional, or warning signs erected or maintained by the Federal, State, County, or any municipal government, or by any railroad, public utility, or similar agency concerned with the protection of public health or safety.

- b) Banners, spinners, flags, pennants, or any moving objects used for commercial advertising purposes, whether containing a message or not, except as otherwise permitted within this Section.
- c) Flashing, blinking, twinkling, animated, or moving signs of any type, except those portions of signs which indicate time and temperature.
- d) Video display signs.
- e) Electronic Message Display Signs, except as otherwise permitted in Section 504.6.
- f) Off-Premises Signs, except as otherwise permitted within this Chapter.
- g) Multi-Vision Signs.
- h) Portable Electronic Message Display Signs.
- i) Any type of sign that fluctuates in light intensity or uses intermittent, strobe or moving lights that does not fall under the definition of a video display sign, an Electronic Message Display Sign, or an electronic graphic display sign.
- j) Signs placed, inscribed or supported upon the roof or upon any structure which extends above the eaves of the roof of any building.
- k) Signs which emit smoke, visible vapors or particles, sound or color.
- l) Signs or displays that include words or images that are obscene, pornographic or highly offensive to public decency.
- m) Signs that are not in good repair or do not meet construction standards.
- n) Signs erected without a building permit.
- o) Signs that contain out-of-date political messages.
- p) Signs that is illegal under State law or regulations.
- q) Signs that attempt or appear to attempt to regulate, warn, or direct the movement of traffic or that interfere with, imitate, or resemble any official traffic sign, signal, or device.
- r) Signs that are erected or maintained on trees or painted or drawn on rocks or other natural features.

- s) Signs that prevent free ingress or egress from any door, window, or fire escape or that are attached to a standpipe or fire escape.
- t) Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose, but becomes a primary purpose in itself.
- u) Temporary signs, when located on the same property as an Electronic Message Display Sign.

504.5 OFF-PREMISES SIGNS (BILLBOARDS).

a) Location of Off-Premises Signs.

- 1) Off-premises signs shall be permitted only within the Industrial (I) District.
- 2) No off-premises sign shall be erected less than ten feet (10') nor more than fifty feet (50') from any street right-of-way line.
- 3) No off-premises sign shall be located closer than three hundred feet (300') from any existing dwelling on an adjoining residential lot.
- 4) V-type or back-to-back off-premises sign shall be considered one (1) sign, subject to Section 504.7 e).
- 5) No two (2) off-premises signs shall be spaced less than 1,500 feet apart along any street.
- 6) No off-premises sign shall be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a driver's view of approaching or intersecting traffic.

b) Size of Off-Premises Signs.

- 1) The maximum gross surface area of an off-premises sign shall be six hundred seventy-two (672) square feet, with a maximum length of forty-eight feet (48'), plus temporary embellishments not exceeding twenty percent (20%) of the sign's gross surface area.

c) Height of Off-Premises Signs.

- 1) There shall be a maximum height of forty-five feet (45') to the top of an off-premises sign face, measured from the ground level at the base of the sign.

d) Lighting of Off-Premises Signs.

- 1) No revolving or rotating beam or beacon of light that simulates any emergency light device shall be permitted as part of any off-premises sign.
- 2) Flashing devices shall not be permitted on an off-premises sign. However, illuminated signs that indicate customary public information, such as time, date, temperature, or other similar information, shall be permitted.
- 3) External lighting, such as floodlights, thin line, and gooseneck reflectors, are permitted, provided that the light source is directed on the sign face and is effectively shielded so as to prevent beams of light from being directed onto any portion of a street.
- 4) The illumination of any sign shall be diffused or indirect in design to prevent direct rays of light from shining onto residential districts.

e) Off-Premises Signs with an Electronic Process or Remote Control.

- 1) All messages/displays shall remain unchanged for a minimum of ten (10) seconds.
- 2) The time interval used to change from one complete message/display to the next complete message/display shall be a maximum of one (1) second.
- 3) There shall be no appearance of a visual dissolve or fading, in which any part of one (1) message/display appears simultaneously with any part of a second message/display.
- 4) There shall be no appearance of flashing or sudden bursts of light, animation, movement, or flow of the message/display.
- 5) Any illumination intensity or contrast of light level shall remain constant and have a maximum brightness limit of 0.3 foot-candles above ambient light for static images, instantaneous transitions from one static display to another, and automatic dimming technology that keeps the brightness within the 0.3 foot-candle limit at all times.

f) Prohibited Off-Premises Signs.

- 1) Signs that have multiple sign faces oriented in the same direction and aligned in a side-by-side or high/low fashion.
- 2) Signs that advertise defunct businesses.

- 3) Signs that are not securely fixed on a substantial structure.
- 4) Signs that meet the definitions of video display signs or multi-vision signs, or contain portions that meet such definitions.

g) Construction Standards.

- 1) All off-premises signs shall be constructed in accordance with the current building codes of the Borough of Fleetwood and the Commonwealth of Pennsylvania.
- 2) The structural elements of all off-premises signs shall be of metal construction.

504.6 ELECTRONIC MESSAGE DISPLAY SIGNS. In addition to complying with all other requirements of this Section, electronic message display copy signs shall comply with the following provisions.

a) Location of Electronic Message Display Signs.

- 1) Electronic message display signs shall be permitted only within the following Districts:
 - (a) General Commercial (C-1) District.
 - (b) Commercial (C-2) District
 - (c) Industrial (I-1) District
- 2) In Zoning Districts other than the General Commercial (C-1) District, the Commercial (C-2) District, and the Industrial (I-1) District, Electronic Message Display Signs may be permitted by the Zoning Hearing Board as a special exception use in accordance with the standards contained in Section 802.5 of this Chapter for any lot containing one of the following principal uses:
 - (a) Community center.
 - (b) Fire station
 - (c) Nursery school/day care center.
 - (d) Place of worship.
 - (e) Public recreation.
 - (f) School, public/private.
 - (g) Borough-owned use, including Borough parks and pool
- 3) Such sign must be located on the lot containing the use identified or advertised on the sign. No Electronic Message Display Signs shall advertise for businesses, goods or products not located on the premises

on which the sign is located. This shall not prohibit general messages to the public such as community events, birthdays, etc.

b) Setbacks of Electronic Message Display Signs.

- 1) Any Electronic Message Display Sign shall be set back a minimum of thirty-five feet (35') from the property boundary line of any existing principally residential use and from the boundary of any residential district.

c) Size of Sign. An Electronic Message Display Sign may be used only in conjunction with an immediately adjacent wall sign or as part of a free standing sign and shall not be displayed on its own. The electronic message display portion of the sign shall not be larger than (40%) of the total area of the permanent graphic portion of the sign when compared as graphic components. For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the electronic message display portion of the sign shall be included in the same perimeter inclusive of any physical separation between the two components.

d) Operational Limitations. Electronic Message Display Signs shall contain static messages only, changed only through dissolve or fade transitions which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or flashing, scintillating or varying of light intensity.

e) Limit on Number of Signs. Only one (1) Electronic Message Display Sign, or sign containing a portion thereof, shall be permitted per lot. Such signs must be included in the total number of signs permitted, and shall not be in addition to that permitted total.

f) Duration of Message. Any message, or portion thereof, displayed on such sign shall have a minimum duration of fifteen (15) seconds and must be a static display.

g) Text of Message. The text of the sign must be limited to ten (10) words to allow passing motorists to read the entire copy with minimal distraction.

h) Illumination of Electronic Message Display Signs.

- 1) The brightness of an Electronic Message Display Sign shall not exceed an illumination of 0.3 foot-candles at all times, during daylight hours and between dusk and dawn, as measured from the sign's face at maximum brightness. The sign shall have an automatic dimmer switch control to produce a distinct illumination change from a higher illumination level to a lower illumination level for the period of time between one half hour before

sunset and one half hour after sunrise. Electronic Message Display Signs shall also be equipped with automatic monitors and dimmer features to adjust brightness levels based upon ambient light.

