Hulmeville Borough Zoning Ordinance
Hulmeville Borough
Bucks County, Pennsylvania

HULMEVILLE BOROUGH ZONING ORDINANCE
OF 2012

ENACTMENT

ENACTED and **ORDAINED** at a regular meeting of the Hulmeville Borough Council on the 6th day of August, 2012.

Hulmeville Borough Council

By: _____
Thomas Wheeler,
Borough Council President

_____
Council Member

_____
Council Member

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Council Member

_____
Council Member

_____
Council Member

_____
Council Member

ATTEST:

_____
Patricia Boyle,
Borough Council Secretary

EXAMINED and **APPROVED** this day of August 6, 2012.

_____
David Harris, Mayor

HULMEVILLE BOROUGH

CHAPTER 27 – ZONING

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Hulmeville Borough Zoning Ordinance Map

Hulmeville Borough Floodplain Map

PART 1

TITLE, PURPOSE, AND JURISDICTION

§27-100. Title.

A Chapter regulating the location, height, bulk, erection, construction, alteration, razing and size of structures; the percentage of lot which may be occupied, the size of yards, courts and other open spaces; the density and distribution of population, the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities or other purposes; the protection of natural features; the protection of historic resources**;** and the uses of land for agriculture, water supply, conservation, soil conservation, forestry or other purposes; and providing for the administration, enforcement, and amendment of this Chapter in accordance with the provisions of "The Pennsylvania Municipalities Planning Code" as amended.

§27-101. Short Title.

This Chapter shall be known as and may be cited as “The Hulmeville Borough Zoning Ordinance of 2012.”

§27-102. Purposes and Community Development Objectives.

This Chapter is enacted in accordance with the Pennsylvania Municipalities Code (Act 247 of 1968, as amended) to implement the following community objectives and purposes:

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

B. Securing safety from fire, panic, flood, and other dangers.

C. Providing adequate light and air.

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

E. Provide standards to control the amount of open space and impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts; to protect the people's right to clean air, pure water, and the natural, scenic, historic, and aesthetic values of the environment; and to protect natural resources which are a part of the ecological system to which we are all bound, and therefore are the common property of all people, including

generations yet to come, and must be protected to insure the health, safety and welfare of all the people.

F. Provide standards for all types of dwelling units so that all the people may have access to decent, sound, and sanitary housing; and to meet the goals of the Federal Housing Act of 1949.

G. Promoting such distribution of population and such classification of land and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, schools, parks and other public facilities, educational opportunities, recreation, soil fertility and food supply.

H. Protecting the tax base.

I. Securing economy in governmental expenditures.

J. Fostering agricultural and other industries.

K. Encouraging the most appropriate use of land.

L. Encouraging traditional neighborhood development as permitted in Article VII-A of the Pennsylvania Municipalities Planning Code, which permits each municipality to fix standards and conditions for traditional neighborhood development.

M. Protecting the borough's historic buildings, historic areas, and historic resources.

N. Giving effect to the policies and proposals of the Four Boroughs Regional Comprehensive Plan of 1975 and incorporated herein as the Comprehensive Plan required by Section 606 of the "Pennsylvania Municipalities Planning Code." In cases where the policies and proposals of the Four Boroughs Regional Comprehensive Plan conflict with the community development objectives of this Chapter, the provisions of this Chapter shall apply.

§27-103. Interpretation.

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

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

any other statute, the provisions of the regulations made under authority of this Chapter shall govern.

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

C. Whenever any regulations pertaining to a specific use or activity under authority of this Chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required for the zoning district or generally required under this Chapter, the greater standard shall govern.

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

§27-104. Separability.

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

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

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

§27-105. Illustrations.

The illustrations in this Chapter are not part of the Zoning Ordinance of 2012, but are included in this Chapter for purposes of explanation and clarification only.

§27-106. Limitations.

Whenever this Chapter permits, prohibits, regulates, restricts and determines:

A. the uses of land, watercourses and other bodies of water;

B. the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures;

C. the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, court yards, and other open spaces and distances to be left unoccupied by uses and structures;

D. the density of population and intensity of use; and

E. the protection and preservation of natural and historic resources and prime agricultural land and activities

such provisions shall be limited only to the extent that regulations of mineral extraction have heretofore been superseded and preempted by the act of May 31, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," the act of December 19, 1984 (P.L. 1093, No. 219), known as the "Noncoal Surface Mining Conservation and Reclamation Act," and the act of December 19, 1984 (P.L. 1140, No. 223), known as the "Oil and Gas Act," and to the extent that the subsidence impacts of coal extraction action are regulated by the act of April 27, 1966 (1st Sp. Sess., P.L. 31, No. 1), known as "The Bituminous Mine Subsidence and Land Conservation Act," and that regulation of activities related to commercial agricultural production would exceed the requirements imposed under the act of May 20, 1993 (P.L. 12, No. 6), known as the "Nutrient Management Act," regardless of whether any agricultural operation within the area to be affected by the Ordinance would be a concentrated animal operation as defined by the "Nutrient Management Act," the act of June 30, 1981 (P.L. 128 No. 43), known as the "Agricultural Area Security Law," or the act of June 10, 1982 (P.L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," or that regulation of other activities are preempted, but only to the extent preempted, by other Federal or State laws.

§27-107. Enactment.

This Ordinance shall be effective upon enactment.

§27-108. Repealer.

All other Borough Ordinances or parts thereof that were adopted prior to this Ordinance and are in conflict with this Ordinance are hereby repealed.

PART 2

DEFINITIONS

§27-200. General.

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

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

   A. Words used in the present tense include the future.

   B. The singular includes the plural.

   C. The word “person” includes a corporation, partnership, and association as well as the individual.

   D. The singular includes the plural.

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

   F. The term “shall” is mandatory.

   G. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be occupied.”

   H. The word “Commission” and the words “Planning Commission” always mean the Hulmeville Borough Planning Commission.

   I. The word “Council” or the words “Borough Council” always mean the Hulmeville Borough Council.

   J. The word “Board” or the words “Zoning Hearing Board” always mean the Hulmeville Borough Zoning Hearing Board.

   K. The words “municipality” or “Borough” always means the Borough of Hulmeville.

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

§27-201. Specific.

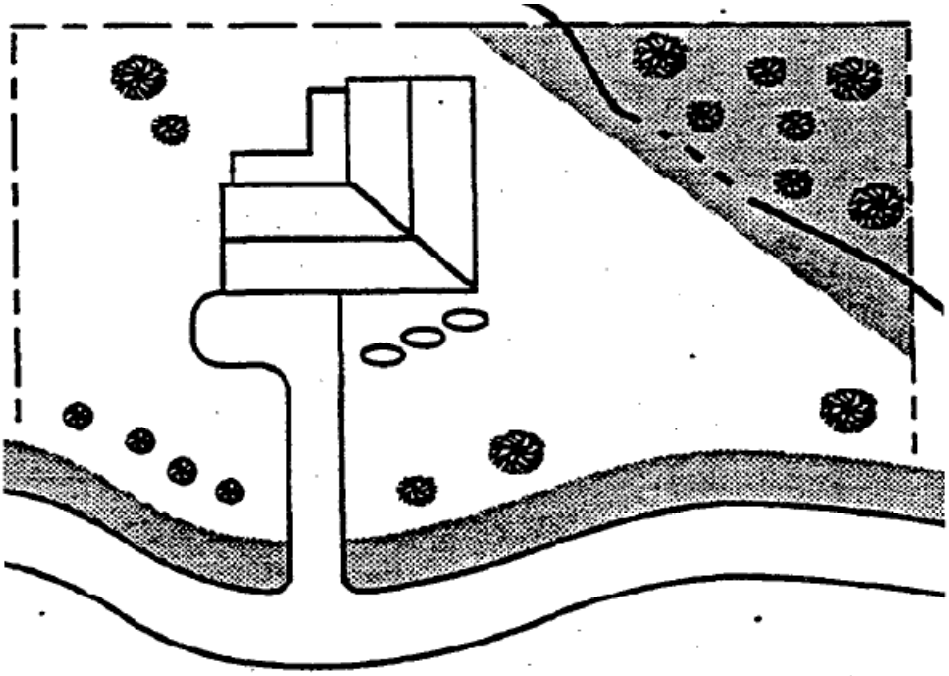
ACT – The Pennsylvania Municipalities Planning Code of July 31, 1968, P.L. 53 P.S. (Act 247, as amended).

ALLEY - a right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties.

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

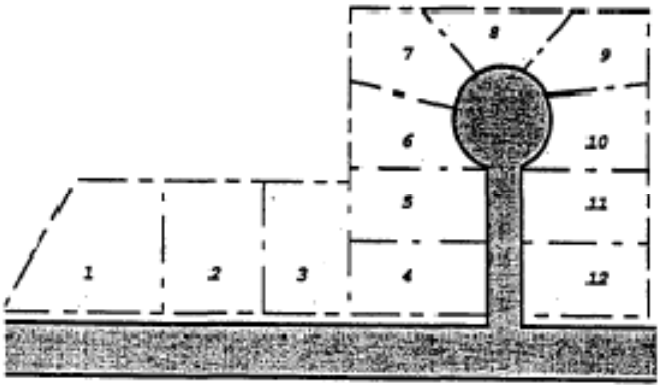
AREA

A. **LOT AREA -** the area contained within the property lines of the individual parcels of land shown on a subdivision plan or required by this Chapter, excluding any area within an existing or designated future street right-of-way, or any area required as open space under this Chapter, and including the area of any easements.



LOT AREA = total area - (area in r.o.w.+ area in open space)

B. **AVERAGE LOT AREA PER DWELLING UNIT -** the average lot area for all dwelling units of a single type. Individual lots may be smaller or larger than the average, provided that the average size is maintained and that all other standards of this Chapter are met.



Average Lot Area Per Dwelling Unit

$$\frac{\text{area lot 1 + area lot 2 … area lot 12}}{\text{site area}}$$

AVERAGE LOT AREA PER DWELLING UNIT

BUILDING AREA - the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

FLOOR AREA - the sum of the areas of the several floors of building structure, including areas used for human occupancy and basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Chapter, or any such floor space intended and designed for accessory heating and ventilating equipment.

BASEMENT - a story partly underground, but having one-half or more of its height (measured from floor to ceiling) above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement or determining square footage, only if the vertical distance between the ceiling and the average level of the adjoining ground is more than 4 feet, or if used for business or dwelling purposes.

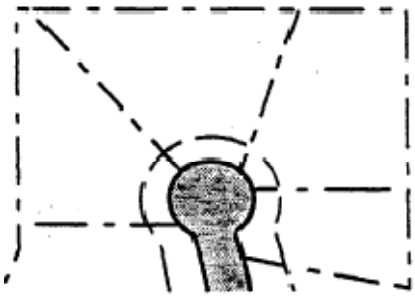
BUILDING - a structure having a roof which is used for the shelter or enclosure of persons, animals or property. The word "building" shall include any part thereof.

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

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

BUILDING HEIGHT - a vertical distance measured from the mean elevation of the proposed finished grade at the street side of the building to the highest point of the roof for flat roofs, to the deck lines for mansard roofs, and to the mean heights between eaves and ridge for gable, hip and gambrel roofs.

BUILDING SETBACK LINE - the rear line of the minimum front yards, as herein designated for each district, measured from the street line as defined in this §27-201. The building setback line on a cul-de-sac is a parallel line of the minimum front yard measured along the curve of the street line.



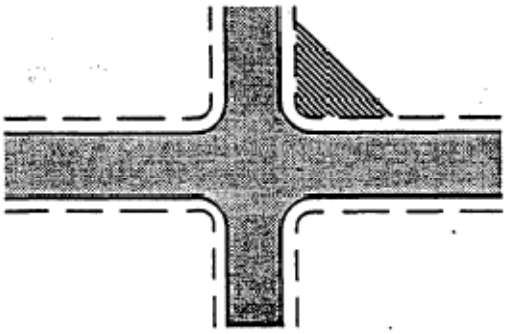
BUILDING SETBACK LINE

BUILDING COVERAGE - that percentage of the plot or lot area covered by the building area.

CARTWAY OR ROADWAY - the hard or paved surface portion of any street, or that portion of a street customarily used by vehicles in the regular course of travel over the street.

CELLAR - a story partly underground and having more than one-half of its height (measured from floor to ceding) below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories or square footage, not shall it be used for dwelling purposes.

CLEAR SIGHT TRIANGLE - an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street right-of-way lines. (See §27-603.)



CLEAR SIGHT TRIANGLE

COMMERCIAL VEHICLE – Any vehicle other than a passenger vehicle used in the conduct of a business and which either exceeds a loading capacity of ¾ ton or is marked with a sign indicating a business use, or both. Farm vehicles shall not be considered commercial vehicles.

CONDOMINIUM - a condominium is an ownership arrangement and not a land use; therefore, it is allowed in any district under the restrictions of the residential land use that comprises it. A condominium is a dwelling unit which has all of the following characteristics:

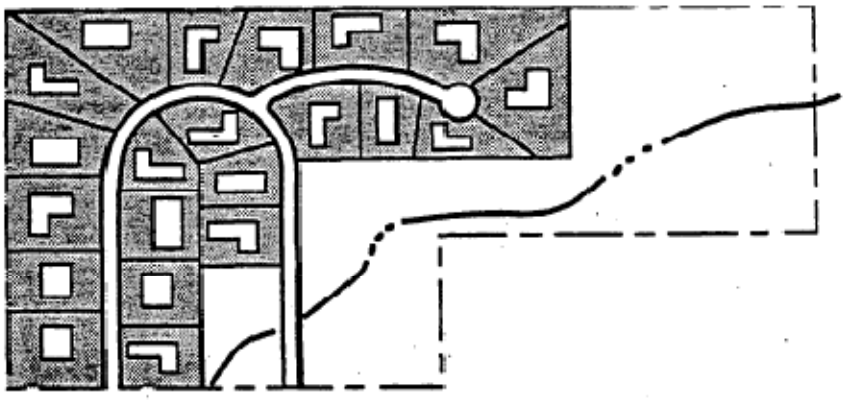
A. The unit, the interior and associated exterior area designated for private use in the development plan, is owned by the occupant.

B. The unit may be any permitted dwelling type.

C. All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Pennsylvania Uniform Condominium Act, and in accordance with the provisions for open space, roads, or other development features in this Chapter and Subdivision and Land Development Regulations [Chapter 22].

DENSITY

A. **NET DENSITY -** this is the maximum density permitted on the buildable portion of the site as determined in §27-702, Site Capacity Calculation. The net density is controlling for all subdivisions or developments with density requirements. Net density is calculated by dividing the total number of dwelling units by the Net Buildable Site Area.



$$\frac{\text{Total Dwelling Units}}{\text{Net Buildable Site Area}} = \frac{21\ \text{DU}}{32.3\ \text{AC}} = 0.65$$

dbh (diameter at breast height) - 4.5 feet above grade.

DORMITORY - a building occupied by and maintained exclusively for faculty, students or other such persons affiliated with a school, church, recreational or educational facility or other recognized institution, and when regulated by such institution. (See §27-406.)

DWELLING

A. **DWELLING -** a building containing one or more dwelling units.

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

EASEMENT - a grant of the use of a parcel of land to the use of the public, a corporation, or a person, for a specified purpose.

EMPLOYEES OR NUMBER OF EMPLOYEES - the greatest number of persons to be employed on the premises in question at any one time of the day or night.

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

FAMILY, IMMEDIATE – Limited to parents, grandparents, siblings, sons and daughters.

FENCE - any structure of wood, metal, wire mesh, masonry or other material erected for the purpose of screening one property from another, either to assure privacy or to protect the property screened. For the purpose of this Chapter, a masonry wall is considered a fence. Also for the purpose of this Chapter, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard," "side yard," and "front yard lines.

FLOOD - a temporary inundation of normally dry land areas.

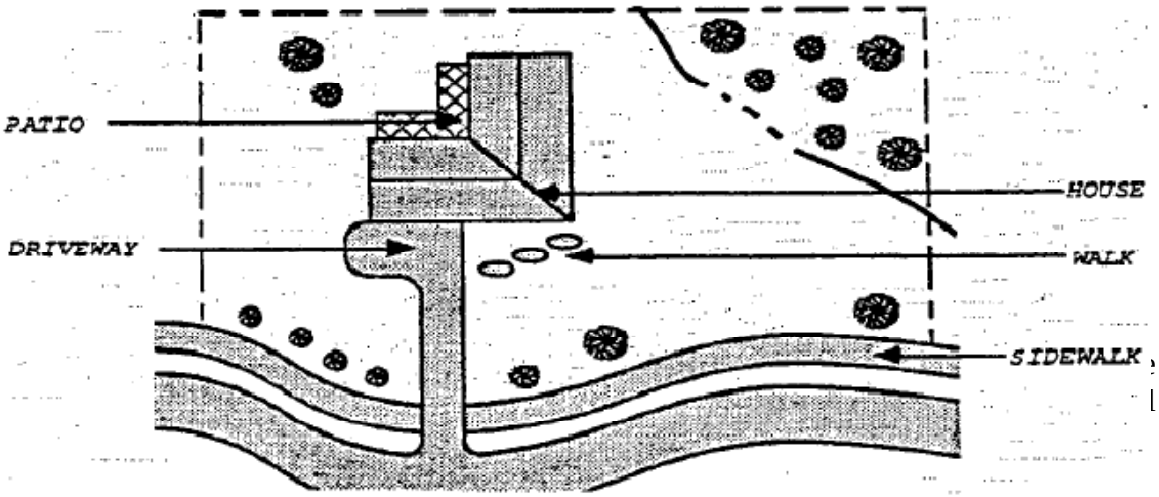
FLOOD DISTRICT DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations; any use or activity in the Flood District defined as a subdivision or land development in the applicable Subdivision and Land Development Ordinance [Chapter 22].

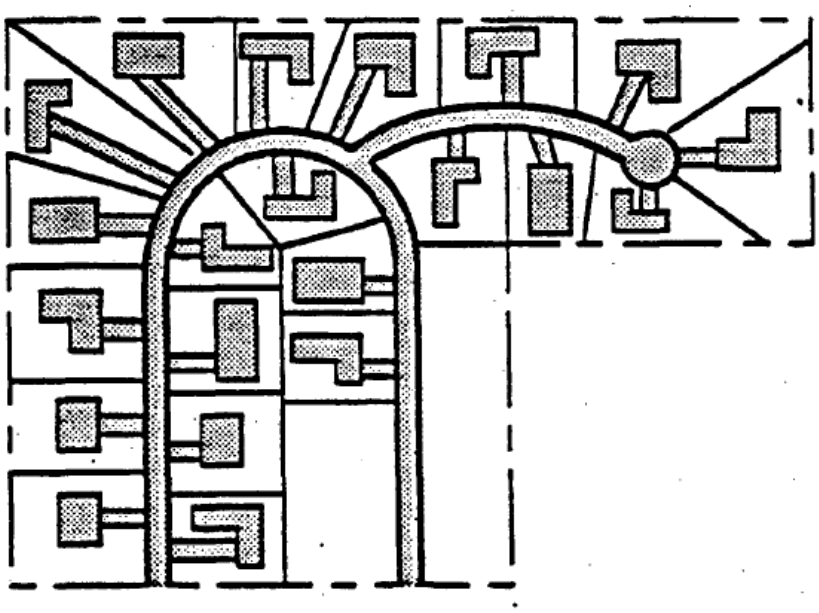
FLOODPLAIN AREA – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FOREST - areas, groves, or stands of mature or largely mature trees (i.e., greater than eight inches caliper) consisting of ten individuals or more covering an area of one quarter of an acre.

HABITABLE FLOOR - any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A basement is considered a habitable floor. A floor used only for storage purposes is not a habitable floor.

IMPERVIOUS SURFACE - impervious surfaces are those that do not absorb precipitation and surface water. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.





Impervious Surface Ratio =

$$\frac{\text{Impervious Surfaces}}{\text{Net Buildable Site Area}}$$

LIVESTOCK - All cattle, horses, ponies, donkeys, mules, hogs, sheep, rabbits, hares, poultry, and any other similar creatures raised for human use or profit, but shall not include dogs, cats or similar creatures customarily kept as household pets.

LOT -

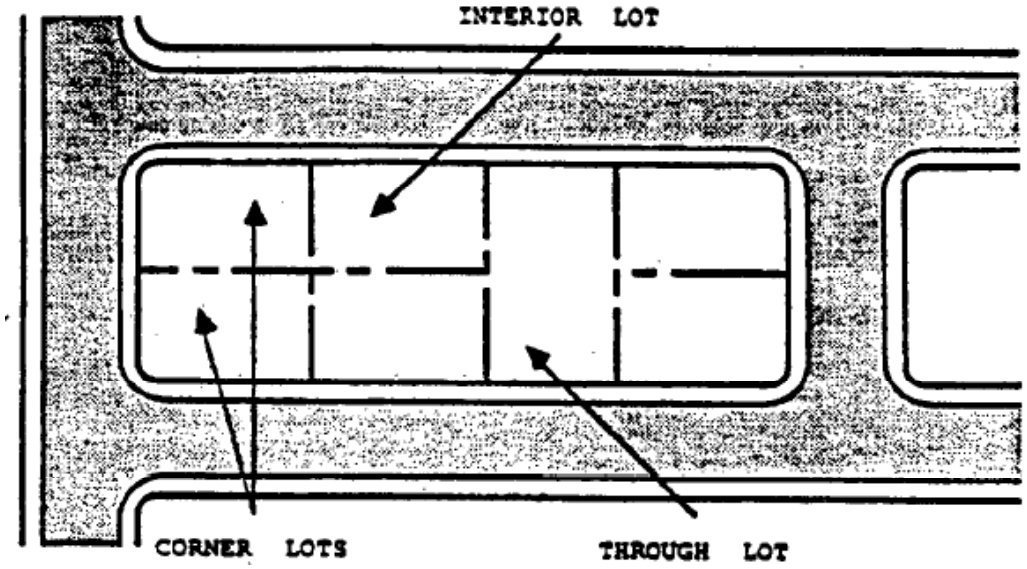
A. **LOT -** a parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other purpose, on one ownership and not divided by a street, nor including any land within the right-of-way of a public or private street upon which said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

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

C. **THROUGH LOT -** an interior lot having frontage on two parallel or approximately parallel streets.

D. **DEPTH OF LOT -** the mean distance from the street line of the lot to its opposite rear line, measured in the general direction of the side lines of the lot.

E. **LOT WIDTH -** the distance measured between the side lot lines, at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line.



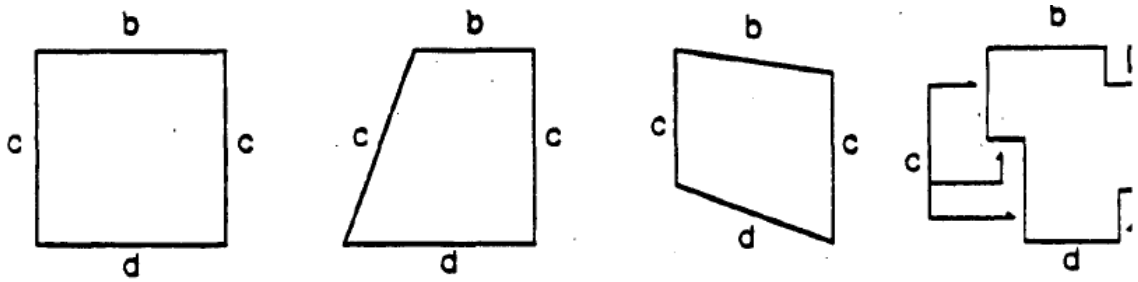
LOT LINES -

A. LOT LINE - any boundary line of a lot, including a public right-of-way line.

B. LOT LINE REAR - any lot line parallel to or within 45° of being parallel to a right-of-way, except for a lot line that is itself a legal right-of-way line; and except that in the case of a corner lot, the owner shall have the option of choosing which of the two lot lines that are not legal right-of-way lines is to be considered a rear lot line. In the case of a lot having no right-of-way frontage or a lot of an odd shape, only the one lot line farthest-from any legal right-of-way shall be considered a rear lot line.

C. LOT LINE SIDE - any lot line which is not a legal right-of -way or a rear lot line.

D. STREET LINE - See "street line."

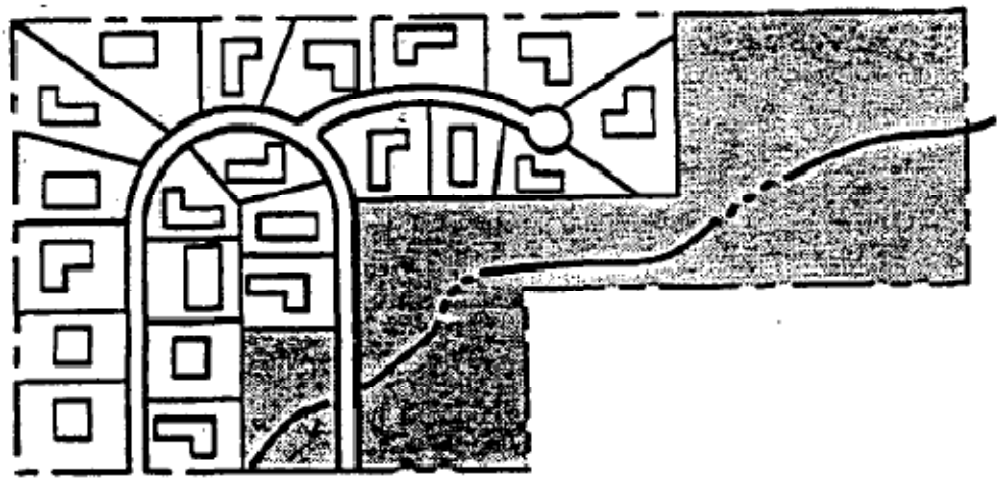


Sample Lot Configurations: Letters correspond to above definitions.

MOBILE HOME or MANUFACTURED HOME – a transportable, single-family detached dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of being again separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. The terms "mobile home" and "manufactured home" shall be synonymous in this Chapter.

OPEN SPACE - open space is land used for recreation, resource protection, or amenity, freely accessible to all residents, and protected by the provisions of this Chapter and the subdivision and land development ordinance to ensure that it remains in such uses. Open space does not include land occupied by buildings, buffers, roads, single or multi-family dwelling units or parking areas as required by the provisions of this Chapter. Open space shall be left in a natural state except in the case of recreation uses which may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

OPEN SPACE RATIO - The open space ratio is a measure of the intensity of land use. It is arrived at by dividing total amount of open space within the site by the base site area.



Public Open Space	20.6 AC	= 0.38
Base Site Area	53.4 AC	

PUBLIC NOTICE – Notice published once each week for two successive weeks in a newspaper of general circulation in Hulmeville Borough. Such notice shall state the time

and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven days from the date of the hearing.

RECREATIONAL VEHICLE – A vehicle or piece of equipment, whether self-propelled or designed to be towed or carried, intended to be used primarily for leisure time or recreational use. Recreational vehicles or units include travel trailers, truck-mounted campers, motor homes, folding tent campers and automobiles, buses or trucks adapted for vacation use and other vehicles not suitable for general family transportation**,** snowmobiles, minibikes, all terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

RIGHT-OF-WAY - refer to "street line."

A. RIGHT-OF-WAY - land set aside for use as a street, alley, or other means of travel.

B. EXISTING RIGHT-OF-WAY - the legal right-of-way as established by the Commonwealth or other appropriate governing authority and currently in existence.

C. FUTURE RIGHT-OF-WAY - the right-of-way deemed necessary to provide adequate width for future street improvements. Future right-of-way widths are designated in §22-505.

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

SEWER, PUBLIC - a public sewer is any municipal or privately owned sewer system in which sewage is collected from buildings and piped to an approved sewage disposal plant. This shall include capped sewers when installed to Borough Specifications.

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

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

SITE AREA, BASE - the total area of a site, minus existing road and utilities rights-of-way, and:

A. Land which is not contiguous or is cut from the parcel by a road or railway; or

B. Land shown on previous subdivisions or land development plans as reserved from development for natural resources reasons, such as floodplain lands.

SITE AREA, NET BUILDABLE - the area of a site remaining for development after the amount of open space necessary for resource protection and recreation has been calculated.

STEEP SLOPES - areas where the average slope exceeds 8% which, because of this slope, are subject to high rates of stormwater run-off and therefore erosion.

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

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

STREET - a public or private way used or intended to be used for passage or travel by automotive vehicles. If private, such way must be used or intended to be used as the principal means of access to abutting lot or lots or to more than two dwelling units on a lot on which a private way is exclusively used.

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

STRUCTURE - a combination of materials assembled, constructed or erected at a fixed location, including a building and fence, the use of which requires location on the ground or attachment to something having location on the ground, but excluding driveways and parking lot areas.

TRAVEL TRAILER - a vehicular portable structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term uses having a body width not exceeding Pennsylvania State regulations.

USE -

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

B. **USE, ACCESSORY -** a use located on the same lot with a principal use, and clearly incidental or subordinate to, and customary in connection with, the principal use.

C. **USE, PRINCIPAL -** the main use on a lot.

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

WATER SUPPLY -

A. **WATER SYSTEM, PUBLIC -** a public water system is any municipal water supply system, or any private system dedicated to the public. Such systems shall include any existing private franchise area and the entire system; or a water supply capable of supporting the entire development, or a standpipe or water storage system meeting Borough specifications.

B. **PRIVATE WATER -** water supplied to a building from an individual well on the lot on which the building is located.

WETLANDS - areas known as marshes or swamps, including all areas greater than one-quarter of an acre, where standing water is retained for a portion of the year and unique vegetation has adapted to the area.

YARD -

A. **YARD -** an open space unobstructed from the ground up, on the same lot with a structure, extending along a lot line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

B. **YARD, FRONT -** a yard between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of lot other than a corner lot that fronts on more than one street, the yards extending along all streets are front yards.

C. **YARD, REAR -** a yard between a structure and a rear lot line and extending the entire length of the rear lot line.

D. **YARD, SIDE -** a yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or

a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

PART 3
ESTABLISHMENT OF DISTRICTS

§27-300. Establishment of Districts.

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

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

§27-301. Types of Districts.

The districts are established and designated as follows:

A. R-1 Residential District

B. R-2 Residential District

C. R-3 Residential District

D. LIC Limited Industrial Conservation District

E. C Commercial District

F. I Industrial District

G. H Historical District

§27-302. Zoning Map.

The boundaries of zoning districts shall be as shown upon the map attached to and made a part of this Chapter, which shall be designated the "Hulmeville Borough Zoning Map." Said map and all notations, references and other data shown thereon are hereby incorporated by reference into this Chapter and shall be as much a part of this Chapter as if all were fully described herein.

§27-303. Interpretation of District Boundaries.

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

A. District boundary lines are intended to follow the center line of streets, streams, and railroads, and lot or property lines as they exist on plans of record at the time of the adoption of this Chapter, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.

B. Where a district boundary is not fixed by dimensions, and where it approximately follows lot lines, and where it does not scale more than 10 feet there from, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

C. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map.

D. In case any further uncertainty exists, the Zoning Hearing Board shall interpret the intent of the map as to location of district boundaries.

PART 4
USE REGULATIONS

§27-400. Applicability of Regulations.

1. Except as provided by law or in this Chapter, in each district no building structure, or land shall be used or occupied except for the purpose permitted in §27-406 of this Part 4 and for the zoning districts so indicated.

2. On any property, lot, tax parcel or tract of land, only one (1) principal use shall be permitted unless otherwise permitted by this Chapter.

§27-401. Uses by Right, Conditional Uses and Uses Not Permitted.

1. A use listed as a use permitted by right is permitted subject to such requirements as may be specified in §27-406, after approval has been granted subject to the requirements of the Hulmeville Borough Subdivision and Land Development Ordinance if applicable, and after a zoning permit has been issued in accordance with Part 11.

2. A use listed as a use permitted by Conditional Use may be permitted as a Conditional Use provided the Borough Council, subsequent to recommendations by the Planning Commission, and pursuant to expressed standards and criteria set forth in §27-406 and other applicable Sections of this Chapter, authorizes the issuance of a zoning permit in accordance with Part 11.

3. A use not listed as being permitted by right or conditional use in a particular zoning district is not permitted in that zoning district.

§27-402. Uses Subject to Other Regulations.

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

2. All uses permitted in the Borough shall be subject in addition to these ordinance regulations to all other applicable Borough, County, State or Federal requirements and licensing regulations and to the requirements of any other agency with jurisdiction. These include but are not limited to regulations for licensing of human service activities, requirements for accessibility of the disabled, sewage disposal requirements, water supply regulations, soil erosion and sedimentation control requirements, floodplain regulations, state road regulations, and fire protection requirements, and the Hulmeville Borough Neshaminy Creek Watershed Act 167 Stormwater Management Ordinance.

3. No final plan of subdivision or land development shall be approved and no zoning permit shall be issued until approval is obtained for wastewater disposal from the Borough and from the Bucks County Department of Health, unless the premises are served by public sewage facilities, in which case the agency providing sewage disposal services shall be required to provide evidence that the property will be served by public sewerage. Documentation certifying that treatment capacity from the authority providing treatment is available shall be required prior to plan approval or zoning permit issuance.

§27-403. (Reserved for Future Use.)

§27-404. Pre-Existing Conditional Uses and Special Exceptions.

Any use existing on the effective date of this Chapter which is classified as a conditional use or a special exception in the district in which the land occupied by the use is located, and which was lawful at the time the use was established, shall be deemed to have been granted a conditional use subject to maintaining the character and extent of operations and structures existing on that date. Any application for change in use or structure shall be subject to the procedures specified in Parts 10 and 11.

§27-405. (Reserved for Future Use.)

§27-406. Use Regulations.

1. **Agricultural Uses.**

   A. **A1 Agricultural Use.** The production of agricultural, horticultural, arboricultural, viticultural, apicultural and dairy products; the keeping of livestock, horses, or poultry, and associated products; the raising of fur-bearing animals and the associated products; and all related buildings associated with this use (barns, sheds, silos, etc.) including the farmhouse.

      (1) The keeping or raising of livestock, horses, or poultry, and the raising of fur bearing animals and the associated products shall be limited to lots having a minimum lot size of five (5) acres.

      (2) Lots less than ten (10) acres in area shall be limited to two (2) head of livestock or horses and one hundred (100) fowl per acre.

      (3) Any building or structure used for the keeping or raising of bees, livestock, horses, or poultry shall be situated not less than one hundred (100) feet from any street line or lot line.

      (4) Not more than three percent (3%) of the total lot area shall be in impervious surfaces.

(5) Riding stable, livery, or boarding stables and commercial kennels are not included in this use.

(6) Silos shall not be located less than 1.5 times the height of the silo from any street line or property line.

(7) Accessory dwelling units shall meet the requirements of Use A7 Accessory Farm Dwelling.

(8) The retail sale of agricultural products at roadside stands or other structures shall meet the requirements of use A5 Agricultural Retail.

(9) No "Game" or "Wildlife" (as defined in 34 Pa.C.S. Section 102) or "Exotic Wildlife" (as defined in 34 Pa.C.S. Section 2961), may be kept except in accordance with the provisions of the Game and Wildlife Code of Pennsylvania 34 Pa.C.S. Section 101, et. Seq. and the regulations adopted pursuant thereto and in addition to the following requirements:

(a) All "game" or "wildlife", as defined in 34 Pa.C.S. Section 102, "exotic wildlife", as defined in 34 Pa.C.S.§2961, or wild animal, as defined in this Chapter shall be confined in primary and secondary enclosures that are sufficient to prevent such animal from running at large.

(b) No part of the primary enclosure shall be closer than two hundred (200) feet from the exterior limits of any dwelling or of any property line.

(c) A primary enclosure is defined in this Chapter as any building, cage, pen or similar enclosure designed and used for the purpose of restraining and confining an animal. All primary enclosures shall be designed and constructed to meet all state and federal laws and regulations.

(d) A secondary enclosure is defined in this ordinance as an enclosure which is not used for primary confinement, exercise, or training of wild animals, but which surrounds or encompasses all primary enclosures where such animals are kept. The purposes of the secondary enclosure is to serve as a perimeter fence surrounding all primary enclosures, in order to protect the public by prevention of escape by an animal accidentally freed from its primary enclosure. The strength and dimensions of the secondary enclosure shall be appropriate to the animals enclosed. The applicant must submit a plan for secondary enclosure subject to the approval of the Borough.

(e) All primary and secondary enclosures shall be designed, constructed and maintained so that no foreseeable event or series of events shall break the structural integrity of the primary or secondary enclosures.

(f) The applicant must submit an annual inventory report of animals to the Borough.

(10) Minimum Parking Requirement: One (1) off-street parking space for each employee.

B. **A2 Kennel.** Any lot on which domesticated animals (except livestock or poultry) are kept, boarded, raised, bred, or trained for fee whether in special buildings or runways or not, including but not limited to dog or cat kennels, provided:

(1) Minimum lot size shall not be less than five (5) acres.

(2) No animal shelter or runs shall be located closer than two hundred (200) feet from any lot line.

(3) All animals shall be maintained in enclosed buildings and runs enclosed by fences designed and constructed to prohibit the animals from escaping from the fenced area.

(4) All areas used for training of animals shall be enclosed by a fence not less than six (6) feet in height. The fence shall be no closer than twelve (12) feet from any property line.

(5) Kennels shall be screened from adjoining residential uses by evergreen plantings which serve to screen noise and create a visual and physical barrier. A 10-foot buffer yard shall be located on-site and shall be placed along the perimeter of the Kennel. Such buffer yard shall contain a 10-foot-wide planting screen in accordance with §27-717.9 of this Chapter.

(6) All domesticated animals must be kept indoors between 10:00 p.m. and 7:00 a.m.

(7) All kennels shall be licensed under the Dog Law Act of 1982, P.L. 784-255.

(8) Accessory dwelling units shall meet the requirements of Use A7 Accessory Farm Dwelling.

(9) Minimum Parking Requirement: One (1) off-street parking space for each employee, plus one space for each eight (8) animals in capacity, except for training where one (1) space shall be provided for each three animals.

C. **A3 Riding Stable.** Riding stable, livery or boarding stable for horses.

(1) Minimum lot size shall not be less than five (5) acres.

(2) No building or structure used for the keeping, servicing, or raising of horses shall be located closer than two hundred (200) feet from any lot line.

(3) Accessory dwelling units shall meet the requirements of Use A7 Accessory Farm Dwelling.

(4) Minimum Parking Requirement: One (1) off-street parking space for every three (3) persons present at the facility when it is filled to capacity.

D. **A4 Nursery.** Nursery uses, including the growing of trees, ornamentals, shrubs, flowers, or vegetables, outdoors or in a greenhouse for sale and transplantation.

(1) Minimum lot size shall not be less than one (1) acre.

(2) A landscape business meeting the requirements of I6 Contractor's Services shall be permitted as an accessory use.

(3) Retail sales shall meet the requirements of use A5 Agricultural Retail.

(4) Minimum Parking Requirement: One (1) off-street parking space per employee.

E. **A5 Agricultural Retail.** The retail sales of agricultural products at roadside stands or other structures to the general public.

(1) Agricultural retail is an accessory use which shall be clearly subordinate to principal uses A1 Agricultural Use and A4 Nursery.

(2) At least fifty percent (50%) of products sold must be grown, raised, and produced on the property.

(3) The maximum floor area shall be limited to two thousand (2,000) square feet.

(4) Agricultural retail uses shall meet the yard and setback requirements for the related primary agricultural use, except that temporary farm stands or structures of one hundred fifty (150) square feet or less for seasonal sale of the farm or nursery may be located within the required front yard.

(5) Minimum Parking Requirement: One (1) off-street parking space for each two hundred (200) square feet of space devoted to retail sales, or a minimum of two (2) spaces, whichever is greater.

F. **A6 Forestry / Timber Harvesting.** The management of forests and timberlands when practiced in accordance with accepted forestry principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. Clear cutting or selective cutting of forest or woodlands for development, building, subdivision, or any other land use change is not forestry.

(1) Applicability. A zoning permit shall be required for all forestry/timber harvesting activities, however, an individual property owner need not obtain a permit to cut a tree or trees as part of normal home maintenance and upkeep, and the following activities are specifically exempted:

(a) Removal of diseased or dead trees.

(b) Removal of trees which are in such a condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way.

(c) Removal of up to five (5) trees per acre of woodlands per year, not to exceed a total of twenty-five (25) trees per lot per year, or any combination of adjoining lots in common ownership, which are twelve (12) inches or more in diameter, measured at breast height (dbh) (4.5 feet above grade), and not covered by the exemptions in subsections (a) and (b) above and any number of smaller trees.

(2) Forestry plan. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this Chapter. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the borough upon request.

(3) Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

(4) Contents of the Forestry/Logging Plan.

(a) Design, construction, maintenance of the access system, including haul roads, skid roads, skid trails and landings;

(b) Design, construction and maintenance of stream and wetland crossings; and

(c) The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.

(d) Copies of all required permits shall be submitted.

(e) Proof of current general liability and/or worker's compensation insurance

(f) Proof of PennDOT Highway Occupancy Permit or borough Driveway Permit for temporary access, as applicable.

(g) Copy of Bucks County Conservation District "Letter of Adequacy" for the proposed erosion control facilities, including associated plans, reports and other permits as required.

(h) Map showing site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;

(i) Significant topographic features related to potential environmental problems;

(j) Location of all earth disturbance activities such as roads, landings and water control measures and structures;

(k) Location of all crossings of streams or waters of the Commonwealth.

(5) Compliance with all Laws. The forestry/logging plan shall address and comply with the requirements of all applicable federal, state and borough laws and regulations including, but not limited to, the following:

(a) Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §§ 691.1, et seq.);

(b) Stream crossing and wetlands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §§ 693.1, et seq.); and

(c) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. §§ 680.1, et seq.)

(d) Compliance with Federal Law/Regulations. The forestry/logging plan shall address and comply with the requirements of all applicable federal laws and regulations including, but not limited to, the Army Corps of Engineers Best Management Practices for forest roads set forth at 33 CFR 323.4[a][6][i-xv], as amended.

(e) Compliance with Borough Ordinances. The forestry/logging plan shall comply with the requirements of the borough zoning ordinance.

(6) Forestry practices. The following requirements shall apply to all forestry/timber harvesting operations.

(a) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the borough or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

(b) No forestry refuse shall be left on or within twenty-five (25) feet of any public thoroughfare.

(c) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

(d) Any soil, stones and/or debris carried onto public roadways must be removed immediately.

(e) No forestry/logging use shall be permitted within areas with slopes of fifteen percent (15%) or greater.

(f) When the harvest is completed, both dirt roads used by the trucks and skid roads used to drag the logs from the woods to the loading area must be graded approximately to original contours, and be seeded and mulched as necessary to establish stable groundcover.

(g) A “No Logging” buffer zone with a width of twenty-five (25) feet shall be maintained along any street abutting or running through a property on which the forestry/logging operation is to be conducted. The buffer shall be measured from the ultimate right-of-way of a public street and from the easement boundary of a private street. No trees shall be cut, removed, skidded, or transported in a “No Logging” buffer zone except as necessary for access to site from the street.

(h) A “No Logging” riparian buffer zone with a width of fifty (50) feet shall be maintained along both sides of any watercourse or canal that abuts or runs through a property on which the forestry, logging, or timber harvest operation is to be conducted. The buffer shall be measured from the high water mark of the watercourse or canal. No trees shall be cut, removed, skidded, or transported in a “No Logging” riparian buffer zone.

G. **A7 Accessory Farm Dwelling.** Detached dwelling unit for the sole use of the property owner, immediate family members of the property owner and persons engaged in agricultural employment on the property. Immediate family members shall be limited to parents, grandparents, siblings, sons and daughters.

(1) An Accessory Farm Dwelling is an accessory dwelling unit use that shall be clearly subordinate to primary uses A1 Agricultural Use, A2 Kennel, or A3 Riding Stable.

(2) The Accessory Farm Dwelling shall meet the minimum yard and setback requirements of Use B1 Single-Family Detached Dwelling, from any street line or property line and between other farm units on the property. Applications for zoning permits or for subdivision shall show the location of the proposed dwelling units.

(3) Minimum Parking Requirement: Two (2) off-street parking spaces per dwelling unit.

2. Residential Uses.

A. **B1 Single-Family Detached Dwelling.** Single-family residence on an individual lot with private yards on all four sides of the house. Single-family detached dwellings may include dwellings constructed on the lot, prefabricated dwellings, and mobile homes or manufactured homes.

(1) If the dwelling is a mobile home or manufactured home, the following conditions shall apply:

(a) The mobile home shall be placed on concrete or masonry footings and shall be secured as required by the borough building code.

(b) All mobile homes shall have the space between the floor of the mobile home and the ground level completely enclosed. Such enclosure may be provided by a permanent masonry foundation or by temporary materials or skirting. Skirting shall be compatible in design with the mobile home to which it is attached and shall provide ventilation to inhibit decay and deterioration of the

structure. Skirting shall be constructed of materials designed and commonly used for exterior building surfaces and at least of such rigidity and strength as the exterior surface of the mobile home itself.

(c) No more than one (1) mobile home shall be placed on an individual lot and such mobile home shall be occupied by not more than a single family.

(2) Minimum Parking Requirement: Two (2) off-street parking spaces per dwelling unit.

B. **B2 Two-Family Dwelling.** A building containing two dwelling units, each of which is totally separated from the other by a solid wall extending from ground to roof or a solid ceiling and floor extending from exterior wall to exterior wall, except that a common stairwell may be provided. Dwellings having a party wall in common must be erected at the same time. Each dwelling shall require a separate lot, or sufficient site area regulated by a single form of legal ownership as an individual lot, that satisfies minimum lot requirements.

(1) Minimum Parking Requirement: Two (2) off-street parking spaces per dwelling unit.

C. **B3 Single-Family Detached Cluster.** Single-family detached housing which is clustered to preserve common open space. This use shall be permitted only for tracts having a gross site area of 5 acres or larger. All access to the individual lots shall be from internal streets.

(1) The proposed development shall be served by public water and public sewage disposal facilities, the adequacy of which shall be demonstrated and guaranteed.

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

(a) Either be dedicated to the Borough if acceptable to them, or be maintained according to the ownership provisions of §27-709.

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

(3) All access streets on the site shall have minimum rights-of-way widths of sixty (60) feet.

(4) A 20-foot buffer yard shall be located on-site and shall be placed along the perimeter of the Single-Family Detached Cluster Use. Such buffer yard shall contain a 15-foot-wide planting screen in accordance with §27-717.9 of this Chapter.

(5) Minimum Parking Requirement: Two (2) off-street parking spaces per dwelling unit.

D. **B4 Traditional Neighborhood Development**. A combination of uses B1 Single-Family Detached Dwelling, B2 Two-Family Dwelling, B6 Residential Conversion, Multifamily Dwelling, and/or Townhouse designed to promote a mixture of housing types in a traditional neighborhood development style.

(1) The purpose of a traditional neighborhood development is to allow the optional development and redevelopment of land in Hulmeville Borough consistent with the design principles of traditional neighborhoods. A traditional neighborhood is compact; designed for the human scale; provides a mix of housing styles, types, and sizes; incorporates a system of streets and sidewalks with existing streets and sidewalks if possible that offer multiple routes for motorists and pedestrians, and bicyclists; retains existing buildings with historical features or architectural features that enhance the visual character of Hulmeville Borough and incorporates significant environmental features into the design.

(2) A traditional neighborhood development is permitted by conditional use only as specified in §27-1107.

(3) The following housing types are permitted in a Traditional Neighborhood Development:

(a) B1 Single-Family Detached Dwelling as defined in §27-406.2.A.

(b) B2 Two-Family Dwelling as defined in §27-406.2.B.

(c) B6 Residential Conversion as defined in §27-406.2.F.

(c) Multi-Family Dwelling—A building containing more than two (2) dwelling units but not more than twelve (12) dwelling units, where individual dwelling units share a common outside access. They share with other units a common yard area, which is the sum of the required lot areas of all dwelling units within the building.

(d) Townhouse—A single-family attached dwelling unit, with one (1) dwelling unit from ground to roof, having individual outside

access. The maximum permitted number of dwelling units per building is eight (8).

(4) Dwelling Unit Composition – A mix of dwelling unit types shall be achieved, using the following minimum or maximum percentages:

(a) Single-Family Detached: Twenty-five (25) percent minimum to sixty (60) percent maximum of total units.

(b) Single-Family Attached (B2 Two-Family Dwelling and/or Townhouse): Ten (10) percent minimum to forty-five (45) percent maximum.

(c) Multifamily: Five (5) percent minimum to thirty (30) percent maximum.

(5) At least thirty percent (30%) of the gross acreage of the traditional neighborhood development must be open space. The amount of required open space may be reduced by the area of existing buildings or structures deemed to have historic value by Hulmeville Borough Council that are converted into multifamily dwellings, not to exceed twenty percent (20%) of the required open space. At least fifty percent (50%) of the required open space shall be centrally located as a community green and be within 840 feet from at least fifty percent (50%) of the lots.

(6) Setbacks for all dwelling types shall respect the adjacent buildings and structures, and shall reflect the goals and principles of a traditional neighborhood design.

(7) Unless approved by Hulmeville Borough Council upon a showing of undue hardship, dwelling units in a traditional neighborhood development shall be serviced by a rear or side alley, and have attached or detached garages (residential accessory structures) located to the rear of the dwelling unit. The setback provisions of §27-406.10.B.(3)(d) shall not apply to a garage serviced by an alley, and the residential accessory structure may be located as close to or on the lot line as necessary to permit the alley to service the garage. Appropriate easements, in a form approved by Hulmeville Borough Council, shall be recorded for all lots to permit access and/or maintenance to the garages.

(8) No portion of the front façade of any dwelling unit in a traditional neighborhood development shall be occupied by a garage door, unless the dwelling unit is created in an existing building or structure. On-lot parking spaces are prohibited in the front of any dwelling unit, and on-lot parking spaces are prohibited to the side of any dwelling unit unless approved by Hulmeville Borough Council upon showing of undue hardship.

(9) Cul-de-sac streets and reverse frontage lots (i.e. a lot with its rear yard toward a public or private street) are prohibited in a traditional neighborhood development.

(10) Architectural Standards. All structures within a traditional neighborhood development shall be designed to protect and preserve the character of the area. A variety of architectural features and building materials are required to give each building or group of buildings a distinct character, unless otherwise approved by Hulmeville Borough Council. New and existing structures should follow complementary designs. The proposed architectural styles, building scale, design, materials of the buildings and structures with proposed building elevations and sketches (including dimensions of building height and width, and façade treatment) shall be submitted.

(11) Use of existing historic buildings for dwellings in a traditional neighborhood development. Adaptive re-use of existing buildings and/or structures in a traditional neighborhood development deemed by Hulmeville Borough Council to have historic value for conversion to dwelling purposes is encouraged.

(12) When more than two (2) dwelling units are connected side-by-side in one (1) structure, they shall have staggered building front façade setbacks between the dwelling units. The staggering of the setbacks shall be a minimum of twenty-four (24) inches and shall not exceed thirty (30) inches.

(13) A 20-foot buffer yard shall be located on-site and shall be placed along the perimeter of the Traditional Neighborhood Development. Such buffer yard shall contain a 15-foot-wide planting screen in accordance with §27-717.9 of this Chapter.

(14) Minimum Parking Requirement: For all types of units, a minimum of two (2) off-street parking spaces per unit shall be required. An additional one-quarter (0.25) spaces per dwelling unit of overflow off-street parking shall also be required. Garage spaces shall not count toward the off-street parking requirement.

E. **B5 Rooming House.** A dwelling used for the housing of roomers, boarders, or lodgers, with or without common eating facilities, including dormitory, fraternity, sorority, or other buildings of charitable, educational, or philanthropic institutions, subject to the following provisions:

(1) The minimum lot area per sleeping room shall be 1,000 square feet.

(2) Each sleeping room shall be limited to one (1) bed.

(3) Stairways leading to the second or any higher floors shall be located within the walls of the building wherever practical, and stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street.

(4) Except as may be necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the building in connection with the conversion; and after conversion, the building shall retain substantially the same structural appearance it had before such conversion.

(5) Minimum Parking Requirement: One (1) off-street parking space per bedroom.

F. **B6 Residential Conversion.** Conversion of an existing building to a greater number of dwelling units, subject to the following provisions:

(1) Stairways leading to the second or any higher floors shall be located within the walls of the building wherever practical, and stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street.

(2) Except as may be necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the building in connection with the conversion; and after conversion, the building shall retain substantially the same structural appearance it had before such conversion.

(3) Separate cooking and sanitary facilities shall be provided for each dwelling unit.

(4) Off-street parking spaces shall be located to the side or rear of the converted structure.

(5) Off-street parking lots with three (3) or more spaces shall be buffered from abutting residences with a planted buffer at least ten (10) feet in width. The buffer shall meet the planting requirements of §27-717.

(6) The minimum yard and lot width requirements of the district in which the conversion occurs for Use B1 Single-Family Detached Dwelling shall be adhered to.

(7) To allow for a conversion, the minimum lot area for Use B1 Single Family Detached Dwelling shall be met for each dwelling unit proposed to be created.

(8) The conversion of an existing non-residential structure to residential use shall be permitted by the Borough Council provided that the applicant adequately demonstrates that the building has little current or potential economic usefulness as a non-residential structure and that its conversion to a residential use shall not have a detrimental impact on the economic viability of the area in which it is located as a mixed-use area.

(9) Minimum Parking Requirement: Two (2) off-street parking spaces per dwelling unit.

G. **B7 Dwelling in Combination.** Dwelling in combination with an existing or permitted office, commercial, institutional, or industrial use.

(1) Where permitted, a dwelling in combination may be used as an accessory use with an office, commercial, institutional, or industrial use that is permitted within the applicable zoning district.

(2) Separate cooking and sanitary facilities shall be provided for each dwelling unit.

(3) The total floor area of the dwelling units shall not exceed that of the principal use.

(4) Minimum Parking Requirement: One (1) off-street parking space per dwelling unit that shall be in addition to the parking requirements of the principal use.

H. B8 Mobile Home Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. Mobile home lots need not be separately owned or subdivided.

(1) Area and Dimensional Requirements

(a) Minimum site area for a mobile home park - 3 acres

(b) Maximum density - 5 units per acre of base site area

(c) Required open space - 10% of base site area

(d) Maximum Impervious surface ratio - 60%

(e) Dimensional Requirements for Individual Mobile Home Lots

Minimum lot area	5,320 square feet
Minimum lot width at building setback	56 feet
Maximum Building Coverage	
excluding garage	35 percent
Minimum Yards	
Front	20 feet
Side	5 feet
Rear	10 feet
Minimum distance between units	10 feet

(2) Mobile Home Parks shall have a planted buffer 30 feet in width along all side and rear property lines. The buffer shall meet the planting requirements of §27-717.9.

(3) No mobile home shall be erected on a mobile home lot except on a mobile home pad. Each mobile home shall have its own pad.

(4) Each mobile home shall be placed on and secured to a foundation or piers (resting upon undisturbed soil below the frost line) in accordance with the manufacturer's instructions.

(5) The area between the ground and the perimeter of the mobile home shall be enclosed by means of a masonry wall.

(6) There shall be a minimum distance of ten (10) feet between an individual mobile home, including accessory structures associated therewith, and other mobile homes.

(7) No mobile home, parking, loading or service area or service use shall be located less than fifty (50) feet from a street ultimate right-of-way or other property line.

(8) All utilities shall be placed underground within the mobile home park.

(9) Park Areas for Nonresidential Service Uses - No part of any mobile home park shall be used for nonresidential purposes except such uses that are required for direct servicing, management or maintenance of the park and its residents. A maximum of ten percent (10%) of the total lot area may be used for service activities. All services structures or buildings shall comply with the buffering and setback requirements for the park as a whole.

(10) Completely detached accessory buildings may occupy the required side or rear yards, but shall not be located closer than five (5) feet from any

property line adjacent to a street, or to the outside perimeter boundary of the tract.

(11) Decks, patios, and room enclosures are allowed to extend a maximum of four (4) feet beyond the building envelope (defined as the area of a lot which does not include any required yard areas) for no more than twenty-five (25) feet in length. This extension shall be allowed on only one side of each dwelling unit. If a dwelling unit has an attached garage, this extension shall be allowed only on the side of the dwelling with the attached garage.

(12) The owner or operator of said park shall provide an adequate storage area to permit the residents to park and store campers and boats. This area shall be paved and screened by fence or living screen from the remainder of the mobile home park. No campers or boats shall be stored other than in such a storage area. No abandoned vehicles shall be permitted within the park.

3. Institutional, Recreational and Educational Uses.

A. C1 Place of Worship. Any structure or structures used for worship or religious instruction, including accessory social and administrative rooms, but not including any commercial activity except for place of worship-sponsored functions.

(1) A cemetery may be an accessory use to a place of worship provided the following requirements are met:

(a) No more than ten percent (10%) of the entire area may be devoted to above ground buildings not serving as burial markers or memorials, such as business and administration offices, chapels, maintenance facilities, greenhouses or repair shops.

(b) A buffer strip of at least twenty (20) feet shall be provided between any building or burial site and the cemetery property line. The buffer planting shall meet the planting requirements of §27-717.

(c) There shall be no more than one (1) identification sign at each entrance.

(d) No such entrance walls, signs or other entrance features shall exceed twelve (12) feet in height.

(2) A C4 Day Care Center is permitted as an accessory use.

(3) Minimum lot size shall not be less than one acre unless there is a greater lot requirement for the particular district as specified in §§27-500 through 27-505.

(4) No school shall be permitted except for purposes of religious education.

(5) The maximum height for steeples, chimneys, belfries, cupolas, monuments, flagpoles, and other similar structures are governed by §27-616.1.

(6) Minimum Parking Requirement: One space per three (3) seats, or at least one-space for every three hundred (300) square feet of floor area intended to be used by patrons, guests, members, parishioners, clients, or customers, whichever requires the greater number of off-street parking spaces, plus one (1) space per two (2) employees on the premises at any one time.

B. **C2 School.** Including religious and non-sectarian, denominational, private or public school, college or junior college which is not conducted as a private gainful business and is licensed under the proper governmental authority, subject to the following provisions.

(1) Minimum lot size shall not be less than two (2) acres.

(2) At least two means of ingress and egress shall be provided for emergency service vehicles to access the facility.

(3) Plans shall be provided that show designated student pick-up and drop-off areas. Adequate stacking area shall be provided so that vehicles entering the site will not interfere with traffic flow on the adjacent public streets. The plan for parking layout, pick-up and drop-off areas and stacking areas are subject to the approval of the Borough.

(4) Minimum Parking Requirements:

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

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

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

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

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

C. **C3 Cultural Facility.** Including art galleries, libraries, museums, auditoriums, community centers, adult education centers or other similar facility operated by an educational, philanthropic or religious institution, subject to the following provisions:

(1) The use shall not be conducted as a private gainful business.

(2) No outdoor recreation area shall be located nearer to any lot line than the required front yard depth.

(3) Minimum Parking Requirement: One (1) space per five (5) seats, or at least one (1) space for every three hundred (300) square feet of floor area intended to be used by patrons, guests, members, clients, or customers, whichever requires the greater number of off-street parking spaces, plus one (1) space per two (2) employees on the premises at any one time.

D. **C4 Day Care Center.** Day nursery, nursery school, kindergarten, or other agency giving day care to more than six (6) children or any number of adults in need of day care, excluding care provided by relatives and care provided by places of worship during religious services. This use is not a home occupation or an accessory use to a residence.

(1) This use may be permitted as an accessory use to a permitted nonresidential use.

(2) Buffer yards of a minimum width of ten (10) feet planted in accordance with the standards of this Chapter shall be provided if the use is located within a residential district or adjacent to a residential use.

(3) An outdoor recreation area shall be provided with a minimum area of two hundred square feet for each child and one hundred square feet for each disabled or elderly person in the facility's design capacity. This area shall be located to the side or rear of the lot. Such areas shall be fully enclosed by a fence with a minimum height of four (4) feet and shall be sufficiently

screened and insulated to protect the neighborhood from inappropriate noise and other disturbance.

(4) Sufficient facilities for passenger loading and unloading shall be provided.

(5) Where childcare is provided a license from the Pennsylvania Department of Public Welfare shall be required.

(6) Minimum Parking Requirement: One (1) space for every five (5) persons receiving care at the center, plus one (1) space for each employee.

E. **C5 Public Recreation Facility.** A park, playground, field, or other indoor or outdoor recreation facility owned, leased, or licensed by the borough, county or other governmental body.

(1) Minimum Parking Requirement: The number of parking spaces to be provided shall be determined by the Borough Planning Commission and Borough Council in consultation with the latest edition of the Institute for Transportation Engineers' Parking Generation Rates publication.

F. **C6 Private Recreation Facility.** Recreational facility owned or operated by a non-governmental agency, subject to the following additional provisions:

(1) The use shall not be conducted as a private gainful business.

(2) No outdoor active recreation area shall be located nearer to any lot line than the required front yard.

(3) Outdoor play areas shall be sufficiently screened to protect the neighborhood from inappropriate noise and other disturbance.

(4) Adequate measures to prevent noise and other noxious influences from disturbing nearby residential properties must be taken. All private recreation facilities shall meet the requirements for noise disturbance and sound level of §27-710.

(5) A 10-foot buffer yard shall be located on-site and shall be placed along the perimeter of the Private Recreation Facility. Such buffer yard shall contain a 10-foot-wide planting screen in accordance with §27-717.9 of this Chapter.

(6) Minimum Parking Requirement: One off-street parking space for each five persons of total capacity, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the

greater number of off-street parking spaces, plus one additional space for each employee.

G. **C7 Private Club.** A private club is a nonprofit association which is supported by dues or fees imposed on all members and paid at least in part for membership status rather than for periodic use of the club's facilities; includes but is not limited to: fraternal, school, athletic, or other associations, with rules, by-laws, charter or local or national affiliation; is based on membership of persons with common interests, pursuits or purposes.

(1) The use shall not be conducted as a private gainful business.

(2) The use shall be for members and their authorized guests only.

(3) In addition to the requirements of §27-1107, "conditional uses," such uses in the R-2 Residential District shall:

(a) have a lot area of not less than 20,000 square feet

(b) be provided with a 10-foot wide planted buffer along all side and rear yard lines which meets the standards of §27-717.9.

(4) Minimum Parking Requirement: One off-street parking space for each five (5) persons of total capacity, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each employee.

H. **C8 Nursing Home.** A care facility licensed and approved by the Commonwealth of Pennsylvania to provide personal care, intermediate care, or full-time convalescent or chronic care to individuals who require such care. Nursing homes must be licensed by the Pennsylvania Department of Health; facilities providing personal care boarding must be licensed by the Pennsylvania Department of Welfare.

(1) A lot area of not less than 4 acres is provided.

(2) No more than 100 patients shall be accommodated at any one time.

(3) A 30-foot buffer yard shall be located on-site and shall be placed along the perimeter of the Nursing Home. Such buffer yard shall contain a 25-foot-wide planting screen in accordance with §27-717.9 of this Chapter.

(4) Minimum Parking Requirement: One (1) space for every three (3) beds plus one (1) space per employee on the largest shift.

I. **C9 Medical Center/Hospital.** A group of facilities providing health services such as medical research facilities, including laboratories, out-patient departments, training facilities, medical offices, and central service facilities operated as an integral part of the facility, and commercial uses supplementary to it. Provided:

(1) Minimum lot size shall not be less than four (4) acres.

(2) A 30-foot buffer yard shall be located on-site and shall be placed along the perimeter of the Medical Center/Hospital. Such buffer yard shall contain a 25-foot-wide planting screen in accordance with §27-717.9 of this Chapter.

(3) Minimum Parking Requirement: One (1) space for every three (3) patient beds plus one space for each doctor and employee.

J. **C10 Wellness Center.** Establishments primarily engaged in operating fitness and physical therapy facilities featuring exercise, physical fitness conditioning, and other therapeutic or rehabilitative activities.