- 2) The lamp wattage and luminance level in foot-candles shall be provided at the time of permit application. Permit applications for Electronic Message Display Signs shall also include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, and a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with all applicable Borough regulations and that the owner or operator shall provide proof of such conformance upon request of the Borough.

504.7 AREA OF SIGN.

- a) The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself.
- b) The size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures, unless such supporting structure is illuminated or is in the form of a symbol or contains advertising copy.
- c) In the case of signs that have no definable edges, such as raised letters attached to a building facade, the sign size shall be that area within a single continuous perimeter enclosing the extreme limits of the actual message or copy area.
- d) In computing square foot area of a double-face sign, only one (1) side shall be considered, provided both sign faces are identical. If the interior angle formed by the two (2) faces of a double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.

504.8 SUPPLEMENTAL SIGN REGULATIONS.

- a) Projection. No freestanding sign may project beyond the lot line or beyond a street right-of-way.
- b) Height. No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Freestanding signs shall meet the height requirements of the particular zoning district in which they are located.
- c) Illumination. Signs may be lighted with non-glaring lights or may be illuminated by shielded floodlights, provided, however, that no red, green or amber lights shall be permitted and provided that lighting is screened from adjacent

properties. No lights of intermittent, flashing or animated types shall be permitted.

- d) Placement. No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees within a street right-of-way.
- e) Construction. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated may, after thirty (30) days notification, be removed by the Borough at the expense of the owner or lessee of the property on which it is located.

504.9 TEMPORARY SIGNS

- a) Purpose. The purpose of this Section is to prevent hazards to visibility of motorists; to prevent interference with vehicular traffic, including the obstruction of sight distances; to prevent interference with normal pedestrian movements; to prevent disruption of vehicular and pedestrian traffic along any public street right-of-way; to foster public safety through the prevention of distractions to passing motorists; and to maintain the aesthetics of the Borough.
- b) Applicability. The provisions of this Part shall apply to all Temporary Signs, but shall specifically exclude Temporary Official Signs, that are placed for display to the public located within ten feet (10') of any Cartway.
- c) Temporary Sign General Regulations. The following provisions shall apply to all Temporary Signs, or any portion thereof, but shall specifically exclude Temporary Official Signs located within ten feet (10') of any Cartway within the Borough.
 - 1) No Temporary Sign, or any portion thereof, except Temporary Official Signs, may be placed, installed, erected, altered, maintained, used, displayed, or moved to any location within ten feet (10') of the Cartway.
 - 2) In the event a property located within the Borough does not have any area beyond ten feet (10') from the Cartway for the placement of a permitted Temporary Sign, such Person shall consult with the Borough Code Enforcement Officer on a possible location for the placement of a Temporary Sign. In that instance, the Code Enforcement Officer may, but shall not be required to, authorize the placement of a permitted Temporary Sign at a location to be determined by the Code Enforcement Officer within ten feet (10') from the Cartway.
 - 3) Temporary yard signs shall not exceed six (6) square feet in sign area and shall be promptly removed upon conclusion of the event or matter advertised, but in no event shall such sign be displayed for longer than

sixty (60) consecutive days. Not more than one (1) such sign shall be erected on any one (1) street frontage.

- 4) Temporary business signs shall not exceed twenty (20) square feet in sign area and shall be promptly removed upon the conclusion of the event or matter advertised, but in no event shall such sign be displayed for longer than sixty (60) consecutive days. Not more than one (1) such sign shall be erected on any one (1) street frontage.

d) Determination; Removal; Appeal.

- 1) The Borough Code Enforcement Officer, or other qualified Person designated by the Borough Council, shall determine if a Temporary Sign is compliant with or prohibited by the provisions of this Part.
- 2) Upon the determination that a Temporary Sign is noncompliant with or prohibited by the provisions of this Part, the Code Enforcement Officer, or other qualified Person designated by the Borough Council, may immediately remove such noncompliant or prohibited Temporary Sign and all associated structures and cause them to be stored at a Borough facility for a period of thirty (30) days from the date of such removal. Upon any such removal of a noncompliant or prohibited Temporary Sign and associated structures, the Code Enforcement Officer or other qualified Person designated by the Borough Council, shall make a good faith effort to notify in writing the Responsible Person of the removal of such Temporary Sign and associated structures and advise such Responsible Person that they shall have a period of thirty (30) days from the date of such removal to:
 - (a) Retrieve such Temporary Sign and all associated structures from storage at such Borough facility which such Temporary Sign and associated structures are stored within such thirty (30) day period, subject to the provisions of this Section.
 - (b) Appeal such determination of noncompliance or prohibition by filing an appeal thereof with the Borough Council. In all cases the burden of proof and submission of technical evidence shall be the responsibility of the Person appealing the interpretation of the Code Enforcement Officer or other qualified Person designated by the Borough Council.
- 3) In the event the Responsible Person fails to:
 - (a) retrieve such Temporary Sign and all associated structures from storage at the Borough facility; or

- (b) appeal such determination of noncompliance or prohibition within such thirty (30) day period;

the Borough shall be entitled to dispose of such Temporary Sign and all associated structures as it deems appropriate, and the Responsible Person shall be liable for all costs and expenses associated with such removal, storage and disposal, if applicable.

- 4) The Responsible Person shall pay to the Borough a fee for removal, storage and disposal, if applicable, of each Temporary Sign and associated structures, which fees shall be established by Resolution of the Borough Council from time to time, and each such Responsible Person shall, upon the earlier of (1) within ten (10) days of receipt of an invoice therefor, or (2) prior to retrieval from the Borough of such Temporary Sign and associated structures, remit payment in full to the Borough for all such fees. No Responsible Person shall be entitled to return of such Temporary Sign and associated structures until such Responsible Person has remitted to the Borough payment in full of all fees as set forth in this Section.
- 5) The Borough shall not be responsible for any damage to or destruction of a Temporary Sign or associated structures which may occur during the removal or storage of such Temporary Sign and associated structures.

504.10 SIGN PERMITS.

- a) General.

- 1) All signs, with the exception of those specifically excluded under Section 504.10 b) shall require the issuance of a sign permit prior to erection or replacement.
- 2) No permit will be required for each time the copy changes on a sign which involves frequent or periodic changes of copy
- 3) All signs must comply with all of the regulations contained herein, regardless of whether or not a permit is required.

- b) Signs Not Requiring Permits.

- 1) Official signs of any governmental unit and legal notices posted pursuant to law.
- 2) Nameplate signs.

- 3) Memorial or historic markers when approved by the Fleetwood Borough Council or the Pennsylvania Museum and Historical Commission.
 - 4) Public services signs such as those advertising availability of restrooms, telephone, meeting times of service organizations or other similar public conveniences.
 - 5) No-trespassing signs or signs indicating the private nature of a road, driveway or premises and signs prohibiting or controlling hunting and fishing upon the premises.
- c) Freestanding Signs.
- 1) If the sign is to be supported by a separate structure to be erected for that purpose, then the applicant shall supply a map of the lot indicating the location of the proposed sign and the relative distances to a point perpendicular to the lot lines. A scaled diagram or photograph of a similar sign shall also be attached.
 - 2) A Certificate of Occupancy shall be required for freestanding signs only.
- d) Hazardous Signs.
- 1) When in the discretion of the Zoning Officer the type of sign in question constitutes a potential danger to the community, a certificate of insurance shall be required. Such policy shall provide Twenty Thousand Dollars (\$20,000) minimum benefits.
 - 2) No sign permit shall be granted unless the application conforms to the requirements of this Section.