(1) Permitted only as an accessory use to use C8 Nursing Home, C9 Medical Center/Hospital or D2 Medical Office.

(2) Such establishments are not permitted to operate spectator sports events.

(3) All activities must be held indoors with the exception of walking trails or sidewalks internal to any tract on which such building is located.

(4) Minimum Parking Requirement: One (1) space for each five (5) persons of total capacity, or at least one (1) space per each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patients, or clients, whichever requires the greater number of spaces, plus one (1) additional space for each employee.

K. **C11 Municipal Building.** Hulmeville Borough municipal buildings including administration buildings, police barracks, recreation buildings, libraries, or road maintenance facilities.

(1) Minimum Parking Requirement: One (1) off-street parking space for each full-time employee, plus one (1) space for every five (5) seats in meeting areas.

L. **C12 Emergency Services.** Fire, ambulance, rescue and other emergency services of a municipal or volunteer nature.

(1) The minimum lot size shall not be less than one (1) acre.

(2) A community meeting room is permitted as accessory to the Emergency Services use.

(3) Minimum Parking Requirement: three (3) off-street parking spaces for every four (4) employees on the largest shift at maximum employment, or four (4) off-street parking spaces for each fire truck where no community room is a part of the building, whichever requires the greater number of parking spaces. Where a community meeting room is provided, two (2) off-street parking spaces for each fire truck plus one (1) off-street parking space for each one hundred (100) square feet of gross floor area.

4. Business and Office Uses.

A. **D1 Professional Service.** Professional service limited to offices of lawyers, clergymen, teachers, architects, engineers, insurance agents, and other similar services which do not involve the actual storage, exchange, or delivery of merchandise on the premises. Provided:

(1) Such use shall be carried on wholly indoors and within the principal building.

(2) There shall be no use of show windows nor displays visible from outside the premises to attract customers or clients.

(3) Minimum Parking Requirement: One (1) off-street parking space for every three hundred (300) square feet of gross floor area devoted to office use.

B. **D2 Medical Office.** Office or clinic for medical, optical or dental examination or treatment of persons as out-patients, including laboratories incidental thereto.

(1) Minimum Parking Requirement: One (1) off-street parking space for every one hundred fifty (150) square feet of floor area plus one (1) space per employee.

C. **D3 Business Service.** Business service is limited to banks and offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, provided the additional provisions of Use D1 Professional Service are met.

(1) Minimum Parking Requirement: One (1) off-street parking space for every three hundred (300) square feet of gross floor area devoted to office use.

D. **D4 Government Office.** Business service limited to governmental offices.

(1) Minimum Parking Requirement: One (1) off-street parking space for every three hundred (300) square feet of gross floor area devoted to office use.

E. **D5 Veterinary Office.** A place where animals are given medical or surgical treatment. Use as a kennel is prohibited except that animals or pets undergoing medical or surgical treatment may be housed if kept inside; use of the facility for boarding is prohibited (except for those undergoing medical treatment) unless the boarding facility meets all the requirements for the use A2 Kennel.

(1) A 10-foot buffer yard shall be located on-site and shall be placed along the perimeter of the Veterinary Office. Such buffer yard shall contain a 10-foot-wide planting screen in accordance with §27-717.9 of this Chapter.

(2) Minimum Parking Requirement: Four (4) off-street parking spaces for each doctor plus one (1) space for each employee.

F. **D6 Commercial School.** A trade, professional, music, gymnastics, art, dancing or other similar school providing instruction in a trade, in the arts, or other activities, and not including uses C2 School and C4 Day Care Center. Other schools not included in C2 or C4 shall be considered a Commercial School.

(1) Minimum Parking Requirement: One (1) off-street parking space per faculty member and employee, plus one (1) space per three (3) students in capacity at any one time.

5. Retail and Consumer Service Uses.

A. **E1 Retail or Service Business.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods; or establishments primarily engaged in providing services involving the care of a person or his or her apparel. Such use does not include an eating place or restaurant, motor vehicle gasoline station, or other use specifically designated in this Chapter as a separate use.

(1) Retail or Service Business should be designed to be compatible with the scale, design, and appearance of the borough's existing retail/service businesses.

(2) No individual business establishment shall exceed 5,000 square feet of first floor area.

(3) As an accessory activity, a Retail or Service Business may sell food or beverages to be consumed on the premises without table service, provided that such sales are subordinate to and incidental to the principal use or business, and that no more than four (4) tables with four (4) chairs at each

table shall be devoted to the consumption of food or beverages on the premises. This accessory use is not intended to allow for an E5 Restaurant or E6 Restaurant with Drive-Through or Take-out, in which the principal use is the preparation, service, and consumption of food. All requirements of the Bucks County Health Department for food and beverage service shall be met.

(4) No accessory food or beverage service shall occupy any part of the street right-of-way. No accessory food or beverage service shall occupy any part of the sidewalk area.

(5) No retail or service business shall contain a drive-through or drive-up window.

(6) Minimum Parking Requirement: One (1) off-street parking space for every three hundred (300) square feet of floor area devoted to customer and client use.

B. **E2 Large Retail or Service Business.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods; or establishments primarily engaged in providing services involving the care of a person or his or her apparel. Such use does not include an eating place or restaurant, motor vehicle gasoline station, or other use specifically designated in this Chapter as a separate use.

(1) Large Retail or Service Business should be designed to be compatible with the scale, design, and appearance of the borough's existing retail/service businesses.

(2) No individual business establishment shall exceed 15,000 square feet of first floor area.

(3) As an accessory activity, a Large Retail or Service Business may sell food or beverages to be consumed on the premises without table service, provided that such sales are subordinate to and incidental to the principal use or business, and that no more than four (4) tables with four (4) chairs at each table shall be devoted to the consumption of food or beverages on the premises. This accessory use is not intended to allow for an E5 Restaurant or E6 Restaurant with Drive-Through or Take-out, in which the principal use is the preparation, service, and consumption of food. All requirements of the Bucks County Health Department for food and beverage service shall be met.

(4) No accessory food or beverage service shall occupy any part of the street right-of-way. No accessory food or beverage service shall occupy any part of the sidewalk area.

(5) No retail or service business shall contain a drive-through or drive-up window.

(6) Minimum Parking Requirement: One (1) off-street parking space for every three hundred (300) square feet of floor area devoted to customer and client use.

C. **E3 Limited Personal Service.** Any premises where a personal service artist/operator does body piercing and/or tattooing, as defined below:

BODY PIERCING — The process of breaching the skin or mucous membrane for the purpose of insertion of any object, including but not limited to jewelry for cosmetic purposes.

PERSONAL SERVICE ARTIST/OPERATOR — One who engages in body piercing or tattooing.

TATTOO or TATTOOING — To mark or color the skin by pricking in, by subcutaneous introduction, nontoxic dyes or pigments so as to form indelible marks or figures or by production of scars.

(1) The building or structure of such use shall be located no less than one thousand five hundred (1,500) feet from any public or private school, place of worship, day care center, recreation facility, public park, or another personal service establishment.

(2) Services must be performed under sanitary conditions and in compliance with all federal, state and local regulations, rules and laws, if any, regulating such procedure.

(3) Such establishment must display notices as are required by Pennsylvania law regarding the necessity of parental consent before any procedure is performed on a minor.

(4) Minimum Parking Requirement: One (1) off-street parking space for every three hundred (300) square feet of floor area devoted to customer and client use.

D. **E4 Repair Shop.** A business for the repair of items including, but not limited to, home appliances, lawn mowers, bicycles, furniture, or other household or personal items, but specifically excluding automobile, vehicle, or motorcycle repairs.

(1) No facility shall be permitted which constitutes a danger to the community because of combustible, chemical, radioactive, or other hazardous materials.

(2) When guns are among the items which a repair shop fixes, such weapons shall be stored and secured in accordance with federal, and state laws and regulations, as well as any local regulations that the borough from time to time may choose to enact.

(2) Minimum Parking Requirement: One (1) off-street parking space for each four hundred (400) square feet of floor area.

E. **E5 Restaurant.** Eating place for the sale and consumption of food and beverages without drive-in or take-out service (service at table or sit down counter facilities only).

(1) Outdoor eating and food service is permitted as a use accessory to a restaurant use only where the requirements set forth in this ordinance for J10 Outdoor Eating Accessory to a Restaurant are met.

(2) All trash disposal areas shall be enclosed so as not to be visible from nearby residences and shall be closed to control odors.

(3) The sale of alcoholic beverages must be incidental to the sale and consumption of food.

(4) Minimum Parking Requirement: One (1) space per seventy-five (75) square feet of floor area used or intended to be used by patrons, plus one (1) additional space per employee.

F. **E6 Restaurant with Drive-Through or Take-out.** Eating place for the sale and consumption of food and beverage with drive-in or take-out service. Provided:

(1) A lot area of not less than 1 acre shall be required.

(2) A 10-foot buffer yard shall be located on-site and shall be placed along the perimeter of the Restaurant with Drive-Through or Take-Out. Such buffer yard shall contain a 10-foot-wide planting screen in accordance with §27-717.9 of this Chapter.

(3) The requirements of §§27-710 to 27-718 shall be met.

(4) Where a drive-through window is proposed, all requirements for use J11 Accessory Drive-through Facility shall be met.

(5) Outdoor eating and food service is permitted as a use accessory to a restaurant use only where the requirements set forth in this ordinance for J10 Outdoor Eating Accessory to a Restaurant are met.

(6) Trash receptacles shall be provided outside the restaurant for patron use. Trash receptacles shall be emptied at regular intervals.

(7) Outdoor collection stations shall be provided for garbage and trash removal. These stations shall be located to the rear of the structure and shall be screened from view and landscaped. Outdoor collection stations shall be emptied at regular intervals.

(8) Minimum Parking Requirement: One (1) off-street parking space for every two seats, or one off-street parking space for every 100 square feet of gross floor area, whichever requires the greater number of off-street parking spaces.

G. **E7 Tavern.** A bar, saloon or similar establishment which serves alcoholic beverages for on-premises consumption and is licensed by the Pennsylvania Liquor Control Board.

(1) The Borough Council shall be satisfied that the requirements of §§27-710 through 27-718 shall be met.

(2) The sale of food for consumption on the premises as an accessory use is permitted.

(3) Minimum Parking Requirement: One (1) off-street parking space for each fifty (50) square feet of total floor area devoted to patron use, plus one (1) additional off-street parking space for each full-time employee.

H. **E8 Mortuary or Funeral Home.** A building used for the preparation of the deceased and the display and ceremony connected therewith before burial or cremation, including an auditorium and temporary storage facilities, but not including a crematory, cemetery, columbarium, mausoleum or other permanent storage facility.

(1) Such use shall be carried on wholly indoors and within the principal building.

(2) There shall be no use of show windows nor displays visible outside the premises to attract customers or clients.

(3) Minimum Parking Requirement: One (1) off-street parking space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to

be used in the operation of the establishment, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee.

I. **E9 Commercial Entertainment, Recreational, or Sports Facility.** An indoor or outdoor recreational facility operated as a commercial venture with games, courts, fields, including indoor movie theaters, video gaming or pinball devices or arcades, billiard or pool halls, batting cages or miniature golf.

(1) Adequate measures to prevent noxious influences from disturbing nearby residential properties must be taken. All Commercial Entertainment, Recreational, and Sports Facilities shall meet the requirements for noise disturbance and sound level of §27-710.

(2) The requirements of §§27-711 through 27-718 shall be met.

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

J. **E10 Hotel, Motel, or Inn.** A building or group of buildings containing rooms for rent for the accommodation of transient guests. This use does not include other residential uses specifically provided for in this Ordinance nor does it include residential facilities for chronically ill or other persons who need institutional care due to illness, disability, or who are part of a criminal justice program.

(1) Hotels, Motels, and Inns may contain the following accessory facilities: eating place, tavern, conference and meeting rooms, exercise facilities, banquet rooms gift shops, entertainment or conference facilities, taverns, and newspaper or periodical stands.

(2) The use of any amenities provided at the hotel, motel, or inn, such as pools and exercise facilities, shall be restricted in use to the guests of the establishment.

(3) Minimum Parking Requirement: One (1) off-street parking space for each rental room or suite, plus one (1) space for each two (2) full-time employees. In addition, one (1) off-street parking space shall be required for each fifty (50) square feet of total floor area devoted to any banquet facilities, gift shops, entertainment or conference facilities, taverns, newspaper or periodical stands, or any other accessory use on the premises.

K. **E11 Vehicle Sales.** Establishments for the sale or lease of new or used cars, boats, motorcycles, trucks, trailers, farm machinery, or travel campers.

(1) All preparation, lubrication, repair and storage of parts shall be accessory to the principal use and shall be conducted within a building and must meet the requirements of Use F2 Motor Vehicle Service Center/Repair Shop and be located to the rear or side of the building containing the vehicle sales.

(2) Storage or display of automobiles, trucks, boats, and other vehicles for sale or lease shall be placed no closer to the ultimate street right-of-way line than 20 feet and shall be separated from the right-of-way by a landscaped strip, planted in accordance with §27-717 and which shall be interrupted only for vehicular exits and entrances.

(3) No vehicles other than those intended for sale or lease may be stored on the premises except those vehicles being repaired or serviced as part of an accessory use meeting the requirements of this use and use F2 Motor Vehicle Service Center/Repair Shop.

(4) The Vehicle Sales business office must have proof of ownership and/or registration for all vehicles on the premises for sale, lease, storage, repair or service.

(5) No parking space required for this use shall be used for the display of vehicles, equipment, or boats for sale.

(6) Parking areas for customers must be clearly delineated so as to separate them from display and storage areas.

(7) Minimum Parking Requirement: One (1) off-street parking space for each five hundred (500) square feet of gross floor area and one (1) off-street parking space for each five thousand (5,000) square feet of total outside vehicle display area, plus one (1) additional space for each employee.

L. **E12 Bed and Breakfast.** The use and occupancy of an existing single-family detached dwelling shall be permitted for accommodating transient guests for rent subject to the following additional conditions and restrictions.

(1) This use shall be restricted to dwellings which are located within the Historic District.

(2) No more than four (4) guest rooms may be provided.

(3) The minimum lot size shall not be less than twice the minimum lot area required for single-family detached dwellings in the zoning district in which the proposed bed and breakfast is located.

(4) The off-street parking spaces shall be located either to the rear or side of the main dwelling and screened from the adjacent properties in accordance with the buffer requirements in Section §27-717. No parking areas are permitted closer to the street than the front yard setback line or the front of the building.

(5) At least one (1) bathroom shall be provided for each two (2) guest rooms.

(6) External alterations, additions or changes to the exterior structure shall be minimized except where required by any governmental agency for safety reasons.

(7) The use shall be operated by members of the immediate family who must reside on the premises. Immediate family members shall be limited to parents, grandparents, siblings, sons and daughters.

(8) There shall be no separate kitchen or cooking facilities in any guest room.

(9) The maximum uninterrupted length of stay at a bed and breakfast shall be fourteen (14) days.

(10) The use of any outside amenities provided by the bed and breakfast such as swimming pool or tennis courts shall be restricted in use to guests of the establishment and shall be open for use only between the hours of 9:00 am and 10:00 pm. The serving of meals shall be restricted to the guests of the establishment.

(11) There shall be no use of show windows or display or advertising visible outside the premises to attract guests other than a single sign which complies with the sign regulations of this ordinance.

(12) A bed and breakfast may not be used for weddings, receptions, meetings, or other special events that involve people who are not guests at the bed and breakfast.

(13) Minimum Parking Requirement: One (1) off-street parking space for each guest room, in addition to those required for the principal use.

M. **E13 Convenience Store.** A retail store offering primarily groceries, prepared food items, and other small consumer items intended for quick, carry-out trade. The following conditions must be met:

(1) A convenience store should be designed to be compatible with the scale, design, and appearance of the borough's existing retail/service businesses.

(2) No convenience store shall exceed 5,000 square feet of first floor area.

(3) No drive-up windows or drive-through facilities are permitted.

(4) Trash receptacles shall be provided outside the store for patron use. Trash receptacles shall be emptied at regular intervals.

(5) Outdoor collection stations shall be provided for garbage and trash removal. These stations shall be located to the rear of the structure and shall be screened from view and landscaped. Outdoor collection stations shall be emptied at regular intervals.

(6) No sale of gasoline or motor fuels is permitted as a principal or accessory use.

(7) Minimum Parking Requirement: One (1) off-street parking space for every one hundred fifty (150) square feet of floor area devoted to customer and client use, plus one (1) additional off-street parking space for each employee.

N. **E14 Sale of Fireworks.** Facilities engaged in the sale of fireworks and related apparatus.

(1) The facility shall be licensed by the Department of Agriculture in accordance with the licensing requirements as set forth by the Commonwealth of Pennsylvania.

(2) The facility shall be in a standalone building and shall be no larger than 12,000 square feet, from which no other uses shall be permitted.

(3) Temporary structures including but not limited to tents, canopies and/or travel trailers may not be erected or used for the sale and/or storage of fireworks.

(4) Storage areas shall be separated by appropriately rated fire separation from wholesale or retail sale areas to which a purchaser may be admitted.

(5) The facility shall be located no closer than two hundred-fifty (250) feet from any facility selling or dispensing gasoline, propane or other such flammable products.

(6) The facility shall be located no closer than one thousand five hundred (1,500) feet from any facility licensed to sell consumer fireworks.

(7) The facility shall not be located within one thousand five hundred (1,500) feet of any premises licensed by the Pennsylvania Liquor Control Board for the sale of alcoholic beverages.

(8) The facility shall not be located within one thousand five hundred (1,500) feet of any public park, recreation facility, public or private school or day care facility.

(9) The facility shall have a monitored burglar and fire alarm system.

(10) The hours of operation shall be no earlier than 9:00 a.m. and no later than 10:00 p.m. prevailing time.

(11) The facility shall be served by public water and sewer.

(12) The facility shall comply in all respects with the requirements and standards established by local, state, and federal law and especially those established in the "Fireworks Law", the "Pennsylvania Construction Code Act" and the "Pennsylvania Uniform Construction Code Act" as enacted and amended from time to time by the General Assembly of the Commonwealth of Pennsylvania.

(13) Minimum Parking Requirement: One (1) off-street parking space for every three hundred (300) square feet of floor area devoted to customer and client use.

O. **E15 Adult Commercial Use.** An adult business as defined in Chapter 13, Part 1 Adult Oriented Entertainment in the Code of Ordinances, Hulmeville Borough.

(1) This use shall comply with Chapter 13, Part 1 Adult Oriented Entertainment.

(2) The building or structure of such use shall be located no less than five hundred (500) feet from any public or private school, place of worship, day care center, recreation facility, public park or any other religious, institutional, or educational use.

(3) No such use shall be located within two thousand (2,000) feet of another Adult Commercial Use.

(4) No such use shall be located within the Historic District.

(5) Minimum Parking Requirement: One (1) off-street parking space for each one hundred (100) square feet of gross area used or intended to be used for servicing customers, plus one (1) additional space for every two (2) employees.

6. Automotive Service Uses.

A. **F1 Gasoline Service Station.** A facility whose function is the sale of gasoline and other fuels for motor vehicles. Minor automobile accessories and food and beverage items may also be sold, subject to the limitations of this Ordinance. Routine automobile service and inspections may be performed and may include lubricating, repairing or otherwise servicing motor vehicles but shall not include painting, body, fender and frame repairs, complete recapping or retreading of tires, or outdoor storage and sales of motor vehicles. This use is distinguished from and does not include a F2 Motor Vehicle Service Center/Repair Shop where automobile parts and accessories are sold and installed within the facility but where there is no fuel sales. Any facility which provides for gasoline or fuel sales directly to retail customers shall be considered to be a F1 Gasoline Service Station and shall meet the requirements of this use and shall only be permitted in the zoning districts where this use is permitted.

(1) All activities except those to be performed at the fuel pump shall be performed within a completely enclosed building.

(2) Fuel pumps shall be at least twenty (20) feet from any street right-of-way.

(3) All automobile parts, dismantled vehicles, and similar articles shall be stored within a completely enclosed building.

(4) Vehicles awaiting repairs shall not be stored outdoors for more than five (5) days. A work order must be present for each vehicle stored outdoors.

(5) No junk vehicles or vehicles without a valid registration shall be stored in the open at any time unless awaiting repairs.

(6) All fuel tanks shall be placed underground.

(7) All underground storage tanks, associated pumps and piping, and leak detection systems shall be designed and constructed using “state of the art” industry standards and meet all state design requirements. The leak detection system shall be a continuous automated system.

(8) The applicant shall present a plan to demonstrate the methods by which any underground leaks or spills of liquids will be continuously monitored and contained and shall also demonstrate that the stormwater management system is designed to capture volatile organic compounds, oils, and solids. The applicant shall also provide to the Borough a copy of a maintenance agreement setting forth the terms for the management of the facilities.

(9) This use shall not be permitted within 1,000 feet of any pre-existing public or private drinking water supply source.

(10) Convenience commercial floor area, for the sale of minor automobile accessories and food and beverage items, shall be limited to 800 square feet of floor area.

(11) No drive-through facilities are permitted for the sale of convenience items.

(12) Minimum Parking Requirement: One (1) off-street parking space for every three hundred (300) square feet of gross floor area, or two (2) off-street parking spaces for each service bay, whichever is larger, plus one (1) space for each employee. Off-street parking spaces are not to be part of, nor interfere with, the accessways to the pumps.

B. **F2 Motor Vehicle Service Center/Repair Shop.** An establishment where motor vehicle parts and accessories are sold and facilities where parts may be installed; an automobile repair garage, including paint spraying and body and fender work.

(1) All repair, installation of parts, and paint work shall be performed within an enclosed building.

(2) All automobile parts, refuse, and similar articles shall be stored within a building or enclosed area screened from view from the street or surrounding properties in accordance with the buffer requirements of this Chapter.

(3) No vehicle shall be stored in the open awaiting repairs for a period exceeding five (5) consecutive days. A work order must be present for each vehicle stored outdoors. All vehicle storage areas shall be screened from all adjacent roads and properties by a solid fence or compact hedge at least eight (8) feet in height.

(4) No junk vehicles or vehicles without a valid registration shall be stored in the open at any time.

(5) No sale of fuel to retail customers is permitted. There shall be no fuel pumps.

(6) A 20-foot buffer yard shall be located on-site and shall be placed along the perimeter of the Motor Vehicle Service Center/Repair Shop. Such buffer yard shall contain a 15-foot-wide planting screen in accordance with §27-717.9 of this Chapter.

(7) Minimum Parking Requirement: One (1) off-street parking space for every two hundred (200) square feet of floor area devoted to retail activities, plus four (4) off-street parking spaces for each service bay, plus one (1) space for each employee. Spaces within service bays shall not be used to meet off-street parking requirements.

C. **F3 Salvage.** The sale or storage of salvaged automotive accessories, parts, tires, and other vehicle salvage activities including the dismantling and storage of vehicles and vehicle parts. This use will include sale, storage, and salvage of other junk materials in addition to automotive accessories, parts, etc. The deposit or storage of two or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, except farm vehicles, or two or more wrecked or broken vehicles, or the major parts of two or more such vehicles, shall be deemed to make the lot a salvage use, except for that associated with a F1 Gasoline Service Station or F2 Motor Vehicle Service Center/Repair Shop.

(1) All activities associated with this use shall be performed within a completely enclosed building.

(2) The requirements of §§27-711 through 27-718 of this Ordinance shall be met.

(3) A 30-foot buffer yard shall be located on-site and shall be placed along the perimeter of the Salvage. Such buffer yard shall contain a 25-foot-wide planting screen in accordance with §27-717.9 of this Chapter.

(4) Minimum Parking Requirement: One (1) off-street parking space for each two hundred (200) square feet of floor area devoted to retail sales, plus one (1) off-street parking space for each employee on the largest shift.

D. **F4 Car Wash.** An automated or self-serve facility for washing motor vehicles.

(1) The applicant shall provide plans and studies to indicate that adequate parking and stacking, ingress and egress, and internal circulation at hours of peak use are met. All parked and waiting vehicles shall be accommodated on the lot.

(2) Car washing facilities shall use a water recycling system, which shall meet all local, state and federal requirements or standards, including the removal and proper disposal of suspended particulates.

(3) Trash receptacles shall be provided for patron use. Outdoor collection stations shall be provided for garbage and trash removal. These stations shall be located to the rear of the structure and shall be screened from view and landscaped.

(4) A car wash may be permitted as an accessory use to use F1 Gasoline Service Station.

7. Transportation Facilities.

A. **G1 Public Transportation Facility.** A transportation facility used for the pickup and drop off of passengers including the storage and maintenance of vehicles, and office and passenger waiting areas normally and customarily related to the use. This use may also include the storage and maintenance of school buses and similar vehicles primarily used for the transportation of students to school.

(1) A 20-foot buffer yard shall be located on-site and shall be placed along the perimeter of the Public Transportation Facility. Such buffer yard shall contain a 15-foot-wide planting screen in accordance with §27-717.9 of this Chapter.

(2) Minimum Parking Requirement: Off-street parking spaces as the Borough Council shall determine adequate to serve customers, patrons, visitors, employees and vehicles normally on the premises.

8. Utilities.

A. **H1 Communication Facility.** Communication facility including telephone or telegraph exchange, microwave relay station, and radio or television broadcasting studio, provided that in C District such uses shall not include the storage of materials, trucks or repair facilities, or the housing of repair crews.

(1) Minimum Parking Requirement: Two (2) off-street parking spaces at each terminal or substation plus one (1) space for each full-time employee.

B. **H2 Utilities.** Facilities that provide services rendered by a public utility, corporation, municipality or municipal authority, that is regulated in whole or in part by the Public Utility Commission; such services include, but are not limited to, electricity, gas, telephone, communications, water, sewerage and bulk pipelines. A utility use shall include appurtenances used in connection with the supplying of such services, including but not limited to buildings, pedestals, cables, wires, pipes, poles, transformer stations, pumping stations, and electric substations, but does not include incinerators, telecommunications facilities, or public or private landfills.

(1) Except in the C Commercial and I Industrial zoning districts, no public business office shall be operated in connection with the utility.

(2) A 20 foot buffer yard shall be provided along all property lines except in the C Commercial District and I Industrial District.

(3) In no district shall any storage yard, storage building, transformer station, or electrical substation be operated in connection with such use, unless such facility is essential to service customers in the district in which it is located.

(4) All transmission lines shall be underground.

(5) All transmission or relay towers shall follow the maximum height and setback regulations for cellular telecommunication facilities (Use H5). For water storage facilities and private broadcast facilities (not licensed by the Federal Communications Commission – such as amateur radio operators) the maximum height shall be determined by the Planning Commission and the Borough Council in accordance with the needs of the facility as well as the need to protect community safety and appearance.

(6) The following minimum setbacks from all property lines shall be provided unless the Public Utility Commission requires a greater dimension:

Water Storage Facility	1.5 times the height
Public Utility and/or Municipal Well Facility	40 feet
Public Utility and/or Municipal Sewer Pumping Station	40 feet
Public Utility and/or Municipal Water Treatment Facility	100 feet
Public Utility and/or Municipal Water Pumping Station	20 feet
Public Utility and/or Municipal Sewage Treatment Plant	200 feet
Public Utility and/or Electrical Substation	100 feet
All other uses	50 feet

(7) Minimum lot sizes shall be adequate to accommodate the above setbacks, parking requirements and other building requirements where such facilities are located on an individual lot.

(8) No parking shall be permitted within the required setbacks, except for transmission/relay towers and water storage facilities.

(9) Minimum Parking Requirement: To be determined by the Borough Council based upon use.

C. **H3 Telecommunications Antenna.** A device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without

limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas. In addition to all other requirements for a conditional use, the applicant shall demonstrate compliance with all of the following criteria:

(1) Building mounted Telecommunications Antennas shall not be located on any residential dwelling.

(2) Building mounted Telecommunications Antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than twenty (20) feet.

(3) Omnidirectional or whip Telecommunications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

(4) Directional or panel Telecommunications Antennas shall not exceed five (5) feet in height and three (3) feet in width.

(5) Any applicant proposing Telecommunications Antennas 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 antenna location.

(6) Any applicant proposing Telecommunications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the appropriate Borough official(s), with the Borough building code and other applicable laws.

(7) Any applicant proposing Telecommunications Antennas 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 antennas are to be mounted so that installation and maintenance of the antennas can be accomplished.

(8) The applicant shall establish, by competent evidence, including engineering data, under seal where appropriate, that the proposed Antennas comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic fields and/or radiation.

(9) The owner or operator of the Antenna shall either exhibit a license issued by the Federal Communications Commission to operate such or demonstrate why such license is not required. The applicant shall also provide the Borough with a true and correct copy of a construction permit issued by the Federal Communications Commission prior to the issuance of a Borough building permit.

(10) An Antenna shall not cause radio frequency interference with any other communications facilities located in Hulmeville Borough.

(11) The applicant shall provide engineering data as to the type, quantity, operating frequencies, gain and radiated power for the Antennas, location on the mounting building or structure, and quantity and types of transmitters and receivers proposed to be installed on the site.

(12) Any applicant proposing Antennas to be mounted on a building or other structure shall employ all means, and present substantial evidence of same, to blend and integrate the proposed Communications Antenna into the fabric and background of the building or other structure and surrounding buildings, structures or properties to give the appearance that the Communications Antenna is a natural part or extension of the building or structure.

(13) An applicant for a telecommunications tower, facility or antenna shall submit a study indicating that the facility will provide telecommunications service in an area that is not served by any telecommunications system or carrier at the time of the application. No telecommunications or communications facility will be permitted to be erected if service or coverage is available through another provider.

(14) No telecommunications tower, antenna, facility, or building is permitted in the Hulmeville Borough Historic District.

D. **H4 Telecommunications Equipment Building.** The unmanned building or cabinet containing communications equipment required for the operation of telecommunications Antennas and covering an area on the ground not greater than 250 square feet. A Telecommunications Equipment Building shall always be accessory to a Telecommunications Antenna or a Telecommunications Tower, and shall be restricted to maintenance personnel only. In addition to all other requirements for a conditional use, the applicant shall demonstrate compliance with all of the following criteria:

(1) A Telecommunications Equipment Building shall be subject to the height, setback and yard requirements of the applicable zoning district for an accessory structure.

(2) The location of the Telecommunications Equipment Building shall comply with all natural resource protection standards of this ordinance.

(3) The applicant shall provide reasonable access to the Telecommunications Equipment Building. Where feasible, access shall be taken over existing driveways and easements. The applicant shall maintain the access and shall insure that no mud or dirt is conveyed onto public roads.

(4) All Telecommunications Equipment Buildings shall be surrounded by a security fence of not less than eight (8) feet in height to limit accessibility by the general public.

(5) All Telecommunications Equipment Buildings shall have buffer planting located around the perimeter of the security fence consisting of an evergreen screen of either a hedge (minimum four (4) feet height), planted three (3) feet on center maximum, or a row of evergreen trees (minimum six (6) feet height planted ten (10) feet on center maximum. Existing vegetation shall be preserved to the fullest extent possible.

(6) One (1) off-street parking space shall be provided for each Equipment Building.

(7) An applicant for a communications tower, facility or antenna shall submit a study indicating that the facility will provide telecommunications service in an area that is not served by any telecommunications system or carrier at the time of the application. No telecommunications or communications facility will be permitted to be erected if service or coverage are available through another provider.

(8) Historic Properties, Lots, Buildings and/or Structures. – No Communications tower, antenna, facility, or building is permitted in the Hulmeville Borough Historic District.

E. **H5 Telecommunications Tower.** A structure other than a building used or intended to be used to support Telecommunications Antennas. Examples of such structures include monopoles, lattice construction steel structures, and self-supporting or guyed towers. In addition to all other requirements for a conditional use, the applicant shall demonstrate compliance with all of the following criteria:

(1) Applicants erecting a new Telecommunications Tower shall agree to permit co-locations on the towers at usual and customary rates for co-locations. Owners of existing Telecommunications Towers shall permit co-locations of additional Telecommunications Antennas if structurally and technically possible.

(2) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower and, if applicable, an Antenna. The applicant shall further demonstrate that it has registered its Telecommunications Tower with the Federal Communications Commission.