SECTION 505 – PARKING AND TRUCK LOADING REQUIREMENTS

505.1 OFF-STREET PARKING - In all zoning districts, off-street parking facilities shall be provided whenever;

- a) A building is constructed or a new use established.
- b) The use of an existing building or a lot is changed to a use requiring more parking facilities.
- c) An existing building or use is altered so as to increase the amount of parking spaces required.
- d) A Home Occupation is added to an existing residence, the Home Occupation off-street parking requirements pursuant to the provisions of Section 502 shall apply,

while no parking spaces shall be required for the existing residential use as normally required pursuant to the provisions of Section 505.2.

505.2 OFF-STREET PARKING SPACES – The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitor and customer parking. One parking space shall be provided per company vehicle to be parked on the premises. Minimum off-street parking requirements shall be as follows, unless otherwise established in this chapter.

- | | | |
|----|---|--|
| a) | Residential Uses | Two parking spaces per dwelling unit. |
| b) | Industrial, Wholesaling or Warehousing Establishment, Laboratory, Research Center | One space per employee on the shift of greatest employment or one space per 1,000 square feet of gross floor area, whichever results in more parking spaces. |
| c) | Restaurant, Tavern or Similar Use | One space for each three seats plus one space for each employee on the shift of greatest employment. |
| d) | Retail and Service Establishments | One space for each 200 square feet of gross floor area. |
| e) | Office Buildings | One space for each 200 square feet of gross floor area. |
| f) | Medical, Dental, Paramedical Offices and Clinics | One space per employee, five spaces for each person engaged in practice. |
| g) | Nursing Home, Personal Care Facilities and Similar Uses | One space per employee on largest shift plus one space for each four beds. |
| h) | Funeral Home | One space for each three seats |
| i) | Auditorium, Theater, Club or Lodge, Municipal Building, Place of Worship, or Other Place of Public Assemblage | One space for each three seats plus one space per employee. |
| j) | Library or Museum | One space per 300 square feet of gross floor area. |

k)	Nursery Schools and Day Care Centers	One space per employee plus one space for loading and unloading of children for each three children accommodated in the school.
l)	Schools	Two spaces per each administrative staff member, plus one and a half spaces per each additional staff member, plus one space per each four seats in the gymnasium or auditorium, whichever is greater.
m)	Motel or Hotel	One space for each rental unit plus one space for each employee on the shift of greatest employment.
n)	Motor Vehicle Service Station or Repair Garage	Two parking spaces per service bay, plus one space per employee on the shift of greatest employment.
o)	Bowling Alley	Five spaces per alley plus one space for each employee on the shift of greatest employment.
p)	Outdoor Recreation Facility	One space per employee on the largest shift plus one space per three people of total capacity.
q)	Shopping Center	Five spaces per 1,000 square feet of gross leasable area.
r)	Indoor Recreational Facility or Place of Amusement	One space per 50 square feet devoted to patron use.

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

505.3 PARKING SPACES, AREAS AND ACCESS

- a) Each parking space shall have minimum dimensions of 9 feet by 18 feet exclusive of aisles and drives. In addition, appropriate driveways, aisles and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area provided for parking purposes. Proper

access from a street, alley or driveway shall be provided. When parking spaces are provided parallel to a driveway or aisle, the minimum dimensions of the spaces shall be 10 feet by 22 feet.

- b) Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in parking facilities within 300 feet of the building served, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided within the lot boundaries.
- c) Joint parking facilities for two or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
- d) All parking spaces and means of access, other than those relating to a dwelling, or an unpaved municipal parking lot shall be illuminated during night hours of use.
- e) All common parking areas and access drives that are created or expanded after the adoption of this Ordinance, excepting municipal parking lots which shall be excluded from all provisions of Section 505.3.e, shall be constructed of a hard homogeneous all-weather surface such as cement or asphalt or equivalent, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. All existing common parking areas and access drives shall be constructed and maintained with an aggregate base, cement or asphalt all-weather surface. The parking of vehicles on any surface, or the accessing of parking areas across any surface, that is not in accordance with the regulations of Section 505.3.e is strictly prohibited.
- f) Areas necessary to fulfill the off-street parking requirements of this chapter shall be used solely for that purpose.
- g) Off-street parking facilities existing at the effective date of this chapter shall not be subsequently reduced to an amount less than that required under this chapter for a similar new building or use.
- h) Parking and Storage of Motor Vehicles – Automotive vehicles without current license plates and/or current state inspection and emissions stickers shall not be parked or stored on a residentially or commercially zoned lot unless it is in an enclosed garage. Boats, camp trailers, etc., shall not be stored on the street or within any required front or side yard. Commercial vehicles may not be parked or stored on any residentially zoned lot.
- i) Services – No repair to or maintenance of vehicles of any kind shall be permitted in any accessory parking facility.

- j) The width of aisles in parking areas shall be no less than listed in the following table.

<u>Angle of Parking</u>	<u>One-Way</u>	<u>Aisle Width Two-Way</u>
90 degrees	20 feet	24 feet
60 degrees	18 feet	Not Permitted
45 degrees	15 feet	Not Permitted
30 degrees	12 feet	Not Permitted

- k) When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below $\frac{1}{4}$ may be disregarded and any fraction $\frac{1}{4}$ or greater shall necessitate the provision of a full parking space.
- l) Parking areas for nonresidential uses shall be designed such that vehicles will not back out onto public streets.
- m) The design of parking areas shall be such to prevent to the greatest extent possible the stack-up of vehicles on a public street at entrance to parking areas.
- n) Where parking requirements are determined by the number of seats and only temporary seats are provided, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage.
- o) Parking areas shall be arranged so that no portion of any vehicle parked within a designated parking space can extend over any lot line of the lot on which it is parked.
- p) Parking areas for nonresidential uses which are designed to contain more than four vehicles shall be screened from the view of any lands zoned R-1 or R-2 which are adjacent to the land on which the nonresidential parking area is located.
- q) Parking areas and access drives for nonresidential uses shall be located a minimum of 10 feet from a street right-of-way line or lot line, unless otherwise specified in this chapter, and the area between the parking area or access drive and the lot line or street right-of-way line shall be landscaped.
- r) Maneuvering areas shall be provided to facilitate leaving the end spaces in parking areas.

- s) For purposes of traffic channeling, definition of parking areas and the reduction of visual monotony, an area equivalent, at minimum, to 10% of all surface parking areas shall be devoted to interior parking lot vegetative cover. Such areas shall be in addition to any other landscaping or buffering requirements of this chapter. To further assist in traffic channeling, raised islands shall be placed at the ends of parking bays on an alternating basis, such that the end of the bay adjacent to a driving aisle or road is clearly delineated. The island surface, preferable covered with vegetative material, shall be designed so as not to impair visibility needed for traffic flow and turning movements. The alternate bays without raised islands shall be defined by pavement markings.
- t) All areas for off-street parking shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary access ways or access roads which supply entrance to and egress from such parking areas.

505.4 ALL DRIVEWAYS – The following standards shall apply to all driveways.

- a) No driveway shall be constructed in such a manner so as to create a drainage or sedimentation problem on an adjacent property or street
- b) Driveways shall be paved.
- c) Two-way driveway entrances shall not intersect streets at angles of less than 60 degrees nor more than 120 degrees.
- d) All requirements of applicable Borough Ordinances shall be complied with.
- e) The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the flow of vehicular traffic on adjacent streets. Driveways shall not be located in such a manner that they will cause a hazard to the movement of normal traffic or cause areas of undue traffic congestion on streets or highways.

RESIDENTIAL DRIVEWAYS – The following standards shall apply to residential driveways.

- a) Driveway entrances or exits into a street from a corner lot on which a single-family or two-family dwelling is constructed shall be located at least 40 feet from the intersection of any street right-of-way lines.
- b) No driveway serving a dwelling shall be located within 2 feet of any side lot line, except in the case of driveways which adjoin one another or shared driveways.

NONRESIDENTIAL DRIVEWAYS – The following standards shall apply to nonresidential driveways.

- a) The minimum distance between the centerline of a driveway where it intersects a street and the centerline of another driveway on the same lot or another lot where that other driveway intersects the same street shall be 150 feet. The centerline of a driveway where it intersects a street shall be a minimum of 75 feet from a lot line, provided that it may be less than 75 feet from a lot line if it will be at least 150 feet from the nearest driveway on the adjoining lot. The minimum distance between the centerline of a driveway where it intersects a street and the intersection of street Cartway lines (except in the case of a street intersecting the street the driveway intersects directly opposite for the driveway) shall be 150 feet. In the case of a use containing between 100,000 and 300,000 square feet of gross leasable area, the distance shall be increased to 200 feet. In the case of a use containing more than 300,000 square feet of gross leasable area, the distance shall be increased to 250 feet.
- b) No use shall have more than two access ways to any one street for each 500 feet of frontage.
- c) The width, excluding radii, of entrances to and exits from parking areas, measured at the street line, shall conform to the following schedule:

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

Each lane provided shall be a minimum of 12 feet in width. The radius of the edge of the driveway apron shall be at least 15 feet and no more than 35 feet, unless otherwise required by Borough Ordinance. Provided, that along state legislative routes, if these standards are in conflict with Pennsylvania Department of Transportation requirements, driveways shall be designed to conform as closely as possible to the requirements of this chapter, while conforming to the requirements of the Pennsylvania Department of Transportation.

505.5 OFF-STREET TRUCK LOADING

- a) Required Loading Spaces – Every building or structure, lot or land hereafter put to a business or industrial use or existing building or structure enlarged shall provide one (1) off-street truck loading space for the first 10,000 square feet or less of gross floor area, plus a minimum of one (1) additional off-street truck loading area for each additional 40,000 square feet of gross floor area.

- b) Size of Truck Loading Space – An off-street truck loading space shall have a minimum of twelve (12) feet in width, a minimum of thirty-five (35) feet in length, and a minimum clear height of fourteen (14) feet.

505.6 SHARED PARKING REGULATIONS

With respect to properties used for existing business or commercial purposes and which are being expanded, notwithstanding anything contained herein to the contrary, any use that cannot meet the parking requirements of this Zoning Ordinance within the lot lines of the principal use may meet the parking requirements of this Zoning Ordinance, as follows:

- a) The applicant, by providing an agreement in writing at intervals determined by Borough Council that the parking spaces are available and secured or the developer shall provide proof of the availability of the required parking spaces which are not needed to meet the requirements of another use which can be used for parking purposes by the applicant; or
- b) If spaces are leased or licensed, Borough Council shall require proof of the leasing or licensing arrangement and use of the spaces to be kept on file. Proof of ongoing leases and use of the spaces shall be submitted to the Borough every year, and renewal of permits shall only be approved if such parking lease or license is renewed; or
- c) If there exist any other circumstances deemed appropriate by Borough Council, in its sole discretion.

In the event that such existing business or commercial properties contain residential apartments or residential uses, such residential apartments or uses shall remain “grandfathered” for purposes of off-street parking.

SECTION 506 – FLOODWAY CONTROLS

506.1 Soils adjoining the Willow Creek and its tributaries due to their impermeability or high water conditions or potential flooding hazard are not suitable for normal building construction or development.

It is the intent of the provision of this section to overlay the primary zoning district regulations with additional controls in those floodways delineated on the Soil and Conservation Services, Soils Maps including soil types such as Linside, Atkins, Melvin and Burgin.

506.2 DESIGNATION OF FLOODWAY AREAS – Areas to be regulated under this provision are indicated by symbols Au, By, Lt and MI as indicated on the CD-ROM disc entitled “Soil Survey of Berks County, Pennsylvania”, August 5, 2003.

506.3 PERMITTED USES

- a) Parks, outdoor recreation, open space;
- b) Cropland, pasture or other open agricultural pursuits not involving a permanent structure.

506.4 USES PERMITTED BY SPECIAL EXCEPTION – The Zoning Hearing Board may authorize issuance of a zoning permit to construct buildings allowed in accordance with the provisions of the primary zoning district, if adequate building methods are used to eliminate the hazard from flooding, stream siltation, groundwater contamination, or subsidence. A statement by a registered architect or engineer shall be required to describe the construction methods to be used to overcome anticipated problems. In no case shall structures be allowed to encroach on established flood plain.

SECTION 507 – OTHER DWELLING TYPES OR LAND USES.

507.1 Other dwelling types or uses, not specifically or adequately identified within this Article or Ordinance, may evolve after the enactment of this Ordinance or were not uses commonly in use at the time of the enactment of The Fleetwood Borough Zoning Ordinance of 2001. From time to time, however, such dwelling types or land uses may become reasonable or appropriate. It is the purpose of this Article and Ordinance to provide for all reasonable and appropriate uses and it is the purpose of this Section to establish a mechanism for inclusion of such additional dwelling types or uses within the Borough. Therefore, the following provisions shall apply:

- a) The landowner shall submit a request for inclusion of a specific dwelling type or use to the Borough Council and the Borough Planning Commission with illustrations and explanatory information which fully describe the dwelling type or use and the manner in which the proposed dwelling type or use substantially differs from the permitted uses in this Article or Ordinance.
- b) The Borough Planning Commission shall review the submission and advise the Borough Council. The Borough Planning Commission shall determine if the proposed dwelling or use falls within any of the permitted use classifications of this Article or Ordinance, is a variation of a permitted use, or is an exotic use which is not reasonable or appropriate.
- c) All proposed dwelling types and uses which are not accounted for in this Article or Ordinance shall be considered by Borough Council and the Borough Planning Commission as an application for a conditional use as set forth under this Ordinance.
- d) It is the intent of this Article that reasonable and appropriate dwelling types or uses be permitted in the zoning district in which it is most suited. The

purpose and intent of each zoning district is described within this Ordinance. All proposed dwelling types or uses shall be consistent with such purpose and intent.

- e) Such reasonable and appropriate dwelling types or uses shall be permitted in the zoning district(s) for which it is most suited subject to the dimensional requirements and other requirements set forth by the Borough Council. All applications which are not reasonable or appropriate for the zoning district in which it is proposed may be rejected by the Borough Council.
- f) If required by the Borough Council, a land development plan shall be submitted to the Borough Planning Commission and Borough Council.

ARTICLE VI – NONCONFORMING LOTS, USES, STRUCTURES AND BUILDINGS

SECTION 601 – STATEMENT OF INTENT

Within the zoning districts established by this Ordinance or subsequent amendments thereto, there exists or will exist certain non-conformities which if lawful before this Ordinance was passed or amended may be continued subject to certain limitations, although such non-conformities would be prohibited, regulated, or restricted under the terms of this Ordinance or subsequent amendments thereto.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, and on which actual building construction has been diligently carried on, nor which would conflict with Section 508(4), Act 247, Pennsylvania Municipalities Planning Code, as amended.

SECTION 602 - NONCONFORMING LOTS OF RECORD

Buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

If two or more lots, combination of lots and portion of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, 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 Ordinance, 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 Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

SECTION 603 – NONCONFORMING USES OF LAND

Lawful uses of land, which at the effective date of this Ordinance or as a result of subsequent amendments thereto become nonconforming and where such use involves no individual structure or building with a replacement cost exceeding \$1,000.00, such nonconforming use or uses may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

- a) Extension – No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was owned or leased by the user at the effective date of adoption or such amendment of this Ordinance.
- b) Discontinuance – Whenever a nonconforming use has been discontinued for a period of eighteen (18) consecutive months, such use shall not thereafter be reestablished. Any future use shall be in conformity with the provisions of this Ordinance.
- c) Changes or Moving of Use – A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, as a special exception, be changed to a conforming or to a nonconforming use of a less restrictive nature, provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.
- d) Additional Structures or Buildings – No additional structures or buildings not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

SECTION 604 – NONCONFORMING STRUCTURES OR BUILDINGS

Structures or buildings which at the effective date of this Ordinance or subsequent amendments thereto become nonconforming by reason of restrictions on area, lot coverage, height, yards, its location on the lot, other requirements concerning the building or structure, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) Enlargement – No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- b) Damage or Destruction – A nonconforming structure which is destroyed or partially destroyed by fire, explosion, or by any means to an extent of seventy-five (75) percent or more of the market value thereof immediately prior to such damage or destruction shall not be repaired or restored to a nonconforming

status, but shall be constructed and used only in conformity with the provisions of this Ordinance.