(3) The applicant shall demonstrate that the proposed Telecommunications Tower and Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic fields and/or radiation.

(4) The applicant shall demonstrate that the proposed Tower complies with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.

(5) Any applicant proposing construction of a new Telecommunications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Antennas on an existing building, structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable structures within a one-half (1/2) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

c. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

d. The addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation and/or fields.

e. A commercially reasonable agreement could not be reached with the owner of such structures. Applicant shall provide written

reports or evidence that a good faith effort was made and that co-location was not possible.

(6) The applicant shall provide reasonable access to the Telecommunications Tower. Where feasible, access shall be taken over existing driveways and easements. The applicant shall maintain the access and shall ensure that no mud or dirt is conveyed onto public roads.

(7) A Telecommunications Tower may be located on a lot occupied by other principal structures or buildings and may occupy a leased parcel within a lot meeting minimum lot size requirements for the zoning district.

(8) The applicant shall demonstrate that the proposed height of the Telecommunications Tower is the minimum height necessary to perform its function. The Borough Council shall have the right to impose a condition on any approval that the Telecommunications Tower be constructed in such a way that its height can be extended to accommodate other users.

(9) The maximum height of any Telecommunications Tower including antennas attached thereto shall not exceed one hundred fifty (150) feet.

(10) The foundations and base of any Tower shall be set back from any property line a distance equal to at least the height of the tower.

(11) The base of a Telecommunications Tower shall be landscaped so as to screen the foundation and base and Telecommunications Equipment Building, if any, from abutting properties.

(12) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Telecommunications Tower 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.

(13) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Telecommunications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1,000,000.00 per occurrence and property damage coverage in the minimum amount of $1,000,000.00 per occurrence covering the Telecommunications Tower, Telecommunications Antennas and Telecommunications Equipment Building, if any, naming the Borough of Hulmeville as an additional insured thereon.

(14) All guy wires associated with guyed Telecommunications Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

(15) The site of a Tower shall be secured by a security fence with a maximum height of not less than eight (8) feet in height to limit accessibility by the general public.

(16) No signs or lights shall be mounted on a Telecommunications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

(17) Telecommunications Towers shall be protected and maintained in accordance with the requirements of Hulmeville Borough's building code, as amended.

(18) If a Telecommunications Tower remains unused (i.e. no antenna mounted on the tower receives or transmits signals) for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Tower within six (6) months of the expirations of such twelve (12) month period.

(19) At the time of filing a building permit application for a Telecommunications Tower, the applicant shall post a bond or other financial security to cover the cost of dismantling the Telecommunications Tower if such dismantling is, at any time, necessary.

(20) Following a final determination that a Telecommunications Tower is in violation of the applicable Hulmeville Borough building, fire prevention, property maintenance or other applicable code or ordinance, the Borough, following ninety (90) days prior written notice to the applicant, may use and/or call the bond posted pursuant to subsection 19 above, to dismantle the Telecommunications Tower.

(21) Any applicant proposing a new Telecommunications Tower shall employ all means, and present substantial evidence of same, to disguise the proposed Tower to give the appearance of a tree, windmill or other structure which in the opinion of Hulmeville Borough Council, is most appropriate for the proposed location.

(22) An applicant for a telecommunications tower, facility or antenna shall submit a study indicating that the facility will provide telecommunications service in an area that is not served by any telecommunications system or carrier at the time of the application. No telecommunications or

communications facility will be permitted to be erected if service or coverage are available through another provider.

(23) Historic Properties, Lots, Buildings and/or Structures. – No telecommunications tower, antenna, facility, or building is permitted in the Hulmeville Borough Historic District.

(24) Minimum Parking Requirement: Two (2) off-street parking spaces shall be provided within or outside the fenced area.

9. Industrial Uses.

A. **I1 Building Materials Sales.** Establishments such as lumber yards and those offering for sale finished products used in building and construction. This use does not include a home improvement center where other types of products and goods are sold. This use is limited to the sale of wood and lumber and ancillary woodworking products, but does not include consumer, household or electronic products.

(1) The storage provisions of use J5 Outside Storage or Display shall be met.

(2) The requirements of §§27-710 to 27-718 shall be met.

(3) Minimum Parking Requirement: Three (3) off-street parking spaces for every four (4) employees on the largest shift, but in no case less than one (1) off-street parking space for each five hundred (500) square feet of total floor area, plus one (1) off-street parking space for each company vehicle normally stored on the premises.

B. **I2 Wholesale Trade.** Establishments engaged primarily in the selling of merchandise to retailers, to industrial, commercial, and institutional users, or to other wholesalers, and which render services incidental to the sale of merchandise.

(1) The storage provisions of use J5 Outside Storage or Display shall be met.

(2) The requirements of §§27-711 to 27-718 shall be met.

(3) No explosive, toxic, radioactive, corrosive, or highly flammable or combustible materials and chemicals shall be stored on the premises.

(4) Minimum Parking Requirement: Three (3) off-street parking spaces for every four (4) employees on the largest shift, but in no case less than one (1) off-street parking space for each 500 square feet of total floor area, plus one (1) off-street parking space for each company vehicle normally stored on the premises.

C. **I3 Warehousing and Distribution.** A commercial building for storage of goods or merchandise used by manufacturers, importers, exporters, wholesalers, transport businesses, customs, etc. They may provide loading docks to load and unload trucks. They also may employ cranes and forklifts for moving goods.

(1) No explosive, toxic, radioactive, corrosive, or highly flammable or combustible materials and chemicals shall be stored on the premises.

(2) No retail sales are permitted in association with this use.

(3) Tractor trailers, cargo boxes, or other vehicles or structures meant to be transportable shall not be permitted to be used as accessory buildings for storage.

(4) Minimum Parking Requirement: One (1) off-street parking space for every employee on the largest shift, plus one (1) space for each company vehicle normally stored on the premises.

D. **I4 Light Manufacturing.** Facilities for the production, processing, cleaning, testing of materials, goods, foodstuffs and products. The provisions of this use shall not include the craftsman or artisan operating a small business in accordance with use E1 Downtown Retail or Service Business.

(1) The requirements of §§27-711 to 27-718 shall be met.

(2) Minimum Parking Requirement: Three (3) off-street parking spaces for every four (4) employees on the largest shift, but in no case less than one (1) off-street parking space for each five hundred (500) square feet of total floor area, plus one (1) off-street parking space for each company vehicle normally stored on the premises.

E. **I5 Research.** Scientific, biomedical, or industrial research, testing or experimental laboratory or similar establishment for research or product development.

(1) No research facility shall be permitted which constitutes a danger to the community because of medical or biological wastes, combustible, chemical, or radioactive materials.

(2) No research facility shall be a commercial production facility.

(3) Minimum Parking Requirement: Three (3) off-street parking spaces for every four (4) employees on the largest shift, but in no case less than one (1) off-street parking space for each five hundred (500) square feet of total floor area, plus one (1) off-street parking space for each company vehicle normally stored on the premises.

F. **I6 Contractor Services.** Contractor offices and shops for businesses that provide services related to excavating, building construction, cement, masonry, painting, roofing, siding, landscaping, paving, Heating Ventilation, and Air Conditioning (HVAC), plumbing, electrical, carpentry, or uses of similar nature.

(1) The requirements of §§27-711 to 27-718 shall be met.

(2) Outside storage shall meet the requirements of J5 Outside Storage or display.

(3) Minimum Parking Requirement: One (1) space per employee vehicle on-site during daytime hours, one (1) space per company vehicle to be stored on the premises, and one (1) space per two hundred (200) square feet of floor area designated for office use.

10. Accessory Uses.

A. **J1 Home Occupation.** A customary home occupation is an accessory use that shall be clearly subordinate to the existing residential use of the property.

(1) General Standards: The following shall apply to all home occupations:

(a) A home occupation must be conducted within a single-family dwelling which is the bona fide residence of the principal practitioner, or in an existing accessory structure thereto which is normally associated with a residential use.

(b) The amount of floor area devoted to this home occupation, whether within the principal structure or an existing accessory structure, shall not be more than twenty-five (25) percent of the ground floor area of the principal residential structure or six hundred (600) square feet, whichever is less.

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

(d) One sign is permitted per residential dwelling unit providing that it is no larger than four (4) square feet bearing only the name, occupation (words only) and office hours of the practitioner. In addition, it shall not be illuminated or placed in a window.

(e) Only one (1) commercial vehicle is permitted per home occupation, except as provided in the regulations governing Lawn Care Service and Trades Business. All commercial vehicles shall be parked on-lot.

(f) Off-street parking spaces are not permitted in the front yards. A ten (10) foot driveway providing access to parking areas in the side or rear of the property may be located in the front yard. All off-street parking areas must be located at least ten (10) feet from any property line. All off-street parking areas which contain more than three (3) spaces, must comply with the buffer and screening requirements of this Chapter.

(g) There shall be no exterior storage of equipment, materials or refuse resulting from the operation of the home occupation. There shall be no exterior storage of equipment on trailers, either attached or unattached to commercial vehicles.

(h) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, dust or electrical interference detectable to the normal senses off of the lot. No equipment or process shall be used which creates visible or audible interferences in any radio or television receivers off of the premises.

(i) There shall be no retail sales of goods permitted from any home occupation other than that provided in the regulations governing Home Crafts.

(j) No more than four (4) ingress/egress service vehicle trips per day for servicing equipment or providing supplies and materials shall be permitted.

(k) More than one home occupation may be permitted on a single lot by Special Exception in accordance with Section 1206.

(2) The following uses are permitted as Home Occupations subject to the following additional conditions:

(a) Professional Offices. A professional office is a service oriented business use conducted within an enclosed building specifically designed for the functional needs of the use, wherein the professional services of the practitioner is the salable commodity offered to the client. Professional offices include but are not limited to, the following: Office facility of a salesman, sales representative or a manufacturer's representative, office facility of an architect, land planner, engineer, broker, dentist, doctor, psychiatrist,

insurance agent, land surveyor, lawyer, musician, real estate agent, or accountant. Office facility of a minister, rabbi, or priest providing that the office is open to the public and/or congregation.

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

[1] No more than two (2) persons, other than members of the immediate family, may be employed on site. Immediate family members shall be limited to parents, grandparents, siblings, sons and daughters.

[2] A professional office use must have frontage on and access to either an arterial or collector road.

[3] In addition to the off-street parking spaces required in this Chapter for the particular residential use concerned, a professional office shall provide one (1) off-street parking space for each employee, plus one (1) additional space for each two hundred (200) square feet of office space. A maximum of six (6) off-street parking spaces are permitted on one lot, inclusive of the required residential parking.

(b) Instructional Services. An instructional service is a home occupation in which the practitioner provides the client with special instruction in a specific area of study. The conduction of this home occupation should not require a room or series of rooms specifically designed for that purpose.

(i) Where the construction of a particular physical environment, such as a classroom or studio, is deemed necessary in order to establish or conduct the home occupation, such use shall comply with the standards specified for professional offices, with the exception of off-street parking and employee requirements in which case this Section is applicable:

[1] Instructional services involving musical instruments or more than one (1) student at a time are permitted in single-family detached residences only. Instructional services involving only one (1) student at a time and no musical instruments are permitted in any dwelling type.

[2] Instructional services involving musical instruments are prohibited between the hours of 10:00 PM and 7:00 AM.

[3] No persons shall be employed other than the members of the immediate family. Immediate family members shall be limited to parents, grandparents, siblings, sons and daughters.

[4] No more than four (4) students shall be permitted to receive instruction at any one time.

[5] In addition to the off-street parking spaces required in this chapter for the particular residential use concerned, an instructional service shall provide one (1) off-street parking space per two (2) students being instructed at any one time. A maximum of four (4) off-street parking spaces are permitted on one (1) lot inclusive of residential parking.

(c) Home Crafts. Home crafts are activities whereby the commodity is completely manufactured on the site by the resident craftsman. Home crafts may include, but are not limited to, the following: artists, sculptors, woodworkers, bakers, dressmakers, seamstresses and tailors; and include such activities as model making, rug weaving and lapidary work.

(i) Home crafts are permitted only in single-family detached dwellings.

(ii) No more than one (1) person other than members of the immediate family may be employed. Immediate family members shall be limited to parents, grandparents, siblings, sons and daughters.

(iii) In addition to the off-street parking spaces required in this chapter for the particular residential use concerned, a Home Craft shall provide one (1) off-street space per three hundred (300) square feet of gross floor area used for the home occupation. A maximum of four (4) off-street parking spaces are permitted on one lot inclusive of the required residential parking.

(iv) There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than passenger motor vehicle or by

parcel or letter carrier mail service using vehicles typically employed in residential deliveries.

(d) Family Day Care Home. Family day care home is a facility in which care is provided for one (1) or more, but less than seven (7) children at any one time where the child care areas are being used as a family residence.

(i) Prior to granting of a permit by the Zoning Officer, the applicant must obtain a license from the Department of Public Welfare, Bureau of Child Development Programs. Licensure is certification of compliance with all applicable provisions of the Department of Public Welfare's Social Services manual by this Department to the Applicant subject to licensure under the Public Welfare Code and/or other applicable regulations. It shall be the affirmative obligation of the owner and operator of a family day care home to provide, annually, proof to the Borough that the registration certificate or license is valid for each year.

(ii) All Family Day Care Homes shall be subject to the following additional provisions:

[1] The use shall be conducted in a building designed for residential occupancy and for the safety and well-being of the occupants.

[2] A minimum outdoor play area of three hundred and fifty (350) square feet of contiguous area shall be provided as a recreational area for each child. This area shall not include any impervious surface or parking areas.

[3] Family Day Care Homes are only permitted as an accessory use to a single-family home.

[4] If a Family Day Care Home is located adjacent to a non-residential use, a parking lot or on a street classification higher than a local residential or marginal access street, the outdoor play area must be enclosed by an unclimbable, self-latching, and self-closing fence which is deemed appropriate by the Borough. In addition, when a Family Day Care Home fronts on a collector or arterial street the outdoor play area should be located to the side or rear of the property.

[5] No more than one (1) person other than members of the immediate family may be employed. Immediate family members shall be limited to parents, grandparents, siblings, sons and daughters.

[6] In addition to the off-street parking required for a single-family dwelling at least one (1) additional off-street parking space is required for each employee, plus one additional space for drop-off. All parking areas in excess of three (3) spaces must be screened.

(e) Lawn Care Service. Use of residential property by a resident as a base of operations for a lawn and yard care service, but not including the conduct of any phase of the business except for record-keeping. This does not include excavation, grading, or construction businesses or construction contracting. The following requirements shall be met:

(i) Vehicles parked on the property shall be limited to vehicles and equipment typically used for lawn care and landscaping business but shall not include large construction equipment typically used in grading, earthmoving, and construction, as opposed to lawn care work.

(ii) A maximum of three (3) commercial vehicles shall be permitted per lawn care service with no more than a total of three (3) commercial vehicles permitted per residential dwelling unit in which this home occupation is housed.

(iii) Employees of the business: No more than one (1) employee, other than the resident of the property, shall be permitted to be employed on site.

(iv) Yard waste and debris: No yard waste or debris may be brought to or stored on the site of the lawn care service.

(v) This use is also permitted as an accessory use to A1 Agricultural Use and A4 Nursery.

(f) Personal Services. Personal services are businesses including, but not limited to, barbers, beauticians or photographers.

(i) Beauty parlors and barber shops may be permitted provided no more than two (2) beauty parlor or barber chairs are proposed.

(ii) No more than one (1) person, other than resident members of the immediate family, may be employed. Immediate family members shall be limited to parents, grandparents, siblings, sons and daughters.

(iii) Parking: In addition to the off-street parking spaces required in this chapter for the particular residential use concerned, a personal services use shall provide one (1) off-street parking space for each employee, plus one (1) additional space for each two hundred (200) square feet of space devoted to this use. A maximum of six (6) off-street parking spaces are permitted on one (1) lot, inclusive of the required residential parking.

(g) Trades Business. Trades businesses involve the use of a residence as a base of operations for the business, but not including the conduct of any phase of the trade on the property. The residence must be the owner's primary residence, and he/she must reside on the property. Trades included in this home occupation use include, but are not limited to, electrician, plumber, carpenter, mason, painter, and roofer.

(i) Barns and outbuildings may be used for a trade business.

(ii) No more than four (4) employees other than members of the immediate family currently residing at the residence may be employed on site. Immediate family members shall be limited to parents, grandparents, siblings, sons and daughters.

(iii) A maximum of three (3) commercial vehicles shall be permitted.

(iv) All commercial business vehicles and materials must be stored within a building. There shall be no outside storage of materials or equipment of any kind or refuse.

(v) No assembling, manufacturing, processing or wholesale or retail sales shall be conducted on the property.

(vi) Parking: No on-street parking of any kind may be associated with this use. In addition to the off-street parking

spaces required for the residential use concerned, a trades business use shall provide one (1) off-street parking space for each employee with a maximum of four off-street parking spaces related to the trade business.

(viii) The property must comply with the applicable impervious surface ratio for the district in which the use is located.

(h) Repair Service. Repair services are repair shops for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines and other goods not including automobile, truck and motorcycle repairs.

(i) No additional people other than resident members of the family may be employed.

(ii) For repair services involving the repair of firearms, a safe or other secure facility shall be provided on the premises for the storage of such weapons while they are undergoing repair.

(iii) Parking: In addition to the off-street parking spaces required in this chapter for the particular residential use concerned, a repair service use shall provide one (1) off-street space per three hundred (300) square feet of space devoted to this use.

B. **J2 Residential Accessory Building, Structure or Use.** Residential accessory building**,** structure or use including, but not limited to:

(1) Spaces for the parking of passenger automobiles; but excluding parking of commercial vehicles other than vehicles of classes 1 to 4 of the Pennsylvania Bureau of Motor Vehicles and Licensing Fee Schedule that are needed in the work of residents of the principal building, are completely enclosed within a building, or are not visible from the dwellings of immediately adjacent neighbors, or are substantially screened from dwellings of such adjacent neighbors, and also excluding repairs, sale of gas, and other such commercial uses.

(2) Fences and Walls.

(a) The maximum height for any fence or wall or combination of a fence and wall shall be six (6) feet.

(b) No fences or walls may be placed in the right-of-way or in drainage easements or swales but may occupy required yard areas.

(c) If there is an unfinished side to a fence, the finished side must face out toward adjoining properties or the street and the unfinished side must face inward toward the lot being fenced.

(3) Garages, sheds, bathhouses, greenhouses, barns, backyard play equipment, carports or similar structures.

(a) One (1) detached garage or carport for the parking of motor vehicles is permitted per residential lot.

(b) Required setbacks from lot lines for buildings or structures with a floor area less than 150 feet:

Front - distance equal to front yard setback for principal building
Side - 3 feet
Rear - 3 feet

(c) Required setbacks from lot lines for buildings or structures with a floor area of 151 - 400 square feet:

Front - distance equal to front yard setback for principal building
Side - 5 feet
Rear - 10 feet

(d) Required setbacks from lot lines for buildings or structures with a floor area of more than 400 square feet: same as the setback requirements for principal buildings in the district in which the building or structure is located, unless the access to the structure is provided via an alley in a B4 Traditional Neighborhood Development, in which case the required setbacks shall be established pursuant to the B4 Traditional Neighborhood Development plan.

(e) Maximum height of any accessory structure: 20 feet

(4) Private swimming pool wherever constructed as a stationary or permanent structure or wherever temporarily erected for use. Refer to §27-407.

(5) Boarding Accommodations. The keeping of one (1) roomer, boarder or lodger as an accessory use to any dwelling unit, if such roomer, boarder, or lodger is within the principal residential building and no separate cooking facilities or dwelling units may be created.

(6) Residential buildings, other than those for domestic servants and caretakers employed on the premises and for occasional gratuitous guests are not to be considered residential accessory buildings, structures or uses.

C. **J3 Temporary Structure or Use.** A temporary permit may be issued for structures or uses necessary during construction or other special circumstances of a non-recurring nature, subject to the following additional provisions:

(1) The life of such permit shall not exceed six months, renewable at three month intervals up to a maximum of one year or until the special circumstances have ceased to exist.

(2) Such structure or use shall be removed completely within thirty (30) days of the expiration of the permit without cost to the Borough.

(3) No more than one trailer for construction and one trailer for sales purposes shall be permitted. A permit shall be required for each trailer and the applicant shall specify on the permit application the location of the proposed temporary trailer.

(4) No recreational vehicle may be occupied within any floodplain area.

D. **J4 Nonresidential Accessory Building, Structure or Use.** Accessory building or structure, or uses customarily incidental to the uses permitted within the zoning district, except outside storage and drive-through facilities, provided that any use accessory to a use permitted only under a conditional use shall be established only if and as provided in such condition.

(1) Nonresidential accessory buildings shall meet the minimum setbacks for the principal use.

(2) Minimum Parking Requirement: Additional parking shall conform to the requirements of the most closely related use.

E. **J5 Outside Storage or Display.** Outside storage or display, other than storage as a primary use of the land, necessary but incidental to the normal operation of a primary use.

(1) No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas, and no part of the required front yard shall be occupied by outside storage or display.

(2) Outside storage and display areas shall occupy an area of less than one-half the existing building coverage.

(3) Outside storage and display areas shall be shielded from view from the public streets.

(4) Uses requiring more substantial amounts of land area for storage or display may be exempt from the provisions of subsections (2) and (3) above when granted as a conditional use by the Borough Council. Such uses shall be subject to the following additional provisions:

(a) No more than twenty-five percent (25%) of the lot area shall be used in outdoor storage.

(b) Particular uses appropriate for consideration under this provision include, but are not limited to, Bulk Commercial (Use Il) and Public Transportation Facility (Use GI). Among the uses that shall not be considered appropriate for inclusion under this provision are Downtown Retail or Service Business (Use El), Large Retail or Service Business (Use E15), Repair Shop (Use E4), Gasoline Service Station (Use Fl), Wholesale Trade (Use I2), Warehousing and Distribution (Use I3), Light Manufacturing (Use I4), and Contractor's Services (Use I6).

F. **J6 Off-street parking**, subject to the provisions and requirements of Part 9 Off-Street Parking and Loading.

G. **J7 Signs**, subject to the provisions and requirements of Part 8 Signs.

H. **J8 Parking or Storage of Recreational Vehicles and Other Recreational Equipment**

(1) Recreational vehicles or units shall be parked and/or stored either in a driveway, to the rear, or to the side of the dwelling, in a garage or in a roofed structure.

(2) In all districts no more than one recreational vehicle may be stored outside on any one single lot.

(3) Recreational vehicles shall not be parked within seven (7) feet of any property line.

(4) Such vehicles and equipment shall be owned by the occupant of the lot upon which it is stored.

(5) No such equipment shall be occupied unless permitted in accordance with the requirements of use J3 Temporary Structure or Use.

(6) No parking or storage of recreational vehicles and other recreational equipment is permitted within any floodplain area.

I. **J9 No-Impact Home-Based Business.** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, 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:

(1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(2) The business shall employ no employees other than family members residing in the dwelling.

(3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(5) The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.

(6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(7) The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.

(8) The business may not involve any illegal activity.

J. **J10 Outdoor Eating Accessory to a Restaurant or Tavern.** Outdoor eating and food service is permitted as a use accessory to a restaurant use subject to the following requirements.

(1) The outdoor eating area shall be open to the sky with the exception that it may have a retractable awning or umbrella and may contain furniture including tables, chairs, and planters that are readily moveable.

(2) Location of outdoor eating areas:

(a) No outdoor eating or food service shall be permitted within the right-of-way of any street or within the sidewalk area.

(b) All outdoor eating areas shall be located a minimum of fifteen (15) feet from a side or rear property line where the restaurant abuts or is adjacent to either a residential zoning district or a lot used as a residence, even if said lot is not located within a residential district. This provision does not apply when this accessory use abuts B7 Dwelling in Combination with a Business.

(3) All outdoor eating areas shall be enclosed by a fence or wall with a minimum height of four (4) feet.

(4) No outdoor service shall be provided before 6:00 a.m. or after 10:00 p.m.

(5) No amplified music or sound is permitted outdoors. All activities, including the playing of music, shall comply with the noise regulations of this Chapter and all other Borough ordinances.

(6) Outdoor lighting shall not shine onto adjoining properties. Light standards shall not exceed a height of ten (10) feet and light fixtures shall be focused downward with a shield, thereby preventing light from shining on adjacent properties

(7) The carrying of any open container of alcoholic beverages is prohibited outside the delineated area of the outdoor eating area.

(8) No outdoor eating area shall interfere with safe pedestrian and vehicular traffic on or in the vicinity of the restaurant or lot.

(9) Outdoor food preparation is prohibited and there shall be no outdoor bar for beverage service.

(10) All trash shall be removed from the outdoor eating area and from the area surrounding the outdoor eating area on at least a daily basis.

(11) The outdoor eating area may not occupy areas that are required by the establishment to meet the parking requirements of this Chapter.

(12) Minimum Parking Requirement: One (1) parking space for every two (2) seats provided in outdoor eating areas in addition to the parking required to serve the indoor areas.

K. **J11 Accessory Drive-Through Facility.** An accessory use defined as any facility through which a service is provided, or goods, food or beverage are sold to the

operator of, or passengers in, a motor vehicle without the necessity of the operator or passengers disembarking from the vehicle. Drive-through facilities are permitted as accessory uses only for restaurants with drive-through or take-out, banks, pharmacies, and no others.

(1) The following definitions shall apply:

(a) Drive-through canopy - Overhead structures intended to protect patrons from the weather while stationed at the drive-through service area/facility.

(b) Drive-through lane - Vehicular lane allowing the stationing and stacking of vehicles while ordering and waiting for goods and services.

(c) Bypass lane/escape lane - Vehicular lane allowing traffic to pass the drive-through lane or allowing vehicles, because of emergencies or mistakenly entering the drive-through lane, to exit the drive-through lane.

3. A drive-through facility is subject to the following standards:

(a) The drive-through facility shall be designed so there will be no pedestrian/vehicular conflicts. This may require the drive-through lane to be located at the external edge of the proposed building.

(b) Hours of operation shall be set as a condition of the land development approval and shall be set to minimize the impacts of drive-through facilities located near residential uses.

(c) Drive-through facilities are not permitted on sites abutting schools, parks, playgrounds, libraries, churches and other uses that have substantial pedestrian traffic.

(d) Minimum lot frontage on at least one street shall be one hundred fifty (150) feet for all principal uses with accessory drive-through facilities to ensure adequate room for access drives.

(e) Drive-through facilities shall abut only arterial streets, as defined in the borough subdivision and land development ordinance, and access shall not be taken from local or minor collector streets.

(f) The driveway entrance and exit lane of a drive-through facility must be setback at least one hundred (100) feet from any intersection.

(g) A bypass lane/escape lane shall be provided.

(h) The design of a drive-through lane and bypass lane/escape lane shall minimize the blocking, crossing or passing through of off-street parking areas and minimize crossing of or the need to be crossed by pedestrian access ways for patrons.

(i) The drive-through lane shall not be the sole ingress and egress to the site.

(j) Drive-through lanes shall be marked by signs that indicate the entrance and exit for the drive-through lane. The direction of traffic flow for the drive-through lane and bypass lane/escape lane shall be marked clearly.

(k) Drive-through lanes are to be separated from the bypass lane/escape lane and parking aisles by painted lines.

(l) Lane separation-An on-site circulation pattern is to be provided for drive-through facility traffic that separates such traffic from that of walk-in patrons.

(m) A stacking area is to be provided for vehicles waiting for service in the drive-through lane that is separated from other traffic circulation on the site. Stacking shall not be provided in parking aisles or in driveways provided for on-site circulation. Stacking distance for each lane shall be at least 120 feet in length.

(n) The total height for any overhead drive-through canopy shall not exceed fifteen (15) feet.

L. **J12 Temporary Community Event.** A temporary activity including, but not limited to, flea markets, public exhibitions, auctions, carnivals, circuses, picnics, air shows and suppers for fundraising, and similar organization events and meetings.

(1) Such temporary uses shall be limited to occurrences of not more than seven (7) days per occurrence. There shall be at least a 30 day period between such occurrences.

(2) Signs advertising a temporary community event shall be permitted in accordance with Part 8 of this Chapter.

(3) The applicant shall provide borough council with plans to ensure adequate parking, emergency access, road access, sanitary facilities, refuse collection, noise control and cleanup after the event. Hours of operation

shall be approved by Borough Council with consideration given to the type of event, amount of usage, and impact on adjoining properties.

(4) Borough sponsored community events held on borough-owned property are exempt from these regulations.

M. **J13 Keeping of Animals.** The keeping of dogs, cats, or other small animals ordinarily kept in the home as pets.

(1) No more than five (5) dogs, cats, or other small animals ordinarily kept in the home shall be kept under the permanent care of the occupants.

(2) Except for the sale of young animals born to pets under the permanent care of the occupants, no animals shall be sold or offered for sale on the property. Young animals born to pets under the permanent care of occupants can be sold only once a year.

(3) Animal shelters shall not be located closer to the property line from 15 feet or the minimum yard requirements whichever is less.

(4) The keeping of animals shall meet all state and federal statutes.

(5) A zoning permit shall not be required for this use.

N. J14 Solar Energy System. An energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy to meet all or a significant part of a building's energy requirements that may be mounted on a building or on the ground and is not the principal use of the lot. A Solar Panel is a structure containing one or more receptive cells; the purpose of which is to convert solar energy into usable energy by way of a solar energy system.

(1) Solar Panels shall be permitted as ground arrays in any zoning district, except the H Historical District, in accordance with the following:

(a) Solar panel ground arrays shall be permitted only on lots of one (1) acre or greater.

(b) Ground array solar panels shall be set back the same as setbacks for the principal use, provided that no solar panel shall be located closer to the property line than 1.1 times the height of the solar panel.

(c) Ground array solar panels shall be considered impervious and considered as such in the calculation of the maximum impervious surface ratio.

(d) Ground arrays shall not be permitted in a front yard.

(e) Ground arrays shall be located so that any reflection is directed away or is properly buffered from an adjoining property.

(f) Ground arrays shall not exceed twenty (20) feet in height.

(2) Roof-mounted solar panels shall be permitted in any zoning district in accordance with the following:

(a) Roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation) or separate flush-mounted solar panels attached to the roof surface.

(b) Integrated or separate flush-mounted solar panels shall be located on a rear- or side-facing roof, as viewed from any adjacent street, unless such installation is proven to be ineffective or impossible. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front-facing installation. Front-facing installation may be permitted by conditional use in accordance with the following provisions:

(i) Applicant must indicate valid reasons as to why this is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a professional deemed qualified by Hulmeville Borough and reviewed by the Hulmeville Borough Engineer and any other Borough professional deemed necessary.

(c) Any roof-mounted solar panels other than those described in subsections (a) and (b) above shall be permitted as a conditional use, in accordance with the following conditions:

(i) Such other roof-mounted solar panels shall be located on a rear- or side-facing roof, as viewed from any adjacent street.

(ii) Such other roof-mounted solar panels shall not exceed a height of three (3) feet from the rooftop at any point. Solar panels installed on a building or structure with a sloped roof shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof installation.

(iii) Applicant shall demonstrate to the satisfaction of the Borough Engineer that the proposed use of roof-mounted solar panels is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a professional deemed qualified by the Borough Council and may be reviewed by any other Borough professional that the Borough Council deems necessary.

(d) In no event shall the placement of any solar panels result in a total height greater than 35 feet.

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

(4) A Solar Energy System may be installed on an existing building provided that it meets the requirements of this Chapter and all other applicable building codes.

(5) Easements.

(a) On plans for new subdivision or land developments that propose to provide for Solar Energy Systems, a notation shall be placed on the approved plan stating that restrictions have been placed on the lots in question, pursuant to a recorded deed of easement, concerning the placement of structures and vegetation as they relate to the protection of solar access for Solar Energy Systems. The terms of the easement in form and substance shall be as approved by the Borough Solicitor.

(b) An applicant for a zoning permit not subject to subdivision or land development regulations shall submit evidence that an easement, the terms of which have been approved in form and substance by the Borough Solicitor, has been obtained or that it is unobtainable from adjoining landowner(s) concerning the placement of structures and vegetation as they relate to protection of solar access for the proposed Solar Energy System.