- c) Moving of Structure – No nonconforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.
- d) Discontinuance – Whenever a nonconforming structure or building has been vacated for a period of eighteen (18) consecutive months such structure or building shall thereafter not be used except in conformance with the provisions of this Ordinance.

SECTION 605 – NONCONFORMING USES OF STRUCTURES OR BUILDINGS

Lawful uses of structures or buildings which at the effective date of this Ordinance or subsequent amendments thereto become nonconforming, may be continued so long as such uses remain otherwise lawful, subject to the following provisions:

- a) Extension – A nonconforming use may be extended throughout any parts of an existing structure or buildings, provided that any structural alteration, extension or addition shall comply with all provisions of this Ordinance with respect to height, area, width, yard, and coverage requirements for the zoning district in which the structure or building is located. However, such extension of a nonconforming use shall not exceed fifty (50) percent of the gross floor area occupied by said nonconforming use at the time it became nonconforming.
- b) Change of Use – A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special exception, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.
- c) Discontinuance – Whenever a nonconforming use of a structure or building or portion thereof has been discontinued or abandoned for eighteen (18) consecutive months, such structure or building or portion thereof shall not thereafter be used for a nonconforming use.
- d) Destruction – Removal or destruction of the structure or building shall eliminate the use of the land upon which the structure or building was erected for a nonconforming use. Destruction for the purpose of this subsection is defined as damage to an extent of seventy-five (75) percent or more of the market value of the structure or building immediately prior to such damage or destruction.

SECTION 606 – UNSAFE OR UNLAWFUL STRUCTURES

If a nonconforming structure or building or portions thereof containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 607 – USES UNDER SPECIAL EXCEPTION AND CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES

Any use which is permitted as a special exception or a conditional use in a district under the terms of this Ordinance (other than a change through Zoning Hearing Board action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

ARTICLE VII – ADMINISTRATION AND ENFORCEMENT

SECTION 701 – ENFORCEMENT

701.1 ZONING OFFICER – A Zoning Officer shall be appointed by the Governing Body to Administer and enforce this Zoning Ordinance. A Zoning Officer may not hold any elective office in the Municipality.

701.2 DUTIES AND POWERS OF ZONING OFFICER – It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance and amendments; and he shall have such duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:

- a) Receive applications for and issue zoning permits and sign permits as permitted by the terms of this Ordinance.
- b) Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the action taken consequent of each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained as long as they remain in existence.
- c) Make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.

- d) Issue permits for special exception uses or for variance only after such uses and/or buildings have been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance.
- e) Be responsible for keeping this Ordinance and the Zoning Map up to date so as to include all amendments thereto.
- f) Issue certificate of Use and Occupancy in accordance with the terms of this Ordinance.
- g) The Zoning Officer shall identify and register nonconforming uses and structures.

701.3 NOTICE OF VIOLATIONS – The Zoning Officer shall serve a notice of violation on any person, firm, corporation, or partnership responsible for violating any of the provisions of this Ordinance, or in violation of a detailed statement or a plan approved thereunder. Notice of violation shall be in writing, indicating the nature of the violation and action necessary to correct same. If the notice of violation is not complied with, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land. Once a notice of violation has been issued, the notice of violation will remain in effect for six (6) months from the date of issue, so that if another similar violation occurs during this time period a citation will immediately be issued.

SECTION 702 – ZONING PERMIT

No building, structure or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use without a permit therefore, issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this Ordinance, or upon written order from the Zoning Hearing Board in the form of an administrative review, special exception, or variance as provided by this Ordinance or by the Court.

Temporary swimming pools with the water-design depth of twenty-four (24) inches or more shall not be erected without the issuance of a zoning permit, however the permit must only be obtained one time and the temporary pool may be setup and taken down each year without the issuance of another zoning permit as long as it is placed in the same position on the property that was originally permitted. Temporary swimming pools may only be set up after May 1 and must be removed by September 30.

All temporary signs complying with the requirements of Section 504.2.c shall be exempt from the permitting requirements of Section 702.

702.1 FORM OF APPLICATION – All applications shall be made in writing and shall be accompanied by two (2) sets of plans showing at least the following information:

- a) Actual dimensions and shape of the lot to be built upon.
- b) The exact size and location on the lot of buildings, structures, or signs existing and/or proposed extensions thereto.

- c) The number of dwelling units, if any, to be provided.
- d) Parking spaces provided and/or loading facilities, if applicable.
- e) Statement indicating the existing or proposed use.
- f) Height of structure, building, or sign.
- g) All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.

One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on such copy.

One (1) copy of all such plans shall be retained by the Zoning Officer for his permanent records.

Such approval and Zoning Permit shall be issued or refused within thirty (30) days from date of application. In case of refusal, the applicant shall be informed of his rights of appeal. The application for a permit shall be submitted in such form as the Zoning Officer may prescribe.

702.2 EXPIRATION OF ZONING PERMIT – Zoning permit shall expire within six (6) months from date of issuance, if work described in any permit has not begun. If work described in any zoning permit has begun within the six (6) months period, said permit shall expire after two (2) years from date of issuance thereof.

SECTION 703 – CERTIFICATE OF USE AND OCCUPANCY

A Certificate of Use and Occupancy shall be required upon the completion of the work contemplated. It shall be unlawful to use and/or occupy any structure, building, and/or land or portions thereof in any manner until a Certificate of Use and Occupancy has been issued.

703.1 FORM OF APPLICATION - The application for Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe.

703.2 ISSUANCE OF CERTIFICATE OF USE AND OCCUPANCY – The Zoning Officer shall inspect any structure, building, sign, and/or land or portions thereof and shall determine the conformity therewith. If he is satisfied that the completed work is in conformity with this Ordinance and with the work listed in the Zoning Permit, he shall issue a Certificate of Use and Occupancy.

Certificate of Use and Occupancy shall be granted or refused in writing, within ten (10) days from the date of application.

In zones in which Performance Standards are imposed, no Certificate of Occupancy shall become permanent until thirty (30) days after the facility is fully operating and when upon re-inspection by the Zoning Officer it is determined that the facility is in compliance with all Performance Standards.

SECTION 704 – SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Governing Body shall establish schedule of fees, charges, and expenses and collection procedures for zoning permits, certificates of occupancy, special exceptions, variances and appeals and other matters pertaining to this Ordinance.

The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by the Governing Body.

Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 705 – AMENDMENTS

The provisions of this Ordinance and boundaries of Zoning Districts as set forth on the Official Zoning Map, may from time to time be amended or changed by the Governing Body of the municipality, in accordance with the provisions of Pennsylvania Municipalities Planning Code, as amended.

705.1 PROCEDURE – The following procedures shall be observed prior to making any amendment or change of this Ordinance or Official Zoning Map:

- a) Every such proposed change not initiated by the Planning Commission shall be referred to the Planning Commission at least thirty (30) days prior to the Governing Body holding a public hearing to provide the Planning Commission opportunity to submit recommendations.
- b) The recommendations of the Planning Commission shall be submitted in writing to the Borough Council.
- c) At least thirty (30) days prior to the public hearing, Borough Council shall submit the proposed ordinance to the County Planning Commission for recommendation.