(6) Abandonment and removal.

(a) Any solar panel (roof or ground) which has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.

(b) All structural enclosures accessory to the solar panels shall be completely removed from the property to a place of safe and legal disposal.

(c) The former solar site shall be restored to as natural condition as possible within six (6) months of the removal from the property.

(7) Solar Energy Systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from the property line.

(8) The design of Solar Energy Systems shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the facility into the natural setting and existing environment.

(9) The installation of Solar Energy Systems is subject to all utility providing electric service requirements for interconnection.

(10) This section's height provisions shall supersede all height provisions of other sections with respect to Solar Energy Systems.

(11) The sale of excess energy generated is permitted.

O. **J15 Microwave or Satellite Dish Antenna.** A dish antenna or any other type of antenna used to receive radio or television or electromagnetic waves from an overhead satellite or transmission tower shall be permitted as an accessory use in all districts, subject to the following regulations. This use shall not be construed to permit any equipment or facilities used or intended to be used for the propagation or transmission of telecommunication, radio or electromagnetic waves, such uses being permitted only as Telecommunications Antenna, Telecommunications Equipment Building, or Telecommunications Tower, as applicable.

(1) All Residential Districts: A microwave or satellite dish antenna larger than one (1) meter (3.28 feet) in diameter shall be a permitted accessory use subject to the following:

(a) No antenna shall be located within a required side or rear yard setback.

(b) No antenna shall be permitted in the required front or side yard area or in front of the principal dwelling.

(c) The diameter of the antenna shall not exceed nine (9) feet.

(d) When separately supported the total height of the antenna shall not exceed ten (10) feet.

(e) Roof mounting is not recommended. If roof mounted, the antenna shall be located on a portion of the roof sloping away from the front of the lot and shall not project above the ridge line of the roof. No roof-mounted antenna shall exceed one (1) meter (3.28 feet) in diameter.

(f) No more than one dish antenna shall be permitted on any lot.

(g) When not roof mounted, the antenna shall be screened by staggered plantings of evergreens which present a solid visual barrier to adjoining properties.

(h) Historic District Requirements: In addition to the requirements (a) through (g) above, all proposals for dish antennas within the Historic District shall demonstrate to the satisfaction of Borough Council, upon recommendation by the Historic Architectural Review Board, that the antenna will not be visible from any public street in the historic district and that its size, location, and type of screening will not be designed or located in such a way as to impinge on or diminish the historic values of the District, homes, businesses, or other historic structures within the Historic District.

(2) All other Districts – A microwave or satellite dish antenna larger than one (1) meter (3.28 feet) in diameter shall be a permitted accessory use in nonresidential districts subject to all the following regulations.

(a) No antenna shall be located within a required front, side or rear yard setback.

(b) No antenna shall be permitted in the required front yard area or in front of the principal dwelling.

(c) The diameter of a dish antenna shall not exceed nine (9) feet.

(d) The maximum height of a ground-mounted antenna shall be 10 feet, and it shall be screened by staggered plantings of evergreens to present a solid visual barrier.

(e) Roof-mounted dish antennas shall not exceed one (1) meter (3.28 feet) in diameter unless they are totally screened from view from surrounding properties and streets. Dish antennas shall not be mounted on chimneys.

(f) Historic District Requirements: In addition to the requirements (a) through (e) above, all proposals for dish antennas within the Historic District shall demonstrate to the satisfaction of Borough Council, upon recommendation by the Historic Architectural Review Board, that the antenna will not be visible from any public street in the historic district and that its size, location, and type of screening will not be designed or located in such a way as to impinge on or diminish the historic values of the District, homes, businesses, or other historic structures within the Historic District.

(3) No permit shall be required for a satellite dish that is no larger than one (1) meter (3.28 feet) in diameter, provided that the satellite dish is attached to a building, not freestanding, and is not visible from any public street.

P. **J16 Vending Machines.** Vending and service machines are permitted as accessory uses in the nonresidential zoning districts only and shall be permitted without securing a zoning permit. No vending or service machine shall be permitted outside a completely enclosed building, except as permitted below.

(1) Only Newspaper and news/sales material vending machines may be outside an enclosed building and only where the following conditions are met:

(a) A permit shall be required for all such machines to be located outside a building;

(b) The machine shall be secured to a concrete pad or other suitable permanent and secure base. Chaining the machine to a post is not acceptable and does not meet this condition.

(c) The machine shall be located a minimum of 25 feet from the edge of the cartway of any road and shall not be located within the right-of-way of any roadway.

(d) The machine shall be located so that it does not interfere with clear sight distance and shall be located at least 200 feet from any intersection.

(e) The machine shall not be located within any parking area that is needed to meet parking requirements.

(f) The machine shall not interfere with safe pedestrian flow or access.

(g) The machine must be properly maintained so that it is secured to its pad, operating properly, and free of debris, graffiti, and vandalism.

(2) Bank service machines for the conduct of bank business shall be permitted to be on the outside of a building whose use is D3 Business Service.

Q. **J17 School Bus or Bus Shelter.** A shelter for the use of students or mass transit riders waiting for a bus, subject to the following requirements:

(1) An agreement with Hulmeville Borough setting forth the respective responsibilities and duties of the bus shelter provider and Hulmeville Borough shall be required. This agreement shall contain a list of approved bus shelter sites and may be amended from time to time by the bus shelter provider and Hulmeville Borough so as to delete certain bus shelter locations or increase the number of bus shelter locations throughout the Borough.

(2) The bus shelter provider shall coordinate the location of all bus shelters with the Southeastern Pennsylvania Transportation Authority (SEPTA) and the Pennsylvania Department of Transportation (PaDOT), as required. Applicable PaDOT permits and/or authorizations shall be supplied to the Borough prior to installation of any bus shelter.

(3) Prior to installation of any bus shelter, the property owner(s) of the proposed site shall be notified by the bus shelter provider of the proposed bus shelter. The bus shelter provider shall also be required to obtain the written permission and/or consent of the property owner(s) of the proposed site and provide written notification to all adjacent property owner(s) within one hundred fifty (150) feet of the proposed site. Written permission and/or consent forms from each property owner shall be provided to the Borough prior to the installation of any bus shelter.

(4) All applications for installation of bus shelters in accordance with this section shall include renderings and schematics of the proposed bus shelter, including such structural details as shall be required to demonstrate compliance with the requirements of this Chapter and all others of Hulmeville Borough and all state and federal statutes including, but not limited to, the construction codes which have been adopted by Hulmeville Borough. No fees shall be charged for any applicable Borough permits which are required prior to the installation of a bus shelter within Hulmeville Borough.

(5) All bus shelters shall be suitable in design for the community where such shelter shall be installed. Bus shelters shall be designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the community as determined by Hulmeville Borough.

(6) All bus shelters shall not interfere with the clear sight distances at intersections of roads as required by this chapter, or as may be required by PaDOT or other governmental entities having jurisdiction over such matters.

(7) All bus shelters shall be located at least five (5) feet from any paved cartway and/or curb edge and fifteen (15) feet from any lot line of any adjacent property.

(8) All bus shelters constructed on public sidewalks shall be located so that no less than a five (5) foot unobstructed walkway remains, either in front or behind the bus shelter.

(9) No bus shelter shall exceed a maximum floor area of sixty-four (64) square feet.

(10) Installation of bus shelters pursuant to this section shall be exempt from all set back requirements found in this chapter and may be installed within the public rights-of-way provided all of the requirements of this section are satisfied.

R. **J18 Helistop.** A private facility for landing and take-off of helicopters and is subject to the following conditions:

(1) No fuel service, maintenance or overhaul facilities shall be included.

(2) A minimum landing area of 100 feet by 100 feet shall be provided, except for rooftop landing areas that shall have a minimum landing area of 40 feet by 40 feet.

(3) A fence at least four (4) feet in height shall surround all landing areas.

(4) The proposed helistop will not adversely affect adjoining land uses, the safety of nearby residents or employees or the future growth and development of the area in which it is to be located.

(5) The proposed helistop shall be permitted only as an accessory use to a C9 Medical Center/Hospital.

§27-407. Swimming Pools.

The following standards shall govern the erection, construction, maintenance and use of in-ground and above-ground swimming pools, public or private, within any zone in the Borough, except above-ground plastic wading pools which are not capable of containing 18 inches or more of water in depth:

A. The words, terms or phrases listed below for the purposes of this Chapter shall be defined as follows:

ARTIFICIAL POOL -any pool, regardless of design or construction materials and regardless of the permanency of its location, built erected or used for the purpose of swimming or wading.

PRIVATE SWIMMING POOL -any pool used and maintained for swimming purposes by an individual, for use by his household and guests and located on a lot as an accessory use to a residence. Artificial, or partially artificial pools, both above and below ground level, having a maximum depth greater than 12 inches shall be included.

PUBLIC SWIMMING POOLS -any pool used and maintained by an individual, firm, corporation, club or association or persons for use by the public or members and their invitees or guests.

WADING POOL -any artificial or partially artificial pool not designed nor used for swimming, installed above or below ground level, having a maximum depth greater than 12 inches.

B. It shall be unlawful to construct or maintain a private or public swimming pool without having obtained a zoning permit there for in the manner hereafter described, except no permit shall be required for aboveground swimming or wading pools which contain less than 18 inches of water in depth.

C. Application for a permit for the construction of a swimming pool or wading pool shall be made to the Building Code Official. Each application shall be accompanied by a duplicate set of plans, specification, and plot plans of the property. The location of the pool on the property and with respect to adjoining property and road lines shall be shown, together with the location, height and type of fencing or walls or protective equipment and accessory buildings. No permit shall be issued until the plans and specifications and plot plans have been approved by the Building Code Official and approval has been certified on said plans.

D. Each swimming pool or wading pool may be subject to an inspection by the Building Code Official.

E. The construction and design of all pools shall be such that the same can be maintained and operated as to be clean and sanitary at all times. The owner of every such pool shall be responsible to maintain said pool in such condition to prevent breaks in the pool chassis or water from the pool overflowing onto adjacent public or private property.

Public swimming pools shall be constructed, equipped and maintained in strict conformity with the current provisions of the swimming pool and the public health

codes issued by the Commonwealth of Pennsylvania and the Bucks County Board of Health.

F. Swimming pools and wading pools shall be protected in accordance with one of the following:

(1) All swimming pools constructed with the swimming surface approximately level with the surrounding area must have a permanent, protective fence erected and maintained in good condition in such a manner as to entirely enclose the swimming pool area and to bar all reasonable and normal access to such pools except through a substantial self-latching type gate or gates.

(2) Swimming pools whose swimming or wading surface is situated 36 inches or more above the surrounding ground in such a manner that they can be entered only by climbing a ladder are exempt from the above, but the ladder shall be of a removable construction and must be removed when the pool is not in use, or in the case of a permanent platform a gate shall be used to block the entrance to the swimming pool.

(3) Protective fences required for all "in-the-ground swimming or wading pools and all swimming or wading pools whose swimming or wading surface is one (1) foot or more above the surrounding ground shall be at least four (4) feet in height and not of solid construction, shall have apertures or openings not larger in the case of a picket-type fence than three (3) inches, and in the case of a wire fence or planting of shrubs not more than eight (8) square inches. Ingress and egress to and from this enclosure shall be provided for by means of a gate or gates which shall be of a self-latching type and which shall at all times when not attended or in use be secured by a suitable lock.

(4) Purity Test. The waters of public swimming pools may be tested for purity in accordance with the rules and regulations of the Bucks County Department of Health.

(5) Lifeguard Protection. If persons other than the owner of a swimming pool and his family are admitted to the pool for a fee, adequate lifeguard protection must be provided.

(6) Recreational Facilities. Picnic or general recreational facilities in conjunction with a public swimming pool shall be considered an accessory use thereof, but shall not be located closer than 50 feet to any lot line.

(7) Bathhouses and Equipment. Bathhouses or clubhouses. for the comfort and convenience of persons using a public swimming pool may be erected, provided that they shall not be closer than 50 feet to any lot line. The sale or rental of equipment or accommodation in any such bathhouse or clubhouse

shall be limited to such items as are customarily incidental to swimming and general recreation.

(8) Overhead Electrical Conductors. No overhead electrical conductors shall be installed within 15 feet of any swimming pool. All metal fences, enclosures or railings near or adjacent to a swimming pool to which bathers have access and which may become electrically alive as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

G. No artificial lighting shall be installed, maintained or operated in such a manner as to be a nuisance or annoyance to neighboring property.

H. The owner and/or operator of every swimming pool or wading pool heretofore and hereafter constructed in the Borough shall, at all times, comply with the provisions of this Chapter and with the requirements of other pertinent Borough ordinances relating to construction, location and sanitation. Any nuisance or hazard to health shall be abated or removed forthwith by such owner and/or operator upon receipt of written notice from the Building Inspector or other duly authorized Borough authority.

I. No swimming pool, including filters and other equipment, shall be erected, constructed or maintained closer than 25 feet to any property line within any front, side or rear yard requirement.

Part 5

DISTRICTS

§27-500. R-1 Residential District

1. **Purpose.**
   The purpose and intent of this District is to retain the character of existing single-family residential areas, to maintain the existing low residential density, and to encourage the preservation of permanent open space by providing appropriate standards, to exclude activities incompatible with development.

2. **Permitted Uses.**

   A. Uses Permitted by Right

A6	Forestry/Timber Harvesting
B1	Single-Family Detached Dwelling
C1	Place of Worship
C11	Municipal Building
J1	Home Occupation
J2	Residential Accessory Building, Structure, or Use
J6	Off-Street Parking
J7	Signs
J8	Parking or Storage of Recreational Vehicles and Other Recreational Equipment
J9	No-Impact Home Based Business
J12	Temporary Community Event
J13	Keeping of Animals
J14	Solar Energy System
J15	Microwave or Satellite Dish Antenna
J17	School Bus or Bus Shelter

   B. Uses Permitted by Conditional Use

B7	Dwelling in Combination
C4	Day Care Center
C12	Emergency Services
J3	Temporary Structure or Use
J4	Nonresidential Accessory Building, Structure, or Use

3. **Area and Dimensional Requirements.**
   All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Section 406, Use Regulations, for the specific use, in which case the requirements of Section 406 shall apply.

   A. Single-Family Detached Dwelling

Minimum Lot Area	10,000 square feet
Minimum Lot Width	75 feet
Maximum Building Height	35 feet
Maximum Impervious Surface Ratio	30 percent
Minimum Yard Requirements:	
Front	30 feet
Rear	25 feet
Single Side	10 feet
Aggregate Side	25 feet

B. Other Permitted Uses

Minimum Lot Area	10,000 square feet
Minimum Lot Width	75 feet
Maximum Building Height	35 feet
Maximum Impervious Surface Ratio	30 percent
Minimum Yard Requirements:	
Front	30 feet
Rear	25 feet
Single Side	10 feet
Aggregate Side	25 feet

§27-501. R-2 Residential District

1. **Purpose.**
   The purpose and intent of this District is to retain the character and to maintain the existing medium residential density areas where single-family homes are permitted, as well as encourage efficient land development while providing for the preservation of permanent open space.

2. **Permitted Uses.**

   A. Uses Permitted by Right

A6	Forestry/Timber Harvesting
B1	Single-Family Detached Dwelling
B2	Two-Family Dwelling
B6	Residential Conversion
C2	School
C11	Municipal Building
E12	Bed and Breakfast*
J1	Home Occupation
J2	Residential Accessory Building, Structure, or Use
J6	Off-Street Parking
J7	Signs
J8	Parking or Storage of Recreational Vehicles and Other Recreational Equipment
J9	No-Impact Home Based Business
J12	Temporary Community Event
J13	Keeping of Animals
J14	Solar Energy System
J15	Microwave or Satellite Dish Antenna
J17	School Bus or Bus Shelter

   *Note: Only permitted within the H Historical District in accordance with §27-406.5.L.

   B. Uses Permitted by Conditional Use

B7	Dwelling in Combination
C4	Day Care Center
C7	Private Club
C12	Emergency Services
J3	Temporary Structure or Use
J4	Nonresidential Accessory Building, Structure, or Use

3. **Area and Dimensional Requirements.**
   All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Section 406,

Use Regulations, for the specific use, in which case the requirements of Section 406 shall apply.

A. Single-Family Detached Dwelling

Minimum Lot Area	4,000 square feet
Minimum Lot Width	50 feet
Maximum Building Height	35 feet
Maximum Impervious Surface Ratio	40 percent
Minimum Yard Requirements:	
Front	20 feet
Rear	25 feet
Single Side	6 feet
Aggregate Side	16 feet

B. Two-Family Dwelling

Minimum Lot Area	4,000 square feet[1]
Minimum Lot Width	50 feet[2]
Maximum Building Height	35 feet
Maximum Impervious Surface Ratio	40 percent
Minimum Yard Requirements:	
Front	20 feet
Rear	25 feet
Single Side	6 feet[3]
Aggregate Side	16 feet

C. Other permitted uses

Minimum Lot Area	4,000 square feet
Minimum Lot Width	50 feet
Maximum Building Height	35 feet
Maximum Impervious Surface Ratio	50 percent
Minimum Yard Requirements:	
Front	20 feet
Rear	25 feet
Single Side	10 feet
Aggregate Side	20 feet

[1] Lot area per dwelling unit.
[2] Lot width per dwelling unit.
[3] Applies to the single side yard in the case of dwelling units separated by a solid ceiling and floor extending from exterior wall to exterior wall (commonly known as a twin dwelling unit).

§27-502. R-3 Residential District

1. **Purpose.**
   The purpose and intent of this District is to provide appropriate areas for alternative forms of residential development in order to broaden the Borough's housing base and, therefore, serve a greater variety of housing needs, to provide reasonable standards to prevent overcrowding of land, to regulate the density of population, to avoid undue congestion in the streets.

2. **Permitted Uses.**

   A. Uses Permitted by Right

A1	Agricultural Use
A4	Nursery
A5	Agricultural Retail
A6	Forestry/Timber Harvesting
A7	Accessory Farm Dwelling
B3	Single-Family Detached Cluster
B6	Residential Conversion
C1	Place of Worship
C2	School
C3	Cultural Facility
C5	Public Recreation Facility
C11	Municipal Building
E12	Bed and Breakfast*
J1	Home Occupation
J2	Residential Accessory Building, Structure, or Use
J6	Off-Street Parking
J7	Signs
J8	Parking or Storage of Recreational Vehicles and Other Recreational Equipment
J9	No-Impact Home Based Business
J12	Temporary Community Event
J13	Keeping of Animals
J14	Solar Energy System
J15	Microwave or Satellite Dish Antenna
J17	School Bus or Bus Shelter

   *Note: Only permitted within the H Historical District in accordance with §27-406.5.L.

   B. Uses Permitted by Conditional Use

B4	Traditional Neighborhood Development
B7	Dwelling in Combination
C4	Day Care Center
C6	Private Recreation Facility

C8	Nursing Home
C12	Emergency Services
J3	Temporary Structure or Use
J4	Nonresidential Accessory Building, Structure, or Use

3. **Area and Dimensional Requirements.**
All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Section 406, Use Regulations, for the specific use, in which case the requirements of Section 406 shall apply.

A. Single-Family Detached Cluster[4]

Minimum Lot Area	7,000 sq. ft.
Minimum Lot Width at Building Line	60 feet
Maximum Impervious Surface	30%
Maximum Net Density	6.2 Du/AC
Minimum Open Space Ratio	25%
Minimum Yards	
Front	30 feet
Sides (each)	10 feet
Rear	25 feet

B. Traditional Neighborhood Development

Minimum Site Area	5 acres
Maximum density of net buildable site area (per acre)	7.5 units
Minimum lot area	
Single-family detached dwelling	3,000 sf
Two-family dwelling	2,000 sf / du
Townhouse	2,000 sf / du
Multifamily dwelling	2,000 sf / du
Minimum Open Space[5]	30% of site
Maximum impervious ratio per site	60%
Maximum impervious per lot	70%
Maximum lot width per dwelling at building setback line	25 feet
Maximum building height	
Any principal residential dwelling	35 feet
Any residential accessory structure	20 feet
Minimum yards (setback)	
Front yard[6]	4 feet
Side – Single-family detached dwellings[7]	10 feet

[4] Refer to §27-406.2.C for additional requirements.
[5] The amount of required open space may be reduced as provided in §27-406.2.D.(4).
[6] Front facades of residential structures in a traditional neighborhood development shall be close to the sidewalks. The front façade of any principal residence shall be no further than ten (10) feet from the area designated for the sidewalk.

Side – Two-family; multifamily; townhouse units only)	10 feet (at end
Rear	20 feet

C. <u>Other permitted uses</u>

Minimum Lot Area	10,000 square feet
Minimum Lot Width	75 feet
Maximum Building Height	35 feet
Maximum Impervious Surface Ratio	40 percent
Minimum Yard Requirements:	
Front	30 feet
Rear	25 feet
Single Side	10 feet
Aggregate Side	25 feet

[7] One (1) side yard setback for a single-family detached dwelling may be reduced to five (5) feet provided that the side yard setback for the adjacent dwelling is ten (10) feet.

§27-503. LIC Limited Industrial Conservation District

1. **Purpose.**
   The purpose and intent of this District is to permit low-intensity uses in areas with significant natural constraints, primarily wetlands, floodplains and alluvial soils. Specific standards and requirements will permit reasonable use while protecting the natural features of the District.

2. **Permitted Uses.**

   A. Uses Permitted by Right

A1	Agricultural Use
A4	Nursery
A5	Agricultural Retail
A6	Forestry/Timber Harvesting
A7	Accessory Farm Dwelling
J6	Off-Street Parking
J7	Signs
J9	No-Impact Home Based Business
J12	Temporary Community Event
J13	Keeping of Animals
J14	Solar Energy System
J15	Microwave or Satellite Dish Antenna
J17	School Bus or Bus Shelter

   B. Uses Permitted by Conditional Use

A2	Kennel
A3	Riding Stable
C5	Public Recreation Facility
C6	Private Recreation Facility
G1	Public Transportation Facility
I4	Light Manufacturing
I5	Research
I6	Contractor's Services
J3	Temporary Structure or Use
J4	Nonresidential Accessory Building, Structure, or Use
J5	Outside Storage or Display

3. **Area and Dimensional Requirements.**
   All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Section 406, Use Regulations, for the specific use, in which case the requirements of Section 406 shall apply.

   A. All Uses

Minimum Lot Area	3 acres
Minimum Lot Width	100 feet
Maximum Building Height	35 feet
Maximum Impervious Surface Ratio	25 percent
Minimum Yard Requirements:	
Front	50 feet
Rear	25 feet
Single Side	25 feet
Aggregate Side	25 feet

4. **Design Guidelines for Nonresidential Buildings.** The following design standards are applicable to all new nonresidential developments and additions/alterations to nonresidential buildings in the LIC District. These guidelines may be modified by Borough Council to take into account the variety of buildings in the LIC District and to allow flexibility.

   A. Exterior building materials for facades that face or front public streets or are viewable from customer parking areas shall meet the requirements found in (1) and (2) below:

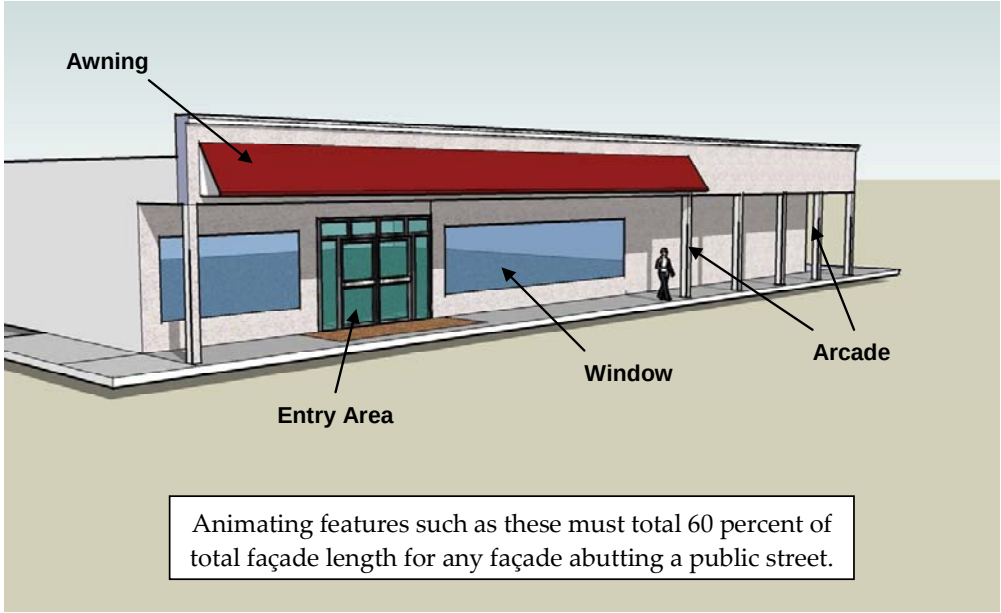
      (1) Exterior building materials shall be brick, wood, stone, tile, tinted and textured concrete masonry units, stucco or other high quality materials.

      (2) Exterior building materials shall not include corrugated metal, unfinished smooth face concrete block or tilt-up concrete panels, pre-fabricated steel panels, and vinyl siding.

   B. Building facades that face or front public streets shall comply with two of the three criteria listed below. Building facades that do not face or front public streets shall comply with either criteria (2) or (3) below.

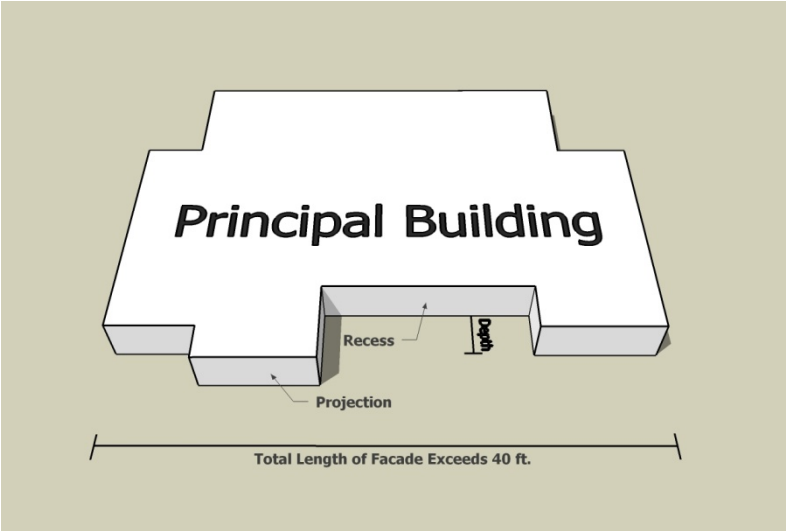
      (1) Ground floor facades shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent (60%) of their horizontal length.

Figure 1. Animating Features



(2) Facades greater than forty (40) feet in length, measured horizontally, shall incorporate wall plan projections or recesses having a depth of at least three percent (3%) of the length of the façade extending at least twenty (20%) of the length of the façade. No uninterrupted length of any façade shall exceed forty (40) horizontal feet.

Figure 2. Principal Building



(3) Facades shall contain a repeating pattern that shall include no less than three of the elements listed below. At least one of elements (a), (b) or (c) below shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

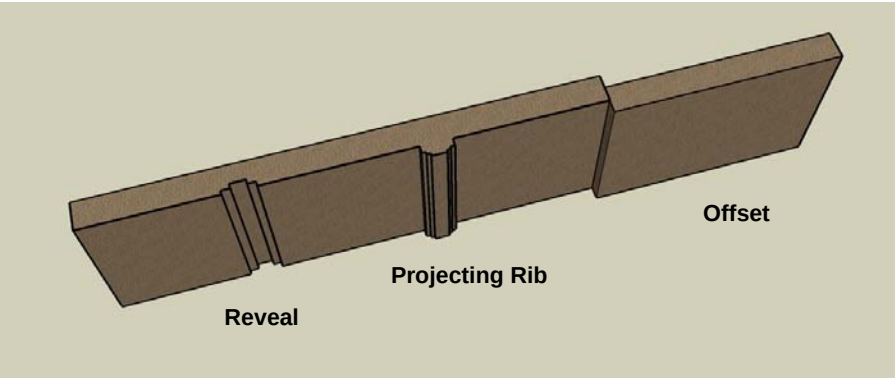
(a) Color change

(b) Texture change

(c) Material change

(d) Expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.

Figure 3. Structural Bay Layout



C. Roof design shall incorporate the following design features:

(1) Flat roof designs shall be constructed with parapets to screen Heating, Ventilation, and Air Conditioning (HVAC) and other roof mounted mechanical equipment from public view. Such parapets shall not exceed one third (1/3) of the height of the supporting wall and shall be constructed with a three dimensional cornice treatment.

(2) Sloping roof designs shall be constructed to screen HVAC and other roof mounted mechanical equipment from public view. Sloping roof designs must use at least one (1) of the following design features:

(a) Three (3) or more roof slope planes.

(b) Overhanging eaves or canopy projections which extend no fewer than three (3) feet past the supporting walls.

(3) The HVAC and other roof mounted mechanical equipment shall be installed and screened in a manner that mitigates the sound level of such equipment.

D. The use shall be designed to safely accommodate pedestrian and vehicular traffic. Pedestrian circulation shall be provided throughout the site, and pedestrian connections shall be provided to adjacent sidewalks.

E. Loading docks shall be shielded from view and shall not be visible from adjacent residential districts or from public streets.

F. All loading docks, trash containment areas and outside work areas shall be constructed in such a manner as to promote sound abatement. No trash pick-up may occur between 9:00 PM and 6:00 AM when this use abuts a residential property.

G. Unregistered or unlicensed tractor trailers, cargo boxes, shipping containers, or other vehicles or structures meant to be transportable shall not be permitted to be used as accessory buildings or structures for storage.

5. Buffer Yards. A 10-foot buffer yard shall be placed along the perimeter of all uses, unless a greater width is otherwise required by this Chapter, in accordance with §27-717.9 of this Chapter.

§27-504. C Commercial District

1. **Purpose.**
   The purpose and intent of this District is to provide for office, retail, personal service, and business uses; to meet appropriate circulation and parking needs; and to provide for public convenience.

2. **Permitted Uses.**

   A. Uses Permitted by Right

A6	Forestry/Timber Harvesting
B1	Single-Family Detached Dwelling
B2	Two-Family Dwelling
B6	Residential Conversion
B7	Dwelling in Combination
C9	Medical Center/Hospital
C10	Wellness Center
C11	Municipal Building
C12	Emergency Services
D1	Professional Service
D2	Medical Office
D3	Business Service
D4	Government Office
D6	Commercial School
E1	Downtown Retail or Service Business
E4	Repair Shop
E5	Restaurant
E8	Mortuary or Funeral Home
E10	Hotel, Motel, or Inn
E12	Bed and Breakfast
E13	Convenience Store
F1	Gasoline Service Station
F4	Car Wash
H1	Communication Facility
H2	Utilities
J1	Home Occupation
J2	Residential Accessory Building, Structure, or Use
J4	Nonresidential Accessory Building, Structure, or Use
J5	Outside Storage or Display
J6	Off-Street Parking
J7	Signs
J8	Parking or Storage of Recreational Vehicles and Other Recreational Equipment
J9	No-Impact Home Based Business
J10	Outdoor Eating Accessory to a Restaurant
J12	Temporary Community Event

J13	Keeping of Animals
J14	Solar Energy System
J15	Microwave or Satellite Dish Antenna
J16	Vending Machines
J17	School Bus or Bus Shelter

B. Uses Permitted by Conditional Use

B5	Rooming House
B8	Mobile Home Park
C4	Day Care Center
C7	Private Club
E7	Tavern
E9	Commercial Entertainment, Recreational, or Sports Facility
E11	Vehicle Sales
H3	Telecommunications Antenna
H4	Telecommunications Equipment Building
H5	Telecommunications Tower
J3	Temporary Structure or Use
J18	Helistop

3. **Area and Dimensional Requirements.**
All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Section 406, Use Regulations, for the specific use, in which case the requirements of Section 406 shall apply.

A. Single-Family Detached Dwelling

Minimum Lot Area	4,000 square feet
Minimum Lot Width	35 feet
Maximum Building Height	35 feet
Maximum Impervious Surface Ratio	40 percent
Minimum Yard Requirements:	
Front	20 feet
Rear	20 feet
Single Side	5 feet
Aggregate Side	10 feet

B. Two-Family Dwelling

Minimum Lot Area	4,000 square feet[8]
Minimum Lot Width	35 feet[9]
Maximum Building Height	35 feet
Maximum Impervious Surface Ratio	40 percent
Minimum Yard Requirements:	
Front	20 feet

[8] Lot area per dwelling unit.
[9] Lot width per dwelling unit.

Rear	20 feet
Single Side	5 feet[10]
Aggregate Side	10 feet

C. Other Permitted Uses

Minimum Lot Area	4,000 square feet
Minimum Lot Width	35 feet
Maximum Building Height	35 feet
Maximum Impervious Surface Ratio	40 percent
Minimum Yard Requirements:	
Front	20 feet
Rear	20 feet
Single Side	5 feet
Aggregate Side	10 feet

[10] Applies to the single side yard in the case of dwelling units separated by a solid ceiling and floor extending from exterior wall to exterior wall (commonly known as a twin dwelling unit).

§27-505. I Industrial District

1. **Purpose.**
   The purpose and intent of this District is to provide the continuation and reasonable expansion of existing industries and the establishment of new industries within the existing industrial area. Specific standards will help insure desirable and attractive industrial development which will be compatible with adjacent non-industrial uses.

2. **Permitted Uses.**

   A. Uses Permitted by Right

A6	Forestry/Timber Harvesting
C9	Medical Center/Hospital
C10	Wellness Center
C11	Municipal Building
C12	Emergency Services
D1	Professional Service
D2	Medical Office
D3	Business Service
D4	Government Office
D5	Veterinary Office
D6	Commercial School
E1	Downtown Retail or Service Business
E4	Repair Shop
E9	Commercial Recreational or Sports Facility
E10	Hotel, Motel, or Inn
E11	Vehicle Sales
E13	Convenience Store
F1	Gasoline Service Station
F2	Motor Vehicle Service Center/Repair Shop
F3	Salvage
F4	Car Wash
H1	Communication Facility
H2	Utilities
I1	Bulk Commercial
I2	Wholesale Trade
I3	Warehousing and Distribution
I4	Light Manufacturing
I5	Research
I6	Contractor’s Services
J1	Home Occupation
J2	Residential Accessory Building, Structure, or Use
J4	Nonresidential Accessory Building, Structure, or Use
J5	Outside Storage or Display
J6	Off-Street Parking

J7	Signs
J8	Parking or Storage of Recreational Vehicles and Other Recreational Equipment
J9	No-Impact Home Based Business
J12	Temporary Community Event
J13	Keeping of Animals
J14	Solar Energy System
J15	Microwave or Satellite Dish Antenna
J16	Vending Machines
J17	School Bus or Bus Shelter

B. Uses Permitted by Conditional Use

B7	Dwelling in Combination
B8	Mobile Home Park
C7	Private Club
E2	Large Retail or Service Business
E3	Limited Personal Service
E6	Restaurant with Drive-Through or Take-Out
E14	Sale of Fireworks
E15	Adult Commercial Use
H3	Telecommunications Antenna*
H4	Telecommunications Equipment Building*
H5	Telecommunications Tower*
J3	Temporary Structure or Use
J11	Accessory Drive-Through Facility
J18	Helistop

**Note: These uses (H3, H4, and H5) are not permitted in the H Historical District in accordance with §27-406.*

3. **Area and Dimensional Requirements.**
All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Section 406, Use Regulations, for the specific use, in which case the requirements of Section 406 shall apply.

A. Single-Family Detached Dwelling

Minimum Lot Area	4,000 square feet
Minimum Lot Width	35 feet
Maximum Building Height	35 feet
Maximum Impervious Surface Ratio	40 percent
Minimum Yard Requirements:	
Front	20 feet
Rear	20 feet
Single Side	5 feet
Aggregate Side	10 feet

B. Two-Family Dwelling

Minimum Lot Area	4,000 square feet[11]
Minimum Lot Width	35 feet[12]
Maximum Building Height	35 feet
Maximum Impervious Surface Ratio	40 percent
Minimum Yard Requirements:	
Front	20 feet
Rear	20 feet
Single Side	5 feet[13]
Aggregate Side	10

C. Other Permitted Uses

Minimum Lot Area	10,000 square feet
Minimum Lot Width	70 feet
Maximum Building Height	35 feet
Maximum Impervious Surface Ratio	70 percent
Minimum Yard Requirements:	
Front	30 feet
Rear	25 feet
Single Side	10 feet
Aggregate Side	25 feet

4. **Design Guidelines for Nonresidential Buildings.** The following design standards are applicable to all new nonresidential developments and additions/alterations to nonresidential buildings in the I Industrial District. These guidelines may be modified by Borough Council to take into account the variety of buildings in the I Industrial District and to allow flexibility.

A. Exterior building materials for facades that face or front public streets or are viewable from customer parking areas shall meet the requirements found in (1) and (2) below:

(1) Exterior building materials shall be brick, wood, stone, tile, tinted and textured concrete masonry units, stucco or other high quality materials.

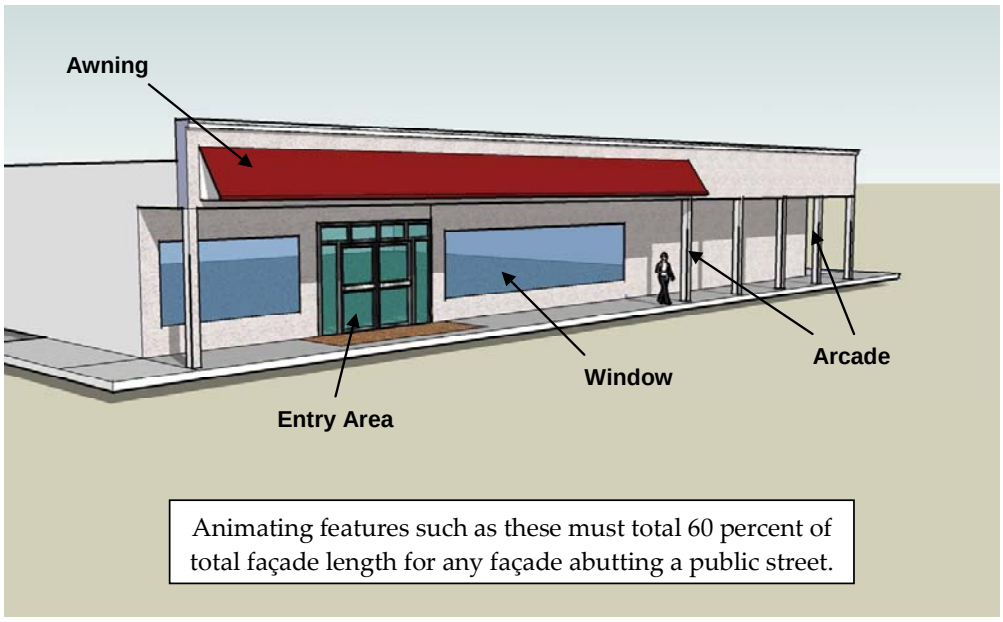
(2) Exterior building materials shall not include corrugated metal, unfinished smooth face concrete block or tilt-up concrete panels, pre-fabricated steel panels, and vinyl siding.

[11] Lot area per dwelling unit.
[12] Lot width per dwelling unit.
[13] Applies to the single side yard in the case of dwelling units separated by a solid ceiling and floor extending from exterior wall to exterior wall (commonly known as a twin dwelling unit).

B. Building facades that face or front public streets shall comply with two of the three criteria listed below. Building facades that do not face or front public streets shall comply with either criteria (2) or (3) below.

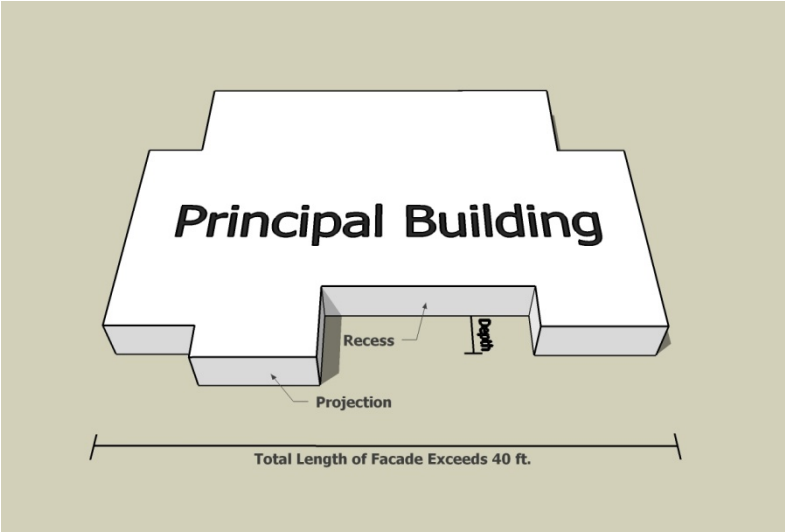
(1) Ground floor facades shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent (60%) of their horizontal length.

Figure 1. Animating Features



(2) Facades greater than forty (40) feet in length, measured horizontally, shall incorporate wall plan projections or recesses having a depth of at least three percent (3%) of the length of the façade extending at least twenty (20%) of the length of the façade. No uninterrupted length of any façade shall exceed forty (40) horizontal feet.

Figure 2. Principal Building



(3) Facades shall contain a repeating pattern that shall include no less than three of the elements listed below. At least one of elements (a), (b) or (c) below shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

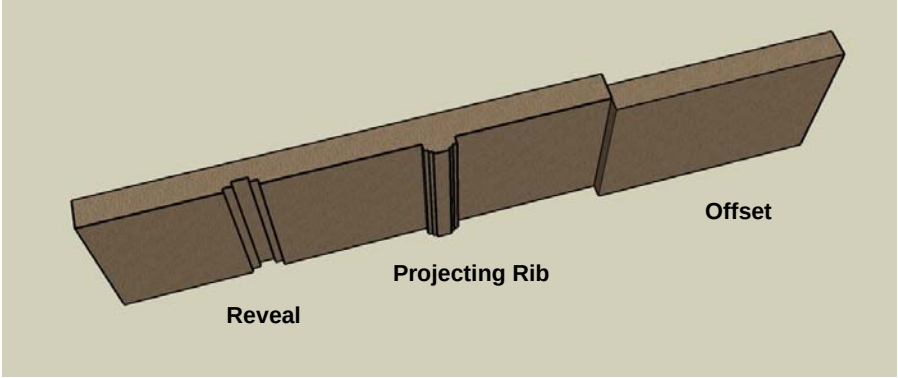
(a) Color change

(b) Texture change

(c) Material change

(d) Expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.

Figure 3. Structural Bay Layout



C. Roof design shall incorporate the following design features:

(1) Flat roof designs shall be constructed with parapets to screen Heating, Ventilation, and Air Conditioning (HVAC) and other roof mounted mechanical equipment from public view. Such parapets shall not exceed one third (1/3) of the height of the supporting wall and shall be constructed with a three dimensional cornice treatment.

(2) Sloping roof designs shall be constructed to screen HVAC and other roof mounted mechanical equipment from public view. Sloping roof designs must use at least one (1) of the following design features:

(a) Three (3) or more roof slope planes.

(b) Overhanging eaves or canopy projections which extend no fewer than three (3) feet past the supporting walls.

(3) The HVAC and other roof mounted mechanical equipment shall be installed and screened in a manner that mitigates the sound level of such equipment.

E. The use shall be designed to safely accommodate pedestrian and vehicular traffic. Pedestrian circulation shall be provided throughout the site, and pedestrian connections shall be provided to adjacent sidewalks.

E. Loading docks shall be shielded from view and shall not be visible from adjacent residential districts or from public streets.

F. All loading docks, trash containment areas and outside work areas shall be constructed in such a manner as to promote sound abatement. No trash pick-up may occur between 9:00 PM and 6:00 AM when this use abuts a residential property.

G. Unregistered or unlicensed tractor trailers, cargo boxes, shipping containers, or other vehicles or structures meant to be transportable shall not be permitted to be used as accessory buildings or structures for storage.

5. Buffer Yards. A 10-foot buffer yard shall be placed along the perimeter of all uses, unless a greater width is otherwise required by this Chapter, in accordance with §27-717.9 of this Chapter.

§27-506. H Historical District

1. **Purpose.**
   The purpose of the H Historical District is to protect those historical areas in Hulmeville which have a distinctive character recalling the rich architectural and historic heritage of the Borough.

2. **Overlay District Concept.**
   The H Historical District is an "overlay" district, i.e., the permitted uses and area and bulk regulations are determined by the underlying zoning district. The H Historical District provides additional requirements to these zoning district regulations. These additional requirements are found in Chapter 4 of the Hulmeville Borough Code of Ordinances, Part 1 Hulmeville Historical District, as last amended. All applications for zoning and building permits in the H Historical District must be submitted to the Board of Historical and Architectural Review for review and comment in accordance with the rules, regulations and procedures in Chapter 4 of the Hulmeville Borough Code of Ordinances, Part 1 Hulmeville Historical District.

PART 6
DIMENSIONAL REQUIREMENTS

§27-600. Lot Area and Lot Coverage.

1. Where a minimum lot area is specified, no principal building nor use shall be created or established on any lot of lesser area, than as specified in §§27-500 through 27-506, except as may be permitted in §27-602.

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

3. Lot coverage shall not exceed the requirements specified in §§27-500 through 27-505.

§27-601. Minimum Lot Width.

1. Where a minimum lot width is specified, no principal building shall be erected on any part of a lot which has a width less than specified, except as may be permitted by §27-602.

2. Minimum lot width shall be measured at the minimum required front building setback line. In addition to meeting the minimum lot width at the building setback line, each lot shall have a minimum lot width at the street line of not less than 50 percent of the lot width required at the building setback line.

3. Every principal building shall be built on a lot with frontage on a public street or street improved to meet the Borough's standards for public streets. Lot frontage shall be a minimum of 25 feet, or greater as may be required by §27-601.2.

§27-602. Exceptions to Minimum Lot Areas and Lot Widths.

1. The provisions of §§27-500 through 27-506 shall not prevent the construction of a single-family dwelling, provided the yard requirements are observed, on any lot which was lawful when created and which prior to the effective date of this Chapter was in separate ownership duly recorded by plan or deed.

2. This exception shall not apply to any two or more contiguous lots in a single ownership as of or subsequent to the effective date of this Chapter in any case where a reparceling or replatting could create one or more lots which would conform to the provisions of §§27-500 through 27-506.

§27-603. Traffic Visibility Across Corners.

1. In any district, no structure, fence, planting, or other obstruction shall be established or maintained between a plane two (2) feet above curb level and a plane seven (7) feet above curb level so as to interfere with traffic visibility across the corner within that part of the required front or side yard which is within **a** triangle bounded by the street lot line and a straight line drawn between points on each lot 25 feet from the intersection of said lot lines or extension thereof.

2. At each point where a private accessway intersects a public street or road, a clear-sight triangle of ten (10) feet measured from the point of intersection of the street line and the edge of the accessway shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than two (2) feet above the street grade.

§27-604. Front and Side Yards of Corner Lots.

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

§27-605. Spacing of Nonresidential Buildings on the Same Lot.

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

§27-606. Front Yard Regulations.

Where a minimum depth of front yard is specified in §§27-500 through 27-506, an open space of at least the specified depth shall be provided between the legal right-of-way, or the future right-of-way, wherever the latter exceeds the legal right-of-way, and the nearest point of any building or structure. Only landscaped areas, signs, and necessary drives and walks shall be permitted in the required front yard.

§27-607. Projections into Front Yards.

Ground story bays and porches not over half the length of the front wall may project into any front yard 3 ½ feet. Chimneys, flues, columns, sills, and ornamental features may project not more than 3 ½ feet and cornices and gutters not more than 3 ½ feet, over a required front yard.

§27-608. Fences and Terraces in Front Yards.

Subject to §27-603, the provisions of §§27-500 through 27-506 shall not apply to front fences, hedges, nor walls not over six (6) feet high above the natural grade in the required

front yard, nor to terrace steps, uncovered porches, or other similar features not over three (3) feet high above the level of the floor of the ground story.

§27-609. Exception to Required Yard for Certain Accessory Uses.

Subject to §27-603 the front yard requirements of §§27-500 through 27-506 shall not apply to off-street parking facilities in all districts. Accessory garages and structures shall comply with front yard requirements of §§27-500 through 27-506.

§27-610. Front Yard Reduction.

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

§27-611. Side Yard Regulations.

Where a minimum width of side yard is specified in §§27-500 through 27-506, no building nor structure shall be erected within the specified distance from either side lot line, except as permitted in §27-612.

§27-612. Projections into Side Yards.

Bays, balconies, chimneys, flues and fire escapes may project into a required side yard not more than one-third of its width and not more than four (4) feet in any case. Ground story bays and porches not over half the length of the side wall may project into any side yard 3 ½ feet.

§27-613. Fences and Terraces in Side Yards.

Subject to §27-603, the provisions of §§27-500 through 27-506 shall not apply to fences, hedges, or walls not over six (6) feet high above the natural grade, nor to terraces, steps, uncovered porches, or other similar features not over three (3) feet high above the floor of the ground story.

§27-614. Rear Yard Requirements.

No building or structure shall be built within the minimum depth from the rear lot line specified in §§27-500 through 27-506.

§27-615. Rear Yard Requirements for Triangular Lots.

In the case of a triangular lot with no rear lot line, the distance between any point on the building and the corner of the lot farthest from the lot line shall be at least twice the minimum depth for side yards specified in §§27-500 through 27-506.

§27-616. Maximum Height of Buildings.

1. The height of buildings is regulated to prevent loss of life or excessive property damage through the inability of borough fire equipment to reach upper stories or roofs. Therefore, no building shall exceed the maximum height required in §27-406 and §§27-500 through 27-506, or a height of thirty-five (35) feet where none is specified in §27-406 and §§27-500 through 27-506 for a specific use, except church spires, belfries, silos, water towers, smokestacks, or other areas not designed for human habitation or flagpoles provided they are not used for human occupancy and are setback one and one-half (1.5) times their height (from ground level to the top of the structure) from a building or property line and they comply with any additional regulations, including height, which are stated in §27-406 for specific uses.

2. Height shall be measured from the mean elevation of the proposed finished grade along the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

3. Accessory buildings or garages shall not exceed 15 feet in height.

§27-617. Impervious Surface Ratio.

1. The impervious surface ratio is the maximum percent of the total land area which may be covered by the ground floor area of any building or buildings and all other surfaces that do not absorb water.

2. For any development on a lot, the impervious surface ratio shall not exceed the maximum percentiles specified in §§27-500 through 27-506.

PART 7

PERFORMANCE STANDARDS

§27-700. Compliance.

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

§27-701. Natural Resource Protection Standards.

1. All uses and activities established after the effective date of this Chapter shall comply with the following resource protection standards. Site alterations, grading, filling or clearing of vegetation prior to the submission of applications for zoning or building permits or the submission of plans for subdivision or land development shall be a violation of this Chapter. Cutting of trees and/or grading that is initiated two years or less before the submission of plans for subdivision, land development, or building permits is presumed to be in anticipation of development.

   If an application for building, subdivision or land development is submitted for the property within two years of the date the cutting and/or grading began, the requirements for resource protection, as set forth in this Chapter and in the Borough Subdivision/Land Development Ordinance, shall be applied to the property as it was prior to the removal of trees or grading. If forest removal, tree removal or grading has exceeded the limits set forth in borough ordinances, the applicant shall be required to replace trees removed during the tree or forest removal process. Replacement shall be based on the actual number and size of trees or forest removed, and trees shall be replaced on the basis of three inches of new stock for every one inch that was removed. Determination of actual caliper-inches of trees removed may be determined through a site inspection or on the basis of the tree inventory that was submitted to the Borough. If it is not possible to determine the caliper inches of trees removed, then replacement trees shall be provided so that there shall be a minimum of 2,000 caliper-inches of trees per acre after replanting. Provided that the minimum planting requirements for the proposed site have been met, the applicant may, at his option and with the approval of the Council, plant the replacement trees off-site provided that the location selected benefits the public. All costs associated with the planting at the alternate location shall be borne by the applicant.

2. The following Natural Resource Standards shall apply to all uses.

   A. **Floodplains.** Areas identified as within the floodplain of the 100-year recurrence interval flood shall not be altered, graded, filled or built upon except in conformance with §27-703 Floodplain Regulations. The floodplain area shall be those areas classified as special flood hazard areas (SFHAs) in the Flood Insurance Study dated May 18, 1999 and issued by

the Federal Emergency Management Agency or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study. For areas along streams and watercourses where the 100-year floodplain has not been delineated, the requirements of Floodplain Soils shall be met.

B. **Floodplain Soils.** All such areas shall not be altered, regraded, filled or built upon except in conformance with §27-703 Floodplain Regulations. Floodplain soils shall not be used to delineate the floodplain where the 100-year floodplain has been delineated by a floodplain study.

Studies prepared by a registered engineer expert in the preparation of hydrological studies may be used to delineate the 100-year floodplain with a floodway and flood fringe in place of areas designated as "floodplain soils" and "approximate 100-year Flood Boundary." Such hydrological studies shall be subject to the review and approval of the Borough Council on the recommendation of the Borough Engineer.

C. **Steep Slopes.** In areas of steep slopes, i.e., those above 8%, the following standards shall apply:

(1) 8 - 15%: no more than 40% of such areas shall be developed and/or regraded or stripped of vegetation.

(2) 15 - 25%: no more than 30% of such areas shall be developed and/or regraded or stripped of vegetation.

(3) 25% or more: no more than 15% of such areas shall be developed and/or regraded or stripped of vegetation.

(4) Small areas of steep slopes of less than 3,000 square feet of contiguous slope shall be exempt from the limitation of this subsection.

D. **Forests.** No more than 40% of any forest (as defined in §27-201) may be cleared or developed. The remaining 60% shall be maintained as permanent open space. In addition, any individual trees greater than 15 inches caliper may not be removed in a land development proposal without approval of the Borough Council. This does not include the removal of sick or dead trees as determined by a qualified person duly appointed by Borough Council.

E. **Wetlands.** These areas shall be left as permanent open space. No development, grading, filling, piping or diverting shall be permitted except for required roads. No construction of any kind inclusive of the storage of materials is permitted within fifty (50) feet of the edge of any wetland.

A wetland is an ecosystem that depends on constant or recurrent, shallow inundation or saturation at or near the surface of the substrate. The minimum essential characteristics of a wetland are recurrent, sustained inundation or saturation at or near the surface and the presence of physical, chemical, and biological features reflective of recurrent, sustained inundation or saturation. Common diagnostic features of wetlands are hydrology, hydric soils and hydrophytic vegetation. Any area containing all three elements shall be defined as wetlands as shall any area that meets the definition of a wetland in either 1) The United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual; or 2) The United States Environmental Protection Agency Wetlands Identification Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified; or 3) The Pennsylvania Department of Environmental Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified. Where a difference between the foregoing criteria exists, the most restrictive criteria will be used in any particular case. For the purposes of this definition and for its application to this Chapter most restrictive criteria shall mean the criteria which effects preservation of the most extensive area of wetlands.

No area, which does not contain the required hydrology, hydric soils and hydrophytic vegetation shall be considered as a regulated wetland except where specific physicochemical, biotic, or anthropogenic factors have removed them or prevented their development. In the event that such factors have occurred and have prevented the development of or removal of wetland hydrology, hydric soils or hydrophytic vegetation, the area shall be considered as a wetland and regulated as such with the exception that replacement and/or mitigation will not be required by the Borough unless required by another regulatory entity.

All wetland determinations shall be performed by the Army Corp of Engineers or by an independent party certified by the Army Corp of Engineers to be expert in wetland delineations in which case a copy of such certification shall be provided with the subdivision or land development application and all wetland delineations shall be attested to and sealed.

At the time of application, the applicant shall file for review a wetlands report that shall identify and delineate all wetlands on the plan set in sufficient detail as to make on-site verification possible. All wetland areas shall be clearly staked at the time of application and throughout the review period to allow the entire parameter of the wetland area(s) to be located.

In the event that one or more but less than three of the normal characteristics of a wetland are present, the party delineating the wetlands shall identify such areas and clearly indicate their location on the plan set. Such areas shall be clearly staked in the field at the time of application and throughout the review period to allow such areas to be located. All such areas shall be considered wetlands unless the application for land development or sub-division is accompanied by a signed and certified, detailed explanation that asserts that the lack of a particular wetland characteristic is a normal and natural condition and is not the result of human intervention (including agricultural activities) or an unusual natural event.

F. **Soil Erosion and Sedimentation.** All developments shall protect streams, lakes and ponds from sedimentation damage and control erosion in accordance with the "Clean Streams Law PL 198, Chapter 102," except that in addition all developments shall submit a plan as part of the preliminary land development plan even where they are less than 25 acres in extent.

G. **Streams, Watercourses, Waters of the Commonwealth, Lakes or Ponds**: Such areas shall not be altered, graded, developed, filled, piped, diverted or built upon. No construction activity or permanent construction of any kind inclusive of the storage of materials is permitted within 50 feet of the edge of any waterway.

H. **Riparian buffer.** A riparian buffer shall be established along all watercourses tributary to Neshaminy Creek. The buffer shall be 10 feet in width measured from the top of bank of the stream and extending on both sides of the stream. The area of the riparian buffer may be counted as part of the minimum lot area. The purpose of the buffer is to protect water quality, prevent erosion and sedimentation, and prevent flooding. Within the riparian buffer, there shall be no grading, removal of vegetation, building, disturbance, or placement of structures, except as permitted by this Chapter.

§27-702. Site Design and Intensity Performance Standards; Site Capacity Calculation.

A. The following site capacity calculations shall be submitted with applications for Use B3 Single-Family Detached Cluster and Use B4 Traditional Neighborhood Development. Through these calculations, the net buildable site area, the maximum number of lots or dwelling units, the maximum amount of impervious surfaces and the required open space shall be determined for the specific site. The required open space shall be the minimum open space as related to the Minimum Open Space Ratio specified in Part 4 Use Regulations and the area and

dimensional requirements of §§27-500 through 27-505, or the calculated Resource Protection Land, whichever is the greater amount. Areas identified as Resource Protection Land shall be included in the required open space for these uses.

(1) Base Site Area: Certain portions of tracts may not be usable for development. These shall be subtracted from the site area to determine base site area. The following calculation for Base Site Area shall be used for all site capacity calculations.

(a) Site area as determined by actual on-site survey _____acres

(b) *Subtract* land which is not contiguous, i.e:

i. A separate parcel which does not abut or adjoin, nor share common boundaries with the rest of the development, and/or

ii. Land which is cut off from the main parcel by an expressway, arterial or collector roadway, railroad, existing land uses, major stream, or other body of water so as to serve as a major barrier to common use, or so that it is isolated and unavailable for building purposes._____acres

c. *Subtract* land which in a previously approved subdivision was reserved for resource protection, open space, or recreation. _____acres

d. *Subtract* land used or zoned for another use, i e., land used or to be used for commercial or industrial uses in a residential development, or land in a different zoning district than the primary use. _____acres

e. *Subtract* land within ultimate rights-of-way of existing roads, or utility rights-of-way or easements. _____acres

Equals Base Site Area _____acres

(2) Resource Protection Land—All land and resources within the base site area shall be mapped and measured for the purpose of determining the amount of open space needed to protect it. Portions of a site which may have overlapping resource protection restrictions shall be subject to the highest open space ratio and shall be calculated only once.

Resource	**Protection Ratio**		**Acres of Land in Resource**	**Resource Protection Land**	**Total Proposed Disturbance**
Floodplains	1.00	x	_____acres	_____acres	_____acres
Floodplain Soils	1.00	x	_____acres	_____acres	_____acres
Wetlands	1.00	x	_____acres	_____acres	_____acres

Steep slopes (26% or more)	0.85	x	_____acres	_____acres	_____acres
Steep slopes (16 – 25%)	0.70	x	_____acres	_____acres	_____acres
Steep slopes (8 – 15%)	0.60	x	_____acres	_____acres	_____acres
Forest	0.60	x	_____acres	_____acres	_____acres

Total Land With Resource Restrictions = ____ acres
Total Resource Protection Land = ____ acres
Total Proposed Disturbance = ____ acres

a. Calculation of Minimum Required Open Space

Base Site Area ____ acres
Multiply by Minimum Open Space Ratio ____ acres
Equals Minimum Open Space ____ acres

b. Calculation of Net Buildable Site Area

Base Site Area ____ acres
Minus Total Resource Protection Land or Minimum Open Space
(whichever is greater) ____ acres
Equals Net Buildable Site Area ____ acres

c. Determination of Maximum Number of Dwelling Units/Lots

Net Buildable Site Area ____ acres
Multiply by Maximum Density
(See §27-406 and §27-500 through 27-505) ____ acres
Equals Maximum Number of Dwelling Units/Lots (rounded down)
____ units/lots

d. Determination of Maximum Amount of Impervious Surface

Net Buildable Site Area ____ acres
Multiply by Maximum Site Impervious Surface Ratio ____ acres
Equals Maximum Site Imperviousness ____ acres

e. Site Capacity Summary

Base Site Area ____ acres
Total Resource Protection Land ____ acres
Required Open Space ____ acres
Net Buildable Site Area ____ acres
Maximum Number of Dwelling Units/Lots (rounded down)
____ units/lots
Maximum Site Imperviousness ____ acres

§27-703. Floodplain Regulations.

1. No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, substantially improved or structurally altered except in full compliance with terms and provisions of this Part and any other applicable ordinances and regulations which apply to uses within the jurisdictions of this Part and all other applicable codes and ordinances such as the Hulmeville Borough Subdivision and Land Development Ordinance and the Hulmeville Borough Building Code. Zoning and building permits shall be required before any construction or development is undertaken within any area of the Borough. In addition, all such uses, activities, and development shall be undertaken only in compliance with Federal or State law including §404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

A. **Purpose.** The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and to protect the tax base by:

(1) Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.

(2) Restricting and prohibiting certain uses, activities, and development from locating, within areas subject to flooding.

(3) Requiring all those uses, activities, and development that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.

(4) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

B. **Abrogation and Greater Restrictions.** This Part supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other Chapter or ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Part, the more restrictive shall apply.

C. **Warning and Disclaimer of Liability.**

(1) The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages.

(2) This Chapter shall not create liability on the part of the Borough or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

D. **Definitions.** The following definitions apply only to terms used in §27-703.1. Definitions found in Part 2 of this ordinance apply in all other sections of this Ordinance.

BASE FLOOD – a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

BASE FLOOD ELEVATION (BFE) – the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT - any area of the building, having its floor subgrade (below ground level) on all sides.

COMPLETELY DRY SPACE - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONSTRUCTION - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building, or structure, including the placement of manufactured homes.

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

ESSENTIALLY DRY SPACE - a space~~,~~ which will remain dry during~~,~~ flooding, except for the passage of some water vapor or minor seepage**;** the structure is substantially impermeable to the passage of water.

FLOOD INSURANCE RATE MAP (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODWAY - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.

FLOODPROOFING - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURES - any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily

determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

i. By an approved state program as determined by the Secretary of the Interior or

ii. Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, usable solely for parking of vehicles, building access and incidental storage, in an area other than a basement area, is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure in violation of the applicable non-elevation design requirements of this Chapter.