705.2 PUBLIC HEARING – The Governing Body shall hold a public hearing before voting on the enactment of an amendment. Public notice of such hearing shall include a brief summary of the principal provisions in reasonable detail and a reference to where within the Municipality copies of the proposed amendment may be examined, in addition to the time and place of the hearing. If after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Governing Body shall hold another public hearing prior to voting on the amendment. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract to notify

potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

705.3 PUBLIC NOTICE – Public notice of any public hearing shall be published once in a newspaper of general circulation in the Municipality not more than sixty (60) days or less than seven (7) days prior to the date of the hearing.

705.4 CURATIVE AMENDMENTS – A landowner may submit a curative amendment to the Governing Body in accordance with Section 609.1 of the Pennsylvania Municipalities Planning Code, as amended.

705.5 MUNICIPAL CURATIVE AMENDMENTS – If the municipality determines that its zoning ordinance or any portion thereof is substantially invalid, it shall take action in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code, as amended.

SECTION 706 – CONDITIONAL USE PROCEDURES

706.1 CONDITIONAL USE – To hear and decide only such conditional use terms of this Ordinance upon which the Borough Council is specifically authorized to pass upon by the terms of this Ordinance. The granting of a conditional use when specifically authorized by the terms of the Ordinance shall be subject to the following conditions and guiding principles:

- a) Such use shall be one which is specifically authorized as Conditional Use in said district.
- b) Such permits shall only be granted subject to any applicable condition and safeguards as required by this Ordinance.
- c) Such permit may be granted subject to additional reasonable conditions and safeguards as may be deemed by the Borough Council to be advisable and appropriate.
- d) Such use shall be found by the Borough Council to be in harmony with the general purposes and intent of this Ordinance.
- e) Such use shall not adversely affect the character of the District, nor the conservation of property values nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- f) Such use shall be such appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- g) Such use shall not conflict with the direction of building development in accordance with the Comprehensive Plan.

- h) Such use shall not be contrary to the public interest.

706.2 MULTI-FAMILY DEVELOPMENT – Multi-family development is permitted by conditional use in the R-2 and C-1 Districts, subject to the following standards and criteria:

1) SITE CRITERIA

- a) Multi-Family development shall be connected to the public water and sewer system.
- b) Multi-family development shall be located along arterials or collector streets, or have direct access to such streets without having to pass through existing or planned lower density single-family residential areas.
- c) The minimum tract size is five (5) acres.

2) AREA AND BULK REGULATIONS

- a) The number of multi-family dwelling units permitted on a tract shall be computed on the following basis:

<u>Type of Apartment Unit</u>	<u>Maximum Density Per Acre</u>
Town House *	12 units per gross acre
Low Rise *	14 units per gross acre
Garden *	16 units per gross acre

* Any development or portion of any development restricted for elderly housing shall be permitted a “density bonus” of twenty-five percent (25%) more than the maximum indicated above for the particular housing type.

- b) In no case shall the product of the area computed by multiplying the number of units by the minimum tract area per dwelling units exceed the total square foot of the gross tract area. Gross tract area shall not include existing streets or overhead public utility easements.
- c) Various types of units may be mixed on a single tract but in no case shall the aggregate sum attained by multiplying the number of individual dwelling units by the minimum tract area exceed the gross tract area as defined in subparagraph b) above.
- d) Existing sites amenities shall be preserved. Streams and stream ways, rock outcrops, sloping land over fifteen percent (15%) in grade, floodway soils and woodland shall not be encroached by structures, roads, or parking areas regardless of densities permitted under subparagraphs a) and b).

Where significantly large areas of the gross tract area fall into the above categories, the Borough Council may relax yards, and/or distance between buildings in order to accommodate the number of dwelling units normally permitted based on calculations outlined in subparagraphs b) and c).

- e) The maximum building coverage for the gross tract area shall not exceed twenty percent (20%).
- f) Open space for parks or playgrounds shall be provided at a rate of 1.5 acres per 1,000 people estimated to occupy the site. However, in no case shall the open space area be less than 0.3 acre. If a site is located within ¼ mile of a park or playground which has adequate area for the surrounding neighborhood, fees for improvements to the existing park or playground may be accepted in lieu of open space on the project site.
- g) Buildings shall not exceed three (3) stories or thirty-five feet (35') in height, whichever is greater.
- h) Special setbacks and/or buffers shall be provided on tract perimeters pursuant to the following criteria

<u>Situation</u>	<u>Required Setback*</u>
Along existing residences	50 feet
Along existing commercial	25 feet
Along existing industrial	25 feet
Along existing undeveloped	25 feet
Along a street, buildings or one or two stories	25 feet
Along a street, buildings greater than two sides	25 feet plus 10 feet per story over two

*Borough Council may require alternative setbacks where neighborhood conditions warrant. Borough Council may require landscaping and/or screening within the required setback areas.

- i) The minimum horizontal distance between apartment buildings shall be:
 - 1) Two (2) times the average height of the two apartments where front or rear walls face front or rear walls.
 - 2) One and one-half (1½) times the average height of the two apartments where front or rear walls face sidewalls.
 - 3) And equal to the height of the highest building for side walls facing side walls.

- j) The minimum horizontal distance from the front or rear wall of apartment building to internal development driveways or streets, parking areas shall not be less than:

<u>Type of Apartment Unit</u>	<u>Parking Areas</u>	<u>Driveways</u>
Town House	None- 25 feet*	20 feet*
Garden	15 feet	30 feet
Low Rise	35 feet	55 feet

* Where common parking serves two apartment buildings.

3) SUPPLEMENTARY REGULATIONS

a) Town House Apartments

- 1) Town House Apartments shall consist of no less than three (3) or more than eight (8) dwelling units except as outlined in subparagraph 3.c.(4).
- 2) Automobile parking and service shall be provided in the front of a Town House or as an integral part of the building.
- 3) Private Patio Areas shall be provided for each Town House Dwelling Unit. Fences, walls or other separations between dwelling units shall be approximately seven (7) feet in height.

b) Garden Apartments and Low-Rise Apartment Dwellings

- 1) Garden Apartments and Low-Rise Apartment Dwellings shall not exceed one hundred and fifty feet (150') in length, except as outlined in subparagraph 3.c.(4).
- 2) Parking areas and service for Garden Apartments or Low-Rise Apartments only in the case where through corridors are provided may be consolidated on the front entrance side of Garden Apartments or one side of the Low-Rise Apartment building.

c) All Apartment Developments

- 1) The front-face of all units shall be landscaped as well as ten (10) percent of the required yard areas. A low-rise apartment shall be considered for this purpose as having two front-faces.

- 2) Required usable open space devoted to recreational use shall be designed and improved and equipped and maintained by the developer in accordance with plans submitted and approved by the Borough Planning Commission.
- 3) Common Open Space which includes land for common use and ownership within the project shall be owned and maintained in accordance with the provisions of Act 247, as amended.
- 4) Varying architectural treatments are desired within apartment projects, individual apartments, and between dwelling units in a town house apartment. Variations may include those of exterior elevations, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials, or use of color.

Variety and flexibility in apartment project design and layout and arrangement of buildings, and parking areas, services, recreation areas, common open space, and planting that fully considers the particular physical characteristics of the site and natural amenities is highly desired.

To encourage more viable apartment development, the Borough Council may allow an increase in the size of the buildings and/or the total number of units allowable on the tract after satisfactory review and approval of detailed plot plans and elevations which must include special provisions or details to warrant said increase.

4) PARKING REGULATIONS

- a) Number of spaces – Off-street parking, whether garage or on-lot, shall be provided at the rate of:

One Bedroom	1.5 per unit
Two or More Bedrooms	2.0 per unit
Elderly Housing	1.0 per unit or determined by specific analysis

- b) Location – Required parking spaces shall be provided in reasonable proximity of the building served.

- 1) All access drives and parking areas shall be pursuant to Section 706.2.2.j., except access drives for building entry drop-off areas may be up to 5 feet from the building.

- 2) Parking areas shall be designed to avoid requiring cars to back onto a public street.
- 3) Entrance and exit ways shall have a minimum width of 12 feet for each lane of traffic entering or leaving the site.
- 4) All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
- 5) Evergreen plantings shall be provided of sufficient height and density to screen off-street parking from public street view as well as from adjoining residential districts. A planting plan specifying type, size, and location of existing and proposed planting material shall be submitted with the application for subdivision approval.
- 6) All access ways and parking areas shall be suitably paved with a permanent hard surface covering.
- 7) Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.

5) DRAINAGE

- a) A storm run-off and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all run-off and drainage away from the project site, and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage system shall be submitted with the application for subdivision approval and shall be subject to approval by the Borough Engineer.
- b) All provisions of existing Ordinances and the Borough Subdivision and Land Development Code regarding storm drainage shall be complied with.

6) CONSTRUCTION - All buildings shall be built to conform with the building regulations as established by the State Department of Labor and Industry and all building regulations of the Borough, and in the case of duplication of such regulations, the more restrictive shall govern.

7) LIGHTING - Lighting for buildings, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

8) STORAGE OF TRASH AND RUBBISH - Exterior storage areas for trash and rubbish shall be satisfactorily screened with evergreen plantings and all trash and rubbish shall be contained in air-tight, vermin-proof containers. Interior storage

areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

- 9) SIGNS FOR MULTI-FAMILY DWELLINGS - The following signs shall be permitted:
- a) Free standing temporary real estate signs for advertising the sale or rental of the premises upon which the sign is erected, provided that the total area does not exceed fifty (50) square feet, that there shall be no more than one such sign on any one property on the same street frontage. Temporary real estate signs shall be removed twelve months after building construction is completed.
 - b) Directional signs, not to exceed two (2) square feet each, erected within the project itself to direct persons to a rental office or sample apartment.
 - c) Permanent identifying signs for the purpose of indicating the name of the multi-family project and for the purpose of identifying the individual buildings within the project. Not more than one (1) sign for each entrance to the project from a public street to identify the name of the project shall be permitted and no such sign shall exceed ten (10) square feet in size, Signs to identify the individual buildings within the project shall not exceed three (3) square feet in size.
- 10) SITE PLAN REVIEW AND APPROVAL – Multi-family developments shall be deemed to be a subdivision governed by the provisions of the Subdivision and Land Development Ordinance, and no zoning permit shall be issued for a multi-family development unless and until the owner thereof has complied with and has obtained any and all final approvals required thereby.

706.3 SINGLE-FAMILY SEMI-DETACHED DEVELOPMENT – SINGLE-FAMILY - semi-detached development is permitted by conditional use in the R-1 Districts, subject to the following standards and criteria:

- a) The minimum tract size is five (5) acres.
- b) Single-family semi-detached development shall be located along a major or collector street or have direct access to such streets without having to pass through existing or planned lower density single-family detached residential areas.
- c) Single-family semi-detached development must meet all of the requirements of the R-2 Medium Density Residential District.

706.4 PROCEDURES FOR APPLICATION TO THE BOROUGH COUNCIL FOR
CONDITIONAL USE APPROVAL

- a) The Borough Council shall act in strict accordance with the procedures specified by the Pennsylvania Municipal Planning Code as amended.
- b) Applications with the required filing fee, as established by the Governing Body shall be submitted to the Borough Secretary. Applications made to the Borough Council shall be in writing, on forms prescribed by the Borough Council.
- c) The applicant shall demonstrate, as a condition to approval of his application, that the standards and those specified elsewhere in this Ordinance for the use in question will be met.

706.5 REVIEW

- a) After receiving an application, the Borough Council shall refer one (1) copy of the application to the Borough Planning Commission for review and one (1) copy to the Borough Zoning Officer for review. The application shall be reviewed at one (1) or more advertised meetings of the Borough Council and the Borough Council shall either approve or disapprove the application within ninety (90) days after the date of the Borough Council meeting immediately following the submittal of the application as received by the Borough Secretary.
- b) The granting of permission to conduct a use permitted by condition does not exempt an application from acquiring all approvals required by the Borough's Subdivision and Land Development Ordinance.
- c) The Borough Council may impose such additional safeguards as are necessary to protect the public health, safety and welfare.

ARTICLE VIII – ZONING HEARING BOARD

SECTION 801 – CREATION – APPORTIONMENT – ORGANIZATION

801.1 CREATION OF BOARD – The Governing Body hereby creates a Zoning Hearing Board, herein referred to as the Board consisting of three (3) residents of the Municipality appointed by the Governing Body pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall perform all the duties and have all the powers prescribed by said Code and herein provided.

801.2 APPOINTMENT – One member of the Board shall be designated to serve until the first day of January following the adoption of this Ordinance, one until the first day of the second January thereafter and one until the first day of the third January thereafter. Their successors shall be appointed on expiration of their respective terms to serve three years. Members of the Board shall hold no other office in the municipality.

801.3 REMOVAL – Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority of the Governing Body which appointed the member, taken after the member has received fifteen days advance notice of the intent to take such a vote. A hearing shall be held, if the Board member requests one in writing.

801.4 VACANCIES – Vacancies shall be filled by appointment by the Governing Body for the unexpired portion of term.

801.5 COMPENSATION AND EXPENDITURES FOR SERVICE – The members of the Board shall receive such compensation as shall be fixed by the Governing Body, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Governing Body. Within the limit of funds appropriated by the Governing Body, the Board may employ or contract for secretaries, clerks, legal council, consultants, and other technical and clerical services.

801.6 ORGANIZATION – The Board may promulgate such rules and forms for its procedure, not inconsistent with this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect, until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.

801.7 MEETINGS – Meetings of the Board shall be held at the call of the chairman and at such other times as the Board by majority vote may determine.

801.8 MINUTES AND RECORDS – The Board shall keep full public stenographic record of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact. The board shall also keep full public records of its business and other official action, copies of which shall be immediately filed with the Secretary of the Governing Body, and shall be a public record. The Board shall submit an annual report each year to the Governing Body.

801.9 HEARINGS – For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board but where two members are disqualified to act in a particular matter the remaining member may act for the board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive decisions or findings by the Board and accept the decisions or findings of the hearing officer as final as provided in Section 908 of the Pennsylvania Municipalities Planning Code, as amended.

SECTION 802 – ZONING HEARING BOARD – POWERS AND DUTIES

The Zoning Hearing Board shall have the following powers:

802.1 APPEALS FROM THE ZONING OFFICER: INTERPRETATION AND REVIEW

- a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination, including any order requiring an alleged violation to stop, cease and desist, made by the Zoning Officer in the enforcement of this Ordinance.
- b) To interpret the provisions of this Ordinance, with the advice of the Solicitor of the Governing Body and the Planning Committee, where there is doubt as to its meaning or application. To determine the exact location of a district boundary line on the Zoning Map that forms a part of this Ordinance when the Zoning Officer is unable to make such determination. The Board shall carry out the intent and purpose of this Ordinance and Zoning Map when making such determinations.
- c) Any other matter relating to this Ordinance when an appellant seeks a review of any decision, order, or ruling made by the Zoning Officer.
- d) Nothing contained herein shall be construed to deny the appellant the right to proceed directly to court, where appropriate, pursuant to Pennsylvania Rules of Civil Procedures, Sections 1091 and 1098 relating to mandamus.

802.2 CHALLENGES TO THE VALIDITY OF ZONING ORDINANCE OR MAP – The Board may hear all challenges to the validity of the ordinance and map except as indicated in Section 1003 and Subsection (1)(b) of Section 1004 of the Pennsylvania Municipalities Codes, as amended. In all such challenges the Board shall take evidence and make record thereon as provided for in this Ordinance or the Pennsylvania Municipalities Planning Code, as amended. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings or all relevant issues of fact which shall become part of the record on appeal to the court.