MANUFACTURED HOME - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MINOR REPAIR - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any

standpipe, water supply, sewer, drainage drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION - structures for which the start of construction commenced on or after the [effective start date of this floodplain management regulation] adopted by the community and includes any subsequent improvements to such structures. Any construction started after [effective date of community's first floodplain management ordinance adopted by the community] and before [effective start date of this floodplain management ordinance] is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - a vehicle which is:

(1) built on a single chassis;

(2) not more than 400 square feet, measured at the largest horizontal projections;

(3) designed to be self-propelled or permanently towable by a light-duty truck,

(4) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION – the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet/

SPECIAL FLOOD HAZARD AREA - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

START OF CONSTRUCTION - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction,

rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" (or "repetitive loss" when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the

State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

E. **Establishment of Floodplain Areas.** The identified floodplain areas shall be any areas of Hulmeville Borough, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) dated May 18, 1999 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision therof, including all digital data developed as part of the Flood Insurance Study and, any floodplain soils. The identified floodplain area shall consist of the following specific areas:

(1) **FW (Floodway Area) -** the areas identified as Floodway in the Flood Insurance Study which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood. The term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the Flood Insurance Study.

(2) **AE (AE Area without Floodway) –** those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.

(3) **Floodplain Soils.** Areas subject to periodic flooding or listed in the Official Soil Survey provided by the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey (http://websoilsurvey.nrcs.usda.gov/), as soils having a flood frequency other than none. Regulations concerning floodplain soil areas shall be the same as the regulations pertaining to the Flood Fringe Zone.

F. **Use of Floodplain Areas.**

(1) The floodplain areas described above shall be overlays to the existing underlying, zoning district and the floodplain provisions shall serve to supplement the underlying zoning districts and the floodplain provisions shall serve to supplement the underlying zoning provisions. Where there is a conflict between the provisions or requirements of any floodplain requirement and those of the underlying zoning, the more restrictive provisions and those pertaining to the floodplain area shall apply. However, in all cases, the floodplain requirements shall be met.

(2) In the event any provision concerning a floodplain regulation is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying zoning district provisions shall remain applicable.

(3) The delineation of any of the floodplain areas may be revised by the Borough where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, or other qualified agency or individual documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA) and the Pennsylvania Department of Community and Economic Development.

(4) Initial interpretations of the boundaries of the floodplain areas shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the area, the Zoning Hearing Board shall make the necessary determination. The persons questioning or contesting the location of the boundary shall be given a reasonable opportunity to present their case to the Board and to submit their own technical evidence if they so desire.

G. **Existing Structures in the Floodplain Areas.** A structure or use of a structure or premises which lawfully existing before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

(1) No expansion or enlargement of an existing structure shall be allowed within any identified floodway that would cause any increase in flood heights not withstanding any other provisions of this Ordinance.

(2) Any modification, alteration, repair, reconstruction, or improvement of any kind to an existing structure and or use, to an extent or costing an amount of 50% or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance. All improvements and repairs meeting the definition of substantial improvement and occurring during the ten years preceding the filing of an application for a permit shall be applied cumulatively toward the fifty (50) percent threshold for market value.

(3) Any modification, alteration, repair, reconstruction, or improvement of any kind to an existing structure and or use, to an extent or amount of less than 50% of its market value shall not be required to conform with the elevation floodproofing requirements. A letter of exemption from the floodplain requirements shall be obtained from the Building Permit Officer before construction is started.

H. **Floodway Zone Regulations.** In the floodway areas, encroachments, including fill, new construction, substantial improvements, and other development that would result in any increase in flood levels within the community during the occurrence of the base flood are prohibited.

(1) Permitted Uses. In the floodway areas, the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials and equipment.

(a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

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

(c) Yard areas for, residential and nonresidential uses as required by this ordinance, gardens, and play areas.

(2) Uses Permitted by Special Exception. The following uses and activities may be permitted by Special Exception in accordance with §27-1206 provided that they are in strict compliance with the

provisions of the underlying district and are not prohibited by any other ordinance:

(a) Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water treatment plants, and other similar or related uses.

(b) Water related uses and activities such as marinas, docks, wharves, piers, etc.

(c) Storage of materials and equipment provided they are not buoyant, flammable or explosive and are not subject to major damage by flooding, and provided such material and equipment is firmly anchored to prevent flotation or movement. Storage of materials and equipment listed in §27-703.1.Q.(1). shall be prohibited in floodplain areas.

(d) Non-pervious parking areas.

(e) Uses and activities accessory to the uses and activities in §27-703.1.H.(1)(a).

(3) The placement of any mobile home or manufactured home or manufactured home park in the floodway zone is prohibited.

(4) All uses, activities, and development shall be undertaken in strict compliance with the floodproofing provisions contained in this and all other applicable codes and ordinances.

I. **AE Zone Regulations.**

(1) All land uses permitted by right or special exception in the underlying zone (Part 4) are permitted as Special Exceptions in the Flood Fringe Zone provided that all such uses, activities and or development shall be undertaken in strict compliance with the filling, floodproofing and related provisions contained in this Ordinance and all other applicable codes and ordinances.

(2) The placement of any mobile home or manufactured home or manufactured home park in the AE Zone Area is prohibited.

J. **Floodplain Soils Area Regulations.** Along those portions of streams and watercourses where the Floodway and AE Zone areas have not been determined, the following regulations pertaining to floodplain soils areas shall apply:

(1) For the purposes of this Section, it shall be assumed that, absent justification to the contrary submitted by the applicant and approved by the Borough, any activity other than allowed in §27-703.1.H Floodway Zone Regulations, will substantially affect the elevation and velocity of floodwaters. Therefore, the provisions of §27-703.1.H Floodway Zone Regulations shall be applicable.

(2) The applicant for a proposed use, development or activity in floodplain soils areas shall have the opportunity to determine flood profiles and elevations, thereby identifying the floodway and flood fringe areas, in accordance with hydrologic and hydraulic engineering techniques as follows:

(a) The applicant shall provide sufficient documentation to demonstrate that his proposed activity, together with all other existing and anticipated development, uses, and activities, will not increase the water surface elevation of the one hundred (100) year flood more than one (1) foot at any point. The engineering principle of equal reduction of conveyance shall be used to make the determination of increases in flood heights.

(b) Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough. The Borough Council must approve the study.

(3) The placement of any mobile home or manufactured home or manufactured home park in the floodplain soils area is prohibited.

K. **Anchoring, Elevation and Floodproofing Requirements.**

(1) **Residential Structures**

(a) Within any AE Zone Area or Floodplain Soils Area, the lowest floor (including basement) of any new or substantially improved residential structure shall be at least 1½ feet above the base flood elevation.

(b) The applicant shall provide the Borough Zoning Officer with a statement identifying the lowest floor elevation. The zoning officer shall keep a record of the submitted

statements identifying the lowest floor elevations for uses in floodplain areas.

(c) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

(2) **Nonresidential Structures.**

(a) Within any AE Zone Area or Floodplain Soils Area, the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be at least 1½ feet above the base flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

i. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

ii. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(b) The applicant shall provide the Borough Zoning Officer with a statement identifying the lowest floor elevation.

(c) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

(3) Any structure, or part thereof (except for enclosures below the lowest floor), which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood-Proofing, Regulations" (U.S. Army Corps of Engineers, June 1972**,** as amended March 1992 and from time to time or later revision), or some other equivalent standard, for that type of construction.

(4) A document, certified by a registered professional engineer or architect, which states that the proposed construction or

development has been adequately designed to withstand the 100 year flood elevations, pressures, velocities, impact and uplift forces associated with the 100 year flood shall be submitted. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development; and will include elevations of the existing ground, the proposed finished ground, and the lowest floor.

(5) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters-the designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than 1 square inch for every square food of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) The requirements of subsections (1) through (5) above shall not apply to fences in the AE Zone Areas or Floodplain Soils Areas.

(7) Anchoring:

(a) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

(b) All air ducts, large pipes, storage tanks, and other similar objects or components located below the base flood elevation shall be securely anchored or affixed to prevent flotation.

L. **Special Requirements for Mobile Homes or Manufactured Homes.** No mobile home or manufactured home shall be permitted in the flood fringe area except as a nonconforming use which predates the enactment of this Chapter. Any new mobile homes or manufactured homes or mobile homes or manufactured homes placed in an existing manufactured home park

shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes, including Mobile Home Park Requirements (CNFPA No.501 A-1974 CANSI A119.3-1975) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as, but not limited to, the following:

(1) Over the top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

(2) Frame ties shall be provided at each corner of the manufactured home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and for four (4) additional ties per side for units less than fifty (50) feet in length.

(3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(4) The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the manufactured home will be one and one-half (1.5) feet or more above the elevation of the one-hundred (100) year flood.

(5) Adequate surface drainage shall be provided.

(6) Adequate access for a hauler shall be provided.

(7) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

M. **Design and Construction Standards.**

(1) **Fill.** If fill is used, it shall:

(a) Extend laterally at least 15 feet beyond the building line from all points.

(b) Consist of soil or small rock materials; sanitary landfills shall not be permitted.

(c) Be compacted to provide the necessary permeability and resistance to erosion, scouring or setting.

(d) Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data justifying steeper slopes are submitted to, and approved by, the Zoning Officer and Borough Engineer.

(e) Be used to the extent to which it does not adversely affect adjacent properties.

(2) **Drainage.** Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff into adjacent properties.

(3) **Water and Sanitary Sewer Facilities and Systems.**

(a) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to prevent the infiltration of flood waters.

(b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(c) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall he located so as to avoid impairment to it, or contamination from it during a flood.

(d) The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and the International Private Sewage Disposal Code shall be utilized.

(4) **Other Utilities.** All other utilities such as gag lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(5) **Streets.** The finished elevation of all new streets shall be at least one (1) foot above the base flood elevation.

(6) **Storage.** All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human; animal, or plant life, and not listed in §27-703.1.Q, "Development Which May Endanger Human Life," shall be stored at or above the base flood elevation or floodproofed to the maximum extent possible.

(7) **Placement of Buildings and Structures.** All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

(8) **Electrical Components.**

(a) Electrical distribution panels shall be at least 3 feet above the baes flood elevation.

(b) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(9) **HVAC Equipment.** Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall be elevated above the regulatory flood elevation.

(10) **Fuel Supply Systems.** All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(11) The applicant shall submit plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(a) The proposed lowest floor elevation of any proposed building, based upon National Geodetic Vertical Datum of 1929.

(b) The elevation of the 100 year flood.

(c) If available, information concerning depths, pressures, velocities, impact and uplift forces and other factors associated with a 100 year flood.

(d) Detailed information concerning any proposed floodproofing measures including the specific elevation to which such structures are floodproofed.

N. **Subdivision and Land Developments.** Whenever a subdivision, resubdivision or land development is submitted under the applicable subdivision and land development ordinance and any portion of the site lies within the floodplain areas, the following information shall be provided with each plan submission:

(1) **Sketch Plan.** The Floodway, Floodplain Soils Areas, and AE Zone Areas shall be delineated on the plan. The Flood Map of Hulmeville Borough shall be used in identifying these areas.

(2) **Preliminary Plan, Final Plan and Record Plan.** The loodway, Floodplain Soils Areas, and AE Zone Areas shall be delineated on each submitted plan. The Flood Map of Hulmeville Borough shall be used in identifying, these areas. The information included in the Flood Profiles and flood data which accompany the Hulmeville Borough Zoning Ordinance shall be used for engineering purposes to determine the extent of flooding on the property proposed for subdivision, resubdivision or land development.

(3) Utilities shall be raised above the regulatory flood elevation and/or shall be resistant to flooding. Water and sewer systems shall be designed to minimize the infiltration of flood waters into the systems and to prevent discharges of wastes into the flood waters.

(4) The Borough Council or the reviewing Planning Commission shall require the applicant to perform an on-site investigation and tests to determine the extent of floodplain or alluvial soils in areas designated as Urban Land (Ub) in the Official Soil Survey provided by the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey (http://websoilsurvey.nrcs.usda.gov/). The investigation and tests shall be performed by a qualified soils scientist and shall be reviewed by the Borough Engineer for accuracy of the soils locations, limitations and field conditions. Areas found to contain floodplain or alluvial soils shall conform to the regulations pertaining to Floodplain Soils Areas contained in this Ordinance and other applicable ordinances and codes.

(5) The Borough Council and Planning Commission shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

O. **Variances.** If compliance with any of the requirements of this Section would result in an exceptional hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements in addition to the requirements set forth by the Pennsylvania Municipalities Planning Code. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:

(1) No variance shall be granted for any construction, development, use or activity within the Floodway Area that would cause any increase in the one hundred (100) year flood elevation.

(2) No variance shall be granted for any of the requirements pertaining to Development Which May Endanger Human Life or Prohibited Activities.

(3) If granted, a variance shall involve only the least modification necessary to provide relief.

(4) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of the ordinance.

(5) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

(a) The granting of the variance may result in increased premium rates for flood insurance.

(b) Such variances may increase the risks to life and property.

(6) In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:

(a) That there is good and sufficient cause.

(b) That failure to grant the variance would result in exceptional hardship to the applicant.

(c) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state statute or regulation, or local ordinance or regulation.

(7) A complete record of all variance, requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

(8) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.

P. **Flood Map Interpretation.**

(1) Because flood waters follow the precise topography of the land and because of the impracticality of showing precise topography on a small-scale map, the Flood Profiles which accompany the most recent Flood Insurance Study are hereby incorporated in this Chapter and shall be considered controlling for the purpose of determining the extent of the floodplain area on a particular parcel of land.

(2) Where interpretation is needed concerning the exact location of any boundary of the floodplain area, the Zoning Hearing Board shall make the necessary determination after consulting with the Borough Engineer.

Q. **Development Which May Endanger Human Life.** The provisions of this §27-703.1.Q shall be applicable, in addition to any other applicable provisions of this Chapter, or any other ordinance, code or regulation.

(1) **Production and Storage of Hazardous Materials.** In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substance) of any dangerous materials

or substances, including but not limited to the following, on the premises, shall not be permitted in any identified floodplain area:

(a) Acetone
(b) Ammonia
(c) Benzene
(d) Calcium carbide
(e) Carbon disulfide
(f) Celluloid
(g) Chlorine
(h) Hydrochloric acid
(i) Hydrocyanic acid
(j) Magnesium
(k) Nitric acid and oxides of nitrogen
(l) Petroleum products (gasoline, fuel, oil, etc.)
(m) Phosphorus
(n) Potassium
(o) Sodium
(p) Sulphur and sulphur products
(q) Pesticides (including insecticides, fungicides and rodenticides)
(r) Radioactive substances, insofar as such substances are not otherwise regulated

Q. Prohibited Activities in the Floodplain. The following activities shall be prohibited within any identified floodplain area or floodplain soils area of the Borough:

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

(a) hospitals

(b) nursing homes

(c) jails or prisons

(d) emergency services

(e) kennels

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

§27-704. Transportation Impact Study and Water Resources Impact Study.

1. Transportation Impact Study.

A. Purpose.

A Transportation Impact Study shall be required for all subdivisions and land developments meeting one or more of the criteria below in Subsection B. This study will enable Hulmeville Borough to assess the impact of a proposed development on the transportation system, both highways and public transportation, in the Borough. The purpose of the impact study is to insure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access between the site and the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development. The study shall assist in the protection of air quality, conservation of energy and encouragement of public transportation use.

B. Applicability.

(1) A Transportation Impact Study shall be submitted for all subdivisions and land developments that will meet one or more of the following criteria:

(a) Residential: Fifteen (15) or more dwelling units or lots.

(b) Non-Residential Subdivision: Five (5) lots or more.

(c) Commercial: A commercial building or buildings consisting of 15,000 square feet or more of floor area.

(d) Office: A development consisting of 15,000 square feet or more of floor area.

(e) Industrial: Any industrial development consisting of 5 or more lots, or 15,000 square feet or more of floor area, or having more than 35 employees (immediately or future) with access from the site onto a Borough street, or with an expected daily traffic flow of more than 150 vehicle trips per day with site access onto a Borough street.

(f) Institutional: Any medical, educational, or institutional development consisting of 15,000 square feet or more of floor area.

(g) Other: All other uses that propose to generate 250 or more trips.

(2) The number of trips shall be determined through the use of the Institute of Transportation Engineers (ITE), "Trip Generation", latest edition.

(3) Borough Council, at its discretion, may require any other subdivision or land development to be accompanied by a Transportation Impact Study; provided, however, that Borough Council notifies the applicant within thirty (30) days following the Planning Commission's first meeting to consider the proposal. Such a notification shall specify the reason for the requirement, citing the proposal's particular location or existing problems or type of use. Borough Council may, at its discretion waive the requirement of a Transportation Impact Study when it determines that such a study is unnecessary.

C. The Transportation Impact Study shall be prepared by a qualified traffic engineer and/or transportation planner with previous traffic study experience. The procedures and standards for the Transportation Impact Study are set forth in Appendix B.

2. Water Resources Impact Study.

A. A Water Resources Impact Study shall be required for all subdivision and land developments meeting one or more of the criteria below in Subsection B. The purpose of the study is to determine if there is an adequate water supply to serve the proposed use. Any proposed subdivision or land development which does not provide an adequate water supply for use shall not be approved by the Borough and shall be cause for denial of the subdivision or land development plans.

B. Applicability.

(1) A Water Resources Impact Study shall be submitted for all subdivisions and land developments that will meet one or more of the following criteria:

(a) Residential: Fifteen (15) or more dwelling units or lots.

(b) Non-Residential Subdivision: Five (5) lots or more.

(c) A zoning permit application or land development which will require public water of more than 4,500 gallons per day.

C. Report Requirements. The Water Resources Impact Study shall be prepared by a Professional Engineer registered in the Commonwealth of Pennsylvania and shall include those requirements set forth in §27-1301.C.

§27-705. General Open Space Standards.

1. Single-family cluster developments, traditional neighborhood developments and other uses with open space requirements shall meet the open space standards of the Zoning Chapter. The plan shall contain or be supplemented by such material as required to establish the method by which open space shall be perpetuated, maintained, used, and administered. The plan and other materials shall be construed as a contract between the land owner(s) and the municipality, and shall be noted on all deeds.

2. Any property or parcel, including open space as part of previous subdivision within the Borough, which is subject to a restriction against further subdivision, whether by notation on a subdivision plan or restriction in a deed, shall not be further subdivided or developed, regardless of an intervening zoning or other ordinance change.

3. Where open space is designated on a subdivision plan or is to be restricted from further subdivision or development by a restriction in a deed and/or by a note on a subdivision plan, the plan shall contain the following statement: "Open space which is designated on this subdivision plan is restricted from further subdivision and development by a restriction in a deed or by this note, regardless of an intervening or other ordinance change."

4. All subdivisions and residential developments with open space requirements shall provide internal usable open space that shall be accessible to residents of the development. For all developments of 25 dwellings or more, a minimum area of 800 square feet per dwelling unit shall be provided in one or more central community greens accessible to residents of the development. A green or common area shall have a minimum contiguous area of at least 20,000 square feet.

5. Where open space is designated on a subdivision plan, an open space easement shall be granted to the Borough over such open space assuring the open space's protection from future subdivision, development or use inconsistent with its preservation as open space in accordance with §27-707.

§27-706. Layout of Open Space.

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

§27-707. Open Space Designation.

1. The subdivision plans shall further designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used:

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

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

2. Minimum width buffer yards do not count as open space. However, required open space may be used to meet the requirements for buffers where the open space has a minimum contiguous area of four acres and a minimum dimension of 200 feet.

3. Required open space shall not include any area that is required by this Chapter for minimum yards or setbacks or building separations.

4. Stormwater facilities or basins (retention or detention) may be located in open space but the land area of the stormwater facility and/or basin, as defined by the extent of the stormwater or drainage easement, may not be used to meet the minimum open space requirements for the use or district.

5. Open space whose purpose or resulting effect is to enhance the private yards of individual lots shall not be considered to meet the ordinance requirements for open space and shall not be counted in the calculation of minimum required open space. Narrow or irregular pieces of land which serve no public open space function or which are remnants leftover after the lots, streets, and parking areas have been laid out shall not be considered to meet the ordinance requirements for open space and shall not be counted in the calculation of minimum required open space.

6. The easement area for any underground utility pipelines shall not be used to meet open space requirements.

§27-708. Open Space Performance Bond.

The developer shall provide designated planting and recreation facilities within the open space areas. A performance bond or other securities shall be required to cover costs of installation in accordance with provisions of the Subdivision and Land Development Ordinance [Chapter 22].

§27-709. Ownership and Preservation of Open Space.

Any of the following methods may be used to preserve, own, or maintain open space: condominium, homeowners' association, dedication in fee simple to Hulmeville Borough or to a County or State government, dedication of easements to a municipal government or conservation organization, transfer to a private conservation organization, or dedication of development rights. The following specific requirements are associated with each of the various methods:

A. **Condominium.** The open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Pennsylvania Uniform Condominium Act. All open space land shall be held as "common element." Such land shall not be eligible for sale to another party except for transfer to another method of ownership permitted under this §27-709, and then only where there is no change in the open space ratio or the open space designated on the record plans for the development.

B. **Homeowners Association.** The open space may be held in common ownership by a homeowners association. Such land shall not be eligible for sale to another party except for transfer to another owner permitted under this section, and then only where there is no change in the open space ratio or the open space designated on the record plans for the development.

C. **Fee-simple Dedication.** The municipality may, but shall not be required to, accept any portion or portions of the open space, provided: (a) such land is freely accessible to the public, (b) there is no cost **of acquisition to** the Borough involved, (c) the municipality agrees to and has access to maintain such lands; and (d) the open space shall be in an acceptable condition to the Borough at the time of transfer with regard to size, shape, location, condition, and improvement.

D. **Dedication of Development Rights.** The Borough or County may accept but shall not be required to accept, title to the development rights or easements to any portion or portions of the open space. In such cases, the land remains in the ownership of the individual, condominium, or homeowners association while the development rights are held in public ownership. The County shall accept ownership only in accordance with

the provisions of Act 442 and county plans. The municipality may accept such land as it sees fit. In either case, there shall be no cost to County or municipality for acquisition or maintenance. The municipality may require this method where it deems this the most appropriate way of maintaining land in open space, particularly in single-family cluster developments.

E. **Transfer to a Private Conservation Organization.** With permission of the Borough, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Borough, or easements, to a private, nonprofit organization, among whose purposes it is to conserve open space land and/or natural resources provided that:

(1) the organization is acceptable to the Borough and is a bona fide conservation organization with perpetual existence;

(2) the conveyance contains appropriate provision for transfer to the Borough in the event that the organization becomes unwilling or unable to continue carrying out its functions; and

(3) a maintenance agreement acceptable to the Borough is entered into by the developer and the organization.

F. **Deed Restrictions.** Natural resource protection land or open space, as required by this Ordinance, may be held in the ownership of an individual property owner(s). This form of ownership of open space will be subject to the following requirements:

(1) It may be used only if approved by Borough Council.

(2) Restrictions meeting Borough specifications must be placed in the deed and through conservation easement for each property that has natural resource protection areas within its boundaries. The restrictions shall provide for the continuance of the resource protection areas in accordance with the provisions of this ordinance;

(3) It will be clearly stated in the individual deeds and in the easement documents that the maintenance responsibility lies with the individual property owner.

G. Multifamily or Townhouse Developments as part of Use B4 Traditional Neighborhood Development. In the case of multifamily or townhouse residential uses, the open space land may be in the same ownership as that of the development provided that the land is deed-restricted to ensure its protection and continuance and that a maintenance agreement suitable to the Borough is provided. For any of these options the Borough may

accept, but is not required to accept, an easement to the open space land in the development.

§27-710. Noise.

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

2. **Terminology and Definitions -** For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

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

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

Chief—The Chief of Police of Hulmeville Borough or his authorized officers.

Daytime—The local time of day between the hours of 7:00 a.m. and 10:00 p.m. weekdays and from 9:00 a.m. to 10:00 p.m. on Saturdays, Sundays and legal holidays unless otherwise specified.

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

Nighttime—Those times excluded from the definition of daytime.

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

Noise disturbance—any sound which:

(1) Endangers or injures the safety or health of humans; or

(2) Annoys or disturbs a reasonable person of normal sensitivities; or

(3) Endangers or injures personal or real property; or

(4) Exceeds the applicable maximum permissible sound levels as they appear in the table in Section 4.

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

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

Zoning district classification—the scheme of land use classification contained in the Hulmeville Borough Zoning Ordinance, as amended from time to time.

3. **Noise Sensitive Zones.** Any property may constitute a "Noise Sensitive Zone" if established by resolution or Borough Council at a future time. The measure of the dBA sound level at the boundary line of any such "Noise Sensitive Zone" shall comply with the general sound standard as set forth in this section except that all dBA ratings shall be lowered by a factor of 15 dBA for computation purposes.

4. **Maximum Permissible Sound Levels.** Except as otherwise provided, any noise which emanates from any operation, activity or source and which exceeds the maximum permissible sound levels established in this section below is hereby prohibited. Such levels shall be measured at the property boundary of the sound source or at any point within any other property affected by the noise. When a noise source can be identified and its noise measured in more than one (1) zoning district classification, the limits of the most restrictive classification shall apply.

A. Maximum Permissible Sound Pressure Levels

	Zoning District(s)	**Classification Maximum dBA (Daytime/Nighttime)**
Commercial	C Commercial District	60/50
Industrial	I Industrial District	70/60
	LIC Limited Industrial Conservation District	60/50
Residential	R-1 Residential District	60/50
	R-2 Residential District	60/50
	R-3 Residential District	60/50

B. Heating and cooling systems, including but not limited to air conditioners and heat pumps, shall not be subject to the night levels enumerated above.

C. Any person, with lawfully obtained building and/or land development permits, who between the hours of 7:00 a.m. and 7:00 p.m. weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays, Sundays and legal holidays operates or causes to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, alleys or appurtenances thereto in the outdoors in any residential district within one hundred (100) yards of a lawfully occupied dwelling shall not be subject to the levels enumerated above.

D. Persons performing construction of public projects, repair or maintenance work for such projects or persons performing work for private or public utilities for the repair of facilities or restoration of services shall not be subject to the levels enumerated above.

5. Prohibitions. The following acts are violations of this Chapter:

A. Operating or causing to be operated between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and between the hours of 6:00 p.m. and 9:00 a.m. on Saturdays, Sundays and legal holidays any equipment used in construction, repair, alteration or demolition work on buildings, structures, alleys or appurtenances thereto in the outdoors in any residential district (as above set forth) within one hundred (100) yards of a lawfully occupied dwelling. This section shall not apply to construction of public projects, the repair or maintenance work performed on such projects or work performed by private or public utility companies for the repair of facilities or restoration of services.

B. Operating or permitting the operations of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower or similar device (used outdoors) between the hours of 9 PM and 7 AM on weekdays and between the hours of 9 PM and 9 AM on Saturdays, Sundays, and legal holidays in such a manner as to create a noise disturbance at any time across a real property line or within a “Noise Sensitive Zone.”

C. Repairing, rebuilding, modifying, testing or operating any motor vehicle, motorcycle, boat, recreational vehicle or other powered motor vehicle between the hours of 10 PM and 7 AM in such a manner as to create a noise disturbance at any time across a real property line or within a “Noise Sensitive Zone.”

D. Operating or permitting the operation of mechanically powered equipment or trucks used in waste management, waste disposal, trash collection or brush disposal between the hours of 10 PM and 6 AM in such a manner as to create a noise disturbance at any time across a real property line or within a “Noise Sensitive Zone.”

E. Extended parking of trucks with idling motors or other motor vehicles for more than two (2) hours in a twenty-four hour period on any property or public or private roadway within the Borough Limits constitutes a sound disturbance in violation of this Chapter regardless of the sound level created and no testing is required. This section shall not apply to the operation of emergency vehicles.

F. Using, operating or causing to be operated mechanical loud speakers or other sound amplification devices on trucks or other moving vehicles for the purpose of commercial advertising or attracting the attention of the public during the nighttime. The use of such at all other times shall be subject to the following conditions:

(1) The only sounds permitted are music or human speech.

(2) Sound shall not be issued or devices shall not be used within one hundred (100) yards of hospitals, schools, or churches.

G. Using, operating or causing to be operated mechanical loud speakers or other sound amplification devices in commercial establishments for the purpose of commercial advertising or attracting the attention of the public during the nighttime when such sound, as measured at the property line of the premises, exceeds the maximum permissible sound pressure levels for the zoning district from which the sound emanates as set forth in §27-710.4. above.

H. Operating or permitting to be operated any powered model vehicle in the outdoors during the nighttime.

I. The playing of radio, phonographs, television, tape or disc players, musical instruments or drums, sound amplifiers or similar devices which produce, reproduce or amplify sound in such a manner as to create a noise disturbance.

J. Talking, yelling, shouting, screaming, singing, or any other form of human sounds produced by any person or group of people that creates a noise disturbance.

K. Noise From Animals

(1) It shall be unlawful for any person to allow within the Borough prolonged or intense barking or other harsh or excessive noises to be made by any animal under his ownership or control, at any time, so as to disturb the quiet, comfort or repose of one (1) or more members of the community.

(2) For the purpose of this section, a harsh or excessive animal noise is one that disturbs the quiet, comfort or repose of a reasonable person with normal sensitivities.

(3) For the purpose of this section, a person shall be deemed to have "allowed" his animal to bark or create other harsh or excessive noises, if he has once been put on notice by the Borough Police Department or the Zoning Officer, upon the complaints of two (2) persons who are not members of the same household that the animal is disturbing one (1) or more members of the community and he thereafter fails to confine such animal inside his dwelling unit or other enclosed structure or take similar action calculated to terminate such disturbance. It shall not be necessary for the Borough Police Department or the Zoning Officer to issue a new notice for each repeated occurrence.

6. **Measurement Procedures.**

The measurement of sound or noise pursuant to this Chapter shall be as follows:

A. The measurement of sound or noise shall be made with sound level meters Type 1 or Type 2 that meet the standards prescribed by the ANSI. The instruments shall be maintained in calibration and good working order. A calibration shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. A minimum of three (3) sound level readings will be taken. The geometric mean of these readings will be used as the average sound level. If the background noise is equal to the levels set forth in §27-710.4 above, three (3) dB shall be subtracted out of the average sound level.

B. The slow meter response of the sound level meter shall be used to determine that the average amplitude has not exceeded the dBA readings or the limiting noise spectra set forth in §27-710.4 above.

C. Unless otherwise specified, the measurement shall be made at the property boundary on which such noise is generated, or at any point within the receiving property affected by the noise.

D. For any source of sound which emits an impulsive sound, the excursions of sound pressure level shall not exceed twenty (20) dBA over the maximum sound level limits set forth §27-710.4 above, provided that in no case shall they exceed eighty (80) dBA, regardless of time of day or

night or receiving land use, using the “fast” meter characteristic of a Type II meter, meeting the American National Standards Institute specifications Sl.4- 1983.

7. **Exceptions.**

The maximum permissible sound levels established in §27-710.4 and the general prohibitions set forth in §27-710.5 hereof shall not apply to any of the following noise sources:

A. All emergency vehicles and implements, such as but not limited to fire-fighting equipment, law enforcement equipment, ambulance/medical equipment and any other equipment such as may be needed on short notice to protect personnel and/or property or secure the general welfare, are exempt from the noise control provisions of this Chapter.

B. The work to provide electricity, water or other utilities when public health or safety is involved.

C. Licensed game hunting activities on property where such activities are authorized.

D. Agriculture - All farming and/or agricultural vehicles and implements are exempt from the noise control provisions of this Chapter.

E. The noise of aircraft flight operations.

F. Public celebrations specifically authorized by the Borough.

G. Surface carriers engaged in commerce by railroad.

8. **Variances.**

The Hulmeville Borough Zoning Hearing Board is empowered to hold public hearings and to grant variances from the terms of this Chapter (Pursuant to the procedure established in Section 1205 and in addition to the procedures set forth by the Pennsylvania Municipalities Planning Code, as amended). A variance shall be granted only if the applicant can establish that a hardship will be created if any of the following applies:

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

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

C. All reasonable steps have been taken to reduce the noise violation to the lowest level possible.

9. **Applicability.** When any two or more provisions of the regulations found in this §27-710 apply to any sound source, the most restrictive section shall be applicable to that source.

§27-711. Smoke.

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

§27-712. Dust, Fumes, Vapors and Gases.

1. The emission of dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to animals, or vegetation, or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is herewith prohibited.

2. No emission of liquid or solid particles from any chimney or other source shall exceed 0.3 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 °F and 50% excess air in stack at full load.

§27-713. Heat.

No use shall produce heat perceptible beyond its lot lines.