802.3 VARIANCE – To authorize, upon appeal in specific cases, such variance(s) from the terms of this Ordinance as will not be contrary to public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in particular difficulty or unnecessary hardship. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

- a) That there are unique physical circumstances including irregularity, narrowness, or shallowness of lot size, of shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary

hardship is due to such conditions, and not circumstances or conditions generally created by the provisions of the Zoning Ordinance 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 the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- c) That said special circumstances or conditions have not resulted from any act of the applicant subsequent to the adoption of this Ordinance, whether in violation of the provisions hereof or not, and that such circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land, structure, or building.
- d) That for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or buildings and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
- e) That the granting of the variance under such conditions as the Board may deem necessary or desirable, will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will not alter the essential character of the neighborhood district in which the property is located.
- f) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated, nor substantially or permanently impair the appropriate use or development of adjacent property.
- g) That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structure, buildings in other districts shall be considered grounds for the granting of a variance.
- h) That in no case shall a variance be granted solely for reasons of additional financial gain on the part of the applicant.
- i) That the jurisdiction of the Governing Body shall not be infringed upon by action of the Board in any matter which should appropriately be the subject for an amendment to the Zoning Ordinance or Zoning Map. No variance shall be granted under this section to allow a structure or use in a zone restricted against such structure or use.

802.4 UNIFIED APPEALS – The Board in handling jurisdictional matters outlined in 802.1, 802.2, and 802.3 shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In such case the Board shall have no power to pass upon non-zoning issues, but shall take evidence and make a record thereon as provided in Section 908 of the Pennsylvania Municipalities Planning Code as amended. The Board shall at the conclusion of the hearings make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

802.5 SPECIAL EXCEPTIONS – To hear and decide only such special exceptions to the terms of this Ordinance upon which the board is specifically authorized to pass upon by the terms of this Ordinance. The granting of a special exception when specifically authorized by the terms of the Ordinance shall be subject to the following conditions and guiding principles:

- a) Such use shall be one which is specifically authorized as a Special Exception Use in said district.
- b) Such permits shall only be granted subject to any applicable condition and safeguards as required by this Ordinance.
- c) Such permit may be granted subject to additional reasonable conditions and safeguards as may be deemed by the Board to be advisable and appropriate.
- d) Such use shall be found by the Board to be in harmony with the general purposes and intent of this Ordinance.
- e) Such use shall not adversely affect the character of the district, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
-) Such use shall be such appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- g) Such use shall not conflict with the direction of building development in accordance with the Comprehensive Plan.
- h) Such use shall not be contrary to the public interest.

802.6 MEMBERSHIP CLUBS – Membership Clubs, outdoor recreational facilities, private recreation areas, swim and tennis clubs, sports clubs are permitted by special exception in the R-1 district subject to the following recommendations:

- a) No building activity area or parking area shall be located within 100 feet of any street or lot line unless a detailed landscaping plan is presented which in the opinion of the board will adequately screen adjoining properties from view and noise that result from such an activity.

- b) Maximum building coverage shall not exceed 20% of the area of the lot.
- c) That any such club be incorporated pursuant to the provisions of a Membership Corporation or unincorporated association approved by the council; and catering exclusively to members and their guests.
- d) That exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.

802.7 CONVERSION OF EXISTING STRUCTURES TO HIGHER DENSITIES – Conversion of existing residential structures to higher densities is allowed in the R-2 District by special exception subject to the conditions of Section 501.13.

802.8 GASOLINE SERVICE STATIONS – Gasoline Service Stations are permitted by special exception on the Commercial Service District subject to the following conditions:

- a) Plans are required to be presented detailing traffic flow within the station, points of ingress and egress, and probable effects on local traffic flow. Ingress and egress points shall not be located closer than one hundred (100) feet of any intersection.
- b) Service stations operation shall be limited to sales and minor repairs.
- c) All vehicle and parts storage shall be so designed and located as not to intrude into any required yard. Yard areas adjacent to residential districts shall be suitably screened.
- d) Main or accessory buildings shall not be located closer than fifty (50) feet to any residential district.
- e) All lighting provided shall not produce glare visible to adjoining residence.
- f) Gasoline which is sold as an “accessory use” must comply with the regulations of a Gasoline Service Station.

802.9 CAR WASH – Car washes are permitted by special exception in the Commercial Services and Motorist – Service districts subject to the following conditions:

- a) Automatic, semi-automatic or self-service car washes shall be limited to the service of cleaning or waxing of vehicles and shall be carried out only within an enclosed building.
- b) The lot shall be so graded that process water shall not run off across the lot or onto a public street.

- c) Car washes shall be required to provide a grease trap within their sewer hookup designed to specifications provided by the Borough Engineer.
- d) Lot area shall be sufficient to provide space for the building, required yards, and drives and storage area.
- e) Automobile storage or waiting space shall be provided at the rate of not less than five (5) vehicles for each bay in a self-service car wash and not less than ten (10) vehicles for each space or rated capacity within an automatic or semi-automatic car wash.
- f) All vehicle storage shall be designed and located so as not to intrude into any required yards. Main or accessory buildings shall not be located closer than fifty (50) feet to any residential district.
- g) All lot lines adjoining residential areas shall be adequately screened.
- h) Lighting provided shall not produce glare to adjoining properties.
- i) Hours of operation shall be limited so as not to inconvenience adjoining residential properties during normal sleeping hours.

SECTION 803 – PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD

The Board shall act in strict accordance with the procedures specified by Article IX and X of the Pennsylvania Municipalities Planning Code, as amended

Applications and appeals together with the required filing fee, as established by the Governing Body, shall be submitted to the Secretary of the Zoning Hearing Board. All appeals and applications made to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to validity of the ordinance, the use for which a special permit 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, whichever the case may be.

803.1 PARTIES APPELLANT BEFORE THE ZONING HEARING BOARD – Appeals under Section 802.1 and proceedings to challenge the Ordinance under Section 802.2 may be filed with the Board in writing by any officer or agency of the Municipality or any person aggrieved. Requests for a variance under Section 802.4 and for special exceptions under 802.5 through 802.12 may be filed with the Board by any landowner or any tenant with the permission of the landowner.

803.2 TIME LIMITATIONS – The time limitations for raising certain issues and filing certain proceedings with the Board shall be as follows:

- a) No issue of alleged defect in the process of enactment of this Ordinance or map or amendments thereto shall be raised later than thirty (30) days from the time such Ordinance, map or amendment takes effect unless the person raising such issue alleges and proves that he had no notice, knowledge, or reason to believe that such approval has been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- b) No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate officer of the Municipality, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he has no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

SECTION 804 – STAY OF PROCEEDINGS

Upon filing of any proceeding referred to in Section 803.1 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice of the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

ARTICLE IX – MISCELLANEOUS

SECTION 901 – ZONING APPEALS

Zoning appeals, challenges and procedures shall be handled as outlined in Article X of the Pennsylvania Municipalities Planning Code, as amended.

SECTION 902 – REMEDIES

In case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used, in violation of this Ordinance, the Governing Body, or, with their approval the Zoning Officer, in addition to other remedies, may institute

in the name of the Municipality any appropriate action or proceedings to prevent such unlawful erection, construction,

alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent an illegal act, conduct business or use in or about such premises.

SECTION 903 – PENALTIES

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by a municipality 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 municipality 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 determine that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

SECTION 904 – PUBLIC UTILITIES CORPORATION EXEMPTED

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

SECTION 905 – SEPARABILITY

Should any section or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 906 – REPEAL OF CONFLICTING ORDINANCES

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

SECTION 907 – EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption of Ordinance #543 which incorporates by reference Fleetwood Borough Zoning Ordinance of 2001