§27-714. Odor.

No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty percent response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part 1 – Odor Thresholds for 53 Commercial Chemicals," October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

§27-715. Glare.

No use shall produce a strong light or reflection of a strong light greater than 35 foot candles beyond its lot lines.

§27-716. Vibrations.

No use shall cause earth vibrations or concussions in excess of the standards outlined below, with the exception of that vibration produced as a result of construction activity. The standards below are as set forth in the Table of Frequency Amplitude Relations. Vibrations shall be expressed as displacement in inches and shall be measured with a standard three component measuring system, which is a device for recording the intensity of any vibration in three mutually perpendicular directions.

Frequency Amplitude Relations

Frequency of Ground Motion in Cycles per Second	Maximum Amplitude of Ground Motion in Inches no more than
Up to 10	0.0305
20	0.0153
30	0.0102
40	0.0076
50	0.0061
60	0.0051

§27-717. Buffer Yards.

A landscaped buffer yard shall be provided and maintained between any nonresidential use which borders a residential use or district (R-1, R-2, and R-3) and between any industrial use which borders a street, a non-industrial use, or a non-industrial district (R-1, R-2, R-3, and C). The Borough Council may modify buffer requirements between nonresidential uses and residential uses where appropriate to accommodate intended mixed use areas. Where specified in §27-406, Use Regulations, buffer yards will be required around particular uses. These uses shall hereafter not be established, nor shall existing uses be expanded unless the following buffer yard regulations are met:

1. The buffer yard shall be measured from the district boundary line, lot line, or from the near street line where a street serves as the district boundary line. Buffer yards shall not be within an existing or future street right-of-way and shall be in addition to that right-of-way.

2. A ten foot (10') wide buffer yard shall be required unless otherwise indicated in this Chapter. Where an industrial use borders a street, a non-industrial use or a non-industrial district, the buffer yard shall be thirty feet (30’) in width.

3. The buffer yard may be coterminous with a required front, side or rear yard~~s~~ and in case of conflict, the larger yard requirements shall apply.

4. Any portion of the buffer yard which is not used for the screen planting (See Subsection (5) below) shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish, weeds and ~~tall~~ grass more than 12 inches in height.

5. The buffer yard shall be a landscaped area free of any principal or accessory building or structure~~s~~, manufacturing or processing activity, outdoor storage, or vehicular parking. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress provided it crosses the buffer with the minimum possible displacement of buffer plantings.

6. Screen Planting. All buffer yards shall include a dense screen planting of trees and shrubs, or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, air-borne particles, glare and noise. Such screen planting shall be in accordance with the following requirements.

   A. Plant materials used in the screen planting shall be at least 4 feet in height when planted and be of such species as will produce, within two years, a complete visual screen of at least 8 feet in height.

   B. The screen planting shall be maintained permanently by the landowner, and any plant material which does not live shall be replaced within one year.

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

   D. In accordance with the provisions of §27-603, a clear-sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public street.

   E. The screen planting shall be broken only at points of vehicular or pedestrian access.

   F. The dense screen planted portion of the buffer yard shall be mulched to control weeds and erosion and shall be maintained and kept clean of debris, rubbish, weeds and other growth.

   G. In circumstances where it is impractical for a screen planting to meet all the requirements of this Section or would create an undue hardship, the Borough Council may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives, and intent of the screen requirements.

8. Equipment Screening. All mechanical and electrical equipment not enclosed in a building shall be fully screened from view from any point from a public street or an adjacent residential use in a manner compatible with the architectural and landscaping style of the lots so that it blends with the landscape.

9. Planting Requirements. The standards below indicate the amount of plant material that is required per linear foot of property line. Plantings shall be placed within the minimum width of the buffer area. The planning commission may permit staggering or grouping of plant materials provided a satisfactory buffer is achieved.

WIDTH OF PLANTING SCREEN WITHIN THE BUFFER YARD	REQUIREMENTS (where two options are provided, applicant may choose one within the category)
10 feet (for 10-foot buffer yard)	Shrubs with a planted minimum height of 5 feet shall be planted, with shade trees interspersed, in a continuous band with a spacing not exceeding 5 feet on center for shrubs and 30 feet on center for trees.
Minimum 15 feet (for 20-foot buffer yard)	(1) 1 canopy tree per 40 feet; plus 1 evergreen tree per 60 feet OR (2) 1 flowering tree per 40 feet; plus 1 evergreen tree per 60 feet
Minimum 25 feet (for 30-foot buffer yard)	(1) 1 canopy tree per 40 feet; plus 1 flowering tree per 60 feet; plus 1 evergreen tree per 60 feet OR (2) 1 canopy tree per 40 feet; plus 1 flowering tree per 60 feet; plus 1 hedge on lot line (3-foot centers except as noted in Section 27-717.10 below) OR (3) 1 flowering tree per 40 feet; plus 1 evergreen tree per 25 feet

10. Plant Materials List. In particular, approved plant materials for buffer yard planting include the following:

<u>Canopy Trees</u> (2 inches caliper minimum)
Acer ginnala - Amur Maple
Acer rubrum - Red Maple
Acer saccharum - Sugar Maple
Betula alba - European White Birch
Fagus grandifolia - American Beech
Fagus sylvatica - European Beech
Ginkgo biloba - Gingo (male only)
Gleditsia tricanthos inermis - Thornless Honeylocust
Liquidamber styraciflua 'Rotundiloba' - Sweet Gum
Liriodendron tulipifera - Tulip Tree
Phillondendron amureuse - Amur Cork Tree

Plantanus acerifolia - London Plane Tree
Quercus alba - White Oak
Quercus borealis - Red Oak
Quercus coccinea - Scarlet Oak
Quercus palustris - Pin Oak
Quercus phellos - Willow Oak
Robina pseudoacacis inermis - Thornless Black Locust
Sophora japonica - Japanese Pagodatree
Tilia -Linden - all species hardy to the area
Zelkova serata - Japanese zelkova

Flowering Trees (2 inches caliper minimum)
Amelanchier canadensis - Shadblow Serviceberry
Cornus Florida - Flowering Dogwood
Cornus kousa - Kousa Dogwood
Cornus mas - Cornelian Cherry
Crategus phaenopyrum - Washington Hawthorn
Hamamelis vernalis - Vernal Witch Hazel
Hamamelis virginiana - Common Witch Hazel
Koelreuteria paniculata - Golden Rain Tree
Laburnum vossi - Goldenchain
Magnolia soulangeana - Saucer Magnolia
Magnolia virginiana - Sweetbay Magnolia
Malus baccata - Siberian Crab
Malus floribunda - Japanese Flowering Crab
Malus hopa - Hopa Red-Flowering Crab
Oxydendrum arboreum – Sourwood
Prunus cerasifera - Thunder Cloud Purple Plum
Prunus kwanzan - Kwanzan Cherry
Prunus yedoensis - Yoshino Cherry
Viburnum dentatum - Arrowood Viburnum
Viburnum lantana - Wayfairingtree Viburnum

Evergreen Trees (4 feet high minimum)[14]
Ilex opaca - American Holly
Picea abies - Norway Spruce
Picea omorika - Serbian Spruce
Picea pungens - Colorado Spruce
Pinus nigra - Austrian Pine
Pinus strobus - White Pine
Pseudotsuga menziesii - Douglas Fir
Tsuga canadensis - Canada Hemlock

Hedge (4 feet high minimum)
Acer campestre - Hedge Maple

[14] **It is recommended that two or more species of evergreen trees be used in a buffer yard.**

Crataegus intricata - Thicket Hawthorn
Forsythia intermedia - Border Forsythia
Syringa chinensis - Chinese Lilac
Syringa vulgaris - Common Lilac
Juniperus virginiana - Upright Juniper
Pinus strobus - White Pine (1 per 5 feet)
Pyracantha coccina lalandi - Laland Firethorn
Taxus cuspidata - Upright Yew
Taxus hicksi - Hicks Yew
Tsuga canadensis - Canadian Hemlock (1 per 5 feet)
Thuja occidentalis - American Arborvitae (1 per 5 feet)
Viburnum alatus – Viburnum

Shrubs (4 feet high minimum)
Hamamelis vernalis - Vernal Witch Hazel
Hamamelis virginiana - Common Witch Hazel
Ilex verticillata - Winterberry
Viburnum dentatum - Arrowwood Viburnum
Viburnum lantana - Wayfaring Tree Viburnum

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

12. Visual Screen for Outdoor Trash Collection Stations.

    A. A buffer wide enough to accommodate a fence and plantings abutting the fence, as described below, is required.

    B. A solid fence shall be provided and shall be placed around the designated trash collection area. The fence height shall be adequate to provide a complete visual screen from adjoining properties but shall be not less than 6 feet in height. Fence details shall be provided with the landscape plan.

    C. Along the exterior face of the fence there shall be a row of evergreen shrubs and/or evergreens pruned in a hedging habit planted at a rate to obscure the appearance of the fencing after a five-year growing period. Minimum shrub and upright habit evergreen height at planting shall be four feet and pruned when necessary to maintain an appearance of a uniform screen.

    D. Plantings shall be located three feet on center. Suggested screen plantings for trash collection areas are:

Juniperus virginiana – Upright Juniper
Pyracantha coccina lalandi – Laland Firethorn
Taxus cuspidata – Upright Yew
Taxus hicksi – Hicks Yew
Thuja occidentalis – American Arborvitae
x Cupressocyparis leylandii – Leyland Cypress

§27-718. Storage and Waste Disposal. The following requirements shall apply to nonresidential land uses:

1. No liquids, solids or gases having a flash point less than 73° F (as specified in the National Fire Code Vol. 12 and 13, National Fire Protection Association), shall be stored in bulk above ground, except tanks or drums of fuel, having a maximum capacity of 3,000 gallons, connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.

Capacity of Flammable Materials Permitted, Gallons[15]

Flash Point Closed Cup Tester	Above Ground Storage (gal)
140° F or higher	10,000
74° F to 139° F	5,000
73° F or less, fuels connected to energy devices	3,000

2. All outdoor storage facilities for fuel, raw materials and products, and all fuel, raw materials and products stored outdoors, shall meet National Fire Code standards and shall be enclosed by a fence with a minimum height of seven (7) feet. The fence shall be chain link, stockade, picket (not exceeding 3 inch spacing), solid wood, building wall or such other material as may be acceptable to the zoning officer to carry out the intent of this Chapter.

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

4. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in rigid containers adequate to eliminate such hazards. These containers shall be properly screened and blocked from view from public thoroughfares. Along zoning district boundaries, such containers shall not be stored within the buffer yards as required in §27-717.

5. Radioactivity and Electrical Disturbance. There shall be no activity that emits dangerous or harmful radioactivity. There shall be no electrical disturbance

[15] When flammable gases are stored and measured in cubic feet, the quantities of cubic feet at standard temperature and pressure shall not exceed 30 times the quantities listed above.

adversely affecting the operation of any equipment beyond the property line of the creator of such disturbance.

PART 8
SIGNS

§27-800. Definitions.

1. Sign—Any billboard, signboard, nameplate, identification, poster, public display, object or illustration, structure or device used for visual communication which is affixed, painted, projected, or placed upon a building, post, sidewalk, or other surface, whether inside or outside, for the purpose of bringing any subject to the attention of the public, or which advertises or identifies a business, commodity, service, product, or structure.

2. Sign Types:

   A. Freestanding sign—A sign permanently supported by upright or uprights which are permanently anchored into the ground. This may have two display sides.

   B. Wall sign—A sign mounted parallel to the face of a building or wall and not projecting above the eaves of the structure and not more than twelve inches from the plane or facade of the building or wall.

   C. Window sign—A sign permanently affixed to a storefront window which can be seen through the window, containing only the name of the establishment and the type of establishment. A storefront window shall be defined as a ground floor or first story window which is located in the main door to an establishment or on the same side of the building where the main door to the establishment is located, or in the side of a building which faces a public street, right-of-way, or public parking lot.

   D. Directory Sign—A sign advertising a group of establishments occupying one property or one building, with the name of the property or building and the names of the individual establishments located within the property or building.

   E. Projecting Sign—A sign that projects from a building, is dependent on the building for support, including an awning sign. Except for an awning sign, projecting signs shall not project more than 12 inches from the building. Whenever a canopy or awning is affixed with any lettering, design, symbol, or made from any special material which is intended to be or by its nature is an identification of a business, the applicable measurable area of the awning or canopy is a projecting sign. The requirements for an awning sign are as follows:

      (1) Awning signs shall be traditional fabric foldout awnings and not permanently affixed, backlit awnings.

(2) Sign lettering and/or logo shall not exceed 30 percent of the exterior surface of the awning or canopy.

F. Portable Sign—Any sign used or intended to be used for a short period of time and which is not affixed to a location on a building or structure or on the ground, including, but not limited to, posters, signs on wheels, buntings, and A-frame signs.

§27-801. Procedures.

1. All signs in the Borough fall into one of the following categories:

A. Signs requiring a zoning permit.

B. Signs exempt from the zoning permit requirements of §27-801.2 and listed in §27-802.2.

C. Prohibited signs as listed in §27-803.

2. A zoning permit shall be secured prior to the erection, structural repair, alteration and relocation of any sign within the Borough. The changing of movable parts of an approved sign that is designed for such changes, or the repainting or reposting of display matter shall not be deemed an alteration, provided the conditions of the original approval are not violated. However, in the event of a change in occupancy where a sign is to be altered a zoning permit is required. For purposes of obtaining a zoning permit, the applicant shall make application in writing and shall submit plot plan, sketch of design and lettering, and construction plans, including loads, stresses, anchorage and any other pertinent engineering data to the Zoning Officer. The plot plan shall indicate all existing structures, including signs. The application shall contain all necessary facts with respect to signs already existing on the property.

A. Any erection, construction, reconstruction, alteration or moving of any sign, poster or advertising structure shall be commenced within one (1) year after the date of issuance of the zoning permit. If such activities are not commenced within the prescribed period of time, the permit shall be considered null and void.

B. Inspection. The Building Code Official shall require the proper maintenance of all signs and shall inspect every sign for which a permit is required within ten (10) days after work is completed on the sign.

C. Plan Requirements. Any sign which is intended to be used or included in any development or plan of building or development to be submitted and reviewed by the Borough shall be identified in the plan, including location, size, nature of the sign materials and the purpose of the sign.

3. The Zoning Officer will provide applications for sign permits, fee information, inspection requirements, and application requirements dealing with submission of drawings and construction information.

§27-802. Exempt Signs.

1. No zoning permit for exempt signs is needed, but an application must be made pursuant to Chapter 4, Part 1 Hulmeville Historical District for signs in the Historical District of the Borough of Hulmeville and a certificate of appropriateness is required.

2. The following signs, to the extent indicated, are exempt from the requirement of obtaining a zoning permit but shall be erected only in accordance with the standards set for these signs below and required by §§27-804 through 27-809:

   A. Street Sign—Official highway sign, streets name, directional, or other traffic sign erected in accordance with the Pennsylvania Motor Vehicle Code.

   B. No Trespassing Sign—A sign not exceeding two (2) square feet, indicating the prohibition or control of fishing, hunting, trespassing, etc. or a sign indicating a private road.

   C. Residential Identification Sign—A sign, not exceeding two (2) square feet, and not more than five (5) feet in height bearing only the property number, street address, and/or names of the occupants of the residence, or the name of the dwelling. No illumination is permitted.

   D. Governmental Flag or Insignia—Flags, other than those flown by local, state or federal governments, are permitted provided that they do not exceed a size of 6 feet by 10 feet and are affixed to a pole no higher than 25 feet.

   E. Legal Notice, provided the Notice shall be removed immediately after the legal requirement is satisfied.

   F. Information Sign—An information or public service sign indicating hours of operation, credit institutions, availability of a public telephone, or directions to an entrance or parking areas, is permitted provided that the sign area does not exceed one (1) square foot and that there shall be no more than two signs of this type per property. Permitted in LIC, C, and I Districts only.

   G. Cornerstone.

H. Barber Pole—Revolving barber shop pole sign provided that it does not exceed thirty-six inches in height and that it is erected only in the C Commercial district in conjunction with a barber shop.

I. Temporary signs of mechanics, artisans, contractors, or architects—A temporary sign erected and maintained during the period any of the above are performing work on the property. No one sign shall exceed six (6) square feet. Only one sign may be erected for each business or contractor. There shall be no more than four such signs displayed on the property at any one time. No illumination is permitted.

J. Temporary Window Sign—A sign or signs displayed on the inside surface of a window for the purpose of advertising a sale, grand opening, new products or services. Temporary window signs may have a total combined sign area of no more than four (4) square feet. A "grand opening" sign may be in place no longer than 15 days. The applicant shall inform the Zoning Officer of the time period during which the "grand opening" sign will be in place. Permitted in LIC, C, and I Districts only.

K. Yard Sale Sign—An on-site sign advertising a yard, garage, or moving sale. Sign shall not exceed four (4) square feet in area and remain up only during the sale but in no case longer than seven (7) days. No more than two yard sale signs shall be permitted per year per property. One sign only shall be permitted per property. No illumination is permitted.

L. Official and governmental signs including safety signs, signs indicating points of interest, historical plaques, public parks or recreation facilities, private parks, signs identifying official borough buildings or facilities. Signs identifying borough buildings, police stations, or other borough facilities may be illuminated by exterior lights focused on the sign.

M. Decorative Flags—Flags that are decorative and contain designs marking seasons or holidays. Flags may be no larger than three (3) feet by five (5) feet.

N. Political Signs—Temporary signs advertising political parties or candidates for public office may be erected or displayed and maintained, provided that:

(1) The signs are erected or displayed by the owner or lessee of the parcel of real property on said parcel or by the candidate, political party or other authorized agent of either of them, with the express permission of the owner or lessee of the parcel of real property; and

(2) The size of any such sign is not in excess of six (6) square feet;

(3) The signs shall not be erected or displayed earlier than sixty (60) days prior to the election to which they pertain;

(4) Nothing contained herein shall be construed to permit the placing or erecting of any such signs within a street right-of-way or within or on any public alley, sidewalk, parking lot or other public place, which said placement is hereby prohibited;

(5) The erection of temporary political signs permitted by this section by the owner or lessee of the parcel of real property, candidate, political party or other authorized agent shall not require a permit or other approval; provided, however, that it shall be unlawful for any such owner or lessee of the lot, candidate, political party or other authorized agent to permit such signs to remain erected more than three (3) days after the date of the election to which they relate and failure to remove such signs as required hereby shall subject such offenders to the penalties prescribed in this Chapter; and

(6) No illumination is permitted.

O. Activity Signs for Community Groups—A sign advertising a civic, social, community or fund-raising gathering or activity, provided:

(1) A sign may be erected no earlier than thirty (30) days prior to the activity to which the sign relates.

(2) The sign application shall specify sign locations.

(3) The applicant shall obtain written permission to erect such signs from all property owners involved or from the Borough Council if such signs are to be placed on Borough property.

(4) The size of any such sign shall not exceed twenty-four (24) square feet. In the historic district the size shall not exceed eight (8) square feet.

(5) No more than one sign shall be permitted on a single property.

(6) The sign shall be removed within 48 hours after the conclusion of the event.

P. Sign for Property Sale or Rent—A sign advertising the sale or rental of a property upon which the sign has been erected or a sign indicating that the property has been sold or rented.

(1) A sale or rent sign shall be erected only on the property to which it relates.

(2) The area of the sign shall not exceed six (6) square feet.

(3) No more than one sign shall be placed on any one property.

(4) The sign shall be removed promptly upon settlement or upon execution of the lease.

(5) Signs advertising a development of more than one dwelling unit erected by a builder or developer or real estate agent may be erected provided that the sign is placed on the property to which it relates and that it does not exceed a size of twelve (12) square feet.

Q. Menus and signs indicating business hours—A menu and/or sign indicating business hours for uses E5 Restaurant, E6 Restaurant with Drive-through or Take-out or E7 Tavern, provided:

(1) Signs shall not exceed 2 square feet.

(2) Signs shall be located in a permanently mounted display box on the façade of the building adjacent to the entrance, or at a podium that will be placed inside the restaurant upon closing.

R. Sandwich board signs.

(1) Signs shall not exceed 8 square feet.

(2) Signs are permissible along the sidewalk, provided a minimum walking distance of 5 feet shall be maintained to allow a pathway for pedestrians.

(3) Signs shall be taken indoors at the end of business hours.

(4) Sandwich boards shall be weighted at the base so that the sign cannot be moved by strong winds; however, no sign shall be chained, tied, or otherwise affixed to any object, structure, or the ground.

(5) Only one sandwich board sign will be permitted in front of the business it advertises.

3. Exemptions from the necessity of securing a permit shall not relieve the owner of the sign from responsibility for its erection in a safe manner and in a manner that complies with all other provisions of this Chapter.

§27-803. Prohibited Signs. The following signs are prohibited:

1. Any sign which states that a property may be used for a non-permitted use.

2. Any sign which flashes, rotates, revolves or oscillates, with the exception of barber poles.

3. Any movable message signs or signs with internally generated messages or symbols. Any sign which is illuminated by the use of neon or any form of exposed tubes or bulbs or any other internal illumination.

4. Any novelty sign, including but not limited to an object (e.g. tire, automobile, food product, etc.), except that novelty signs may be permitted in the historic district provided that the applicant demonstrates to the Board of Historical Architectural Review's satisfaction that such proposed novelty sign has qualities reflective of novelty signs utilized in this region historically.

5. Any roof sign, i.e. any sign placed above the roof line of a flat roof or the lowest point of eaves of a sloping and mansard roof.

6. Any sign placed or maintained in such a manner as to interfere with any electric light, power, telephone or cable wires or the supports thereof.

7. Any sign which imitates any official traffic sign, signal or device.

8. Any sign which interferes with an official highway sign or any official traffic sign, signal, or device.

9. Any banner sign (cloth or plastic or other flexible material sign which is suspended on a building, window, or other supports) except for a temporary sign approved by the Borough Council to identify a borough community or public service event.

10. Any suspended or attached pennant which blows in the wind or a spinner which spins in the wind.

11. Any portable sign of any kind is prohibited, including any signs on wheels.

12. Any vehicle or trailer, which is not regularly and customarily used to transport persons and property for the business it advertises**,** which is parked on a public right-of-way or on public or private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or on another property.

13. Any off-premises sign except governmental signs and directory signs for service organizations and places of worship and except temporary activity signs and political signs as permitted herein.

14. Any sign nailed or in any way attached to a tree or utility pole, except for a banner sign as permitted above in §27-803.9.

§27-804. General Sign Regulations.

1. Area of a sign

   A. The area of a sign shall include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which it is displayed but not to include any supporting framework, bracing, or decorative trim which is incidental to the copy content of the display itself. The height or other dimensions of the supporting framework, bracing, or decorative trim shall not exceed the requirements of this Chapter, and the area of the supports, bracing, or trim shall not increase the total sign size by more than ten (10) percent of the allowable sign area.

   B. In the computation of square foot area of a double-faced sign, only one side shall be considered, provided all faces are identical in size and content and are parallel to each other. No signs with more than two faces are permitted.

   C. In any case where a sign is supported by more than one means and could be construed as being more than one sign type (projecting, wall, freestanding, or window), the area and height restrictions for the most restricted type of sign shall apply.

2. Height of a sign

   A. The maximum height to the top of a freestanding sign shall be measured from the ground level where the sign is mounted. The height of an earth mound on which a sign is mounted shall be included in the allowable height.

   B. No sign or part of a sign may extend above the eaves of a sloping roof or the roof line of a flat roof or a mansard roof.

3. Location of Signs

   A. No sign shall be placed in such a position as to endanger traffic on a street by obscuring view or by interfering with official street signs or signals by

virtue of position, color, or reflective surface. No free-standing sign except official traffic signs, shall be placed closer than 25 feet to any intersection.

B. A sign located along the right-of-way of a state or federal highway shall comply with all requirements of the state or federal government relating thereto, in addition to all requirements of this Chapter.

C. No sign may interfere with a clear sight area, as defined by this Chapter.

D. Projecting Signs - The lowest edge of a projecting sign shall not be less than seven and one-half feet above the sidewalk or ground level elevation.

E. Signs shall be placed no less than 4 feet from the front lot line and no less than 20 feet from a side lot line, except in the Commercial District where signs may be placed closer to front and side lot lines. Within the Commercial District signs shall be placed on the building side of the sidewalk and not on the street side of the sidewalk, except for official governmental or Borough signs.

4. Illumination of Signs. The only illumination permitted for signs shall be illumination from an external light focused on the sign. A light illuminating a sign shall be arranged so that the source of the light is not visible from any point off the lot and that only the sign is illuminated. No internally illuminated signs are permitted and no use of LED displays, diodes, or self-illuminating signs are permitted.

5. Construction of Signs

A. Supports for a sign or sign structure shall conform with the requirements set forth in the Borough Building Code.

B. Signs using electricity shall be installed in conformance with the latest National Electric Code.

C. Every sign permitted in the Chapter must be constructed with durable materials and must be kept on good condition and repair or must be removed.

6. Signs in the Historical District of the Borough of Hulmeville.

In the Historic District, the following regulations shall apply in addition to all other regulations herein:

A. A Certificate of Appropriateness shall be obtained from the Board of Historical Architectural Review for the use, erection, structural repair,

alteration, moving, removal, repainting, or demolition of any sign for any use in the Historical District of the Borough of Hulmeville.

B. Application shall be made to the Zoning Officer and the application shall be reviewed by the Board of Historical Architectural Review prior to the issuance of a sign permit.

§27-805. Signs in Residential Districts.

The following shall apply to all signs in the Residential Districts:

1. Types of Construction. In R-1, R-2, and R-3 districts, except where otherwise indicated, signs shall be freestanding, projecting or wall.

2. The height of freestanding signs shall be a maximum of five (5) feet.

3. Only the following signs shall be permitted:

   A. Professional, home occupation or sign indicating the profession, activity, or name of the occupant of a dwelling, provided that the sign meets the requirements of §27-406.10.A.

   B. Identification sign for institutions, schools, churches, hospitals and buildings and uses other than dwellings, provided that:

      (1) The size of any such sign shall not exceed 12 square feet in total area on one face.

      (2) Not more than one such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.

   C. Exempt signs as permitted by §27-802.2.

§27-806. Signs in Commercial, Industrial and Limited Industrial Conservation Districts.

The following shall apply to all signs in any Commercial, Industrial or LIC District.

1. Any sign permitted in the Residential Districts.

2. Signs for Individual Use of Property. Signs used in conjunction with a business or industry shall meet the following:

A. No more than one sign shall be placed on a property held in single and separate ownership unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.

B. Freestanding and projecting signs shall not exceed 25 square feet in Industrial and LIC Districts and 12 square feet in the Commercial District.

C. A freestanding sign shall have a maximum height of seven (7) feet.

D. Wall signs shall be restricted in area to no more than 10 percent of the wall area, including windows and doors, of the wall upon which such sign is affixed, attached, or painted, up to a maximum 25 square feet.

E. Window signs shall not exceed 15 percent of the total glass area of the window up to a maximum of 12 square feet, shall be painted on the window, and shall contain only the name of the establishment, address, and type of establishment.

F. These signs may be erected only on the premises on which the use, to which the sign relates, is conducted.

3. Signs for Joint Use of Property. Signs that identify a combination of individual uses which share occupancy of a property or combination of properties with other establishments or uses are permitted subject to the following provisions:

A. Directory Sign.

(1) No more than one directory sign shall be placed for the joint use, unless it fronts on a corner lot, in which case no more than one sign per street frontage shall be permitted.

(2) The directory sign shall be a freestanding or wall sign only.

(3) The sign area of directory sign shall not exceed 20 square feet, to be divided among the businesses occupying the building or property jointly.

(4) A freestanding sign shall have a maximum height of seven (7) feet.

B. Individual Establishment Signs.

(1) No more than one sign shall be erected for any establishment unless such establishment has a façade and an entrance on more than one street, in which case one sign may be erected for each street frontage.

(2) An individual establishment sign shall be a projecting sign, wall sign, or window sign only and meet the following requirements:

(a) The sign area of projecting sign or wall sign shall not exceed 25 square feet in the Industrial or Limited Industrial Conservation Districts and 12 square feet in the Commercial District.

(b) Window signs shall not exceed 12 square feet and shall be painted on the window and shall contain only the name of the establishment, address, and type of establishment.

§27-807. Removal or Abandonment.

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

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

§27-808. Unsafe and Unlawful Signs.

If the Zoning Officer finds that any sign regulated herein is unsafe or insecure or is a menace to the public or has been constructed, erected, or maintained in violation of the provisions of this Chapter, he shall give notice, in the same manner as in §27-807.1 above, to the party to whom the permit was issued to erect the sign or to the owner of the

premises where the sign is located, or to the owner of the sign or to any combination of them. If the parties notified fail to remove or alter the sign to comply with the standards herein set forth within ten (10) days after notice, such sign may be removed or altered by the municipality at the expense of each and every person notified. The expenses of removal or alteration shall be computed and paid for by the parties notified in the same manner as in §27-807.1 above, and the same sanctions shall apply. The Zoning Officer may cause any sign or other advertising structure that is in immediate peril to persons or property to be removed summarily and without notice.

§27-809. Nonconforming Signs

Any sign existing and lawful at the time of the passage of this Chapter that does not conform in use, location, height, or size with the regulations of the district in which such sign is located, shall be considered a non-conforming sign and may continue in such use in its present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with this Chapter. If the sign is a part of a non-conforming use of the property, any such sign may be maintained, modernized or replaced without increasing its size, provided that such sign was legally erected prior to the adoption of this Chapter. If the nonconforming use of the property is changed to another non-conforming use or to a permitted use, such sign shall be brought into conformity with the requirements of this Chapter.

PART 9
OFF-STREET PARKING AND LOADING

§27-900. Required Off-street Parking Space.

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each use defined in §27-406 which, after the effective date of this Chapter, is erected, enlarged, or altered for use for any of the following purposes.

§27-901. General Regulations Applying to Required Off-street Parking.

1. **Existing Parking.** Structures and uses in existence at the date of adoption of this Chapter shall not be subject to the requirements of this Part 9 so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.

2. **Change in Requirements.** Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of §§27-406 and 27-900, the total additional parking required for the alteration, change on extension shall be provided in accordance with the requirements of that section; however, when the use of the existing structure is changed or intensified without substantial addition to the structure, the additional parking normally required may be reduced or waived by special exception in accordance with §27-1204 if the Zoning Hearing Board finds that the provisions of this Part 9 and §27-406 are impracticable or would require destruction of important architectural or landscape elements.

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

4. **Continuing Character of Obligation.** All required parking facilities shall be provided and maintained as long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Part 9. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other person whom the facilities are designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard, or unreasonable impediment to traffic.

5. **Multiple Uses.** Where two or more uses occupy a common structure, building or lot, the total number of parking spaces which will be provided and maintained will be calculated as the sum of the parking spaces required for the individual uses which occupy the structure, building or lot; or, as the combined gross floor area or number of seats devoted to patron use.

6. **Fractional Spaces.** Where the computation of required parking spaces results in a fractional number, any fraction of the next highest number shall be counted as one.

7. **Maintenance of Parking Areas for Nonresidential Uses.** On parking areas for three or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with suitable material, and drained all of which should be to the satisfaction of the Borough Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining properties. All off-street parking spaces shall be marked to indicate their location and shall conform to the requirements of the Federal Americans with Disabilities Act, providing an adequate number of sized, marked, and signed spaces. All off-street parking spaces shall be kept free of weeds, trash and other forms of debris.

8. **Maintenance of Parking Areas for Residential Uses.** On parking areas for three or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with suitable material, and drained, all of which should be to the satisfaction of the Borough Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining properties. All off-street parking spaces shall be kept free of weeds, trash and other forms of debris.

9. **Location of Parking Spaces.** Required off-street parking spaces shall be on the same lot or premises with the principal use served. Where this requirement cannot be met, it shall be within 300 feet of the same principal use, but not in Residential Districts. Off-premises parking shall be owned by the owner of the principal use or through a shared parking contractual agreement for joint uses permitted in §27-901.10.A.

10. **Reduction of Nonresidential Parking Requirements.** In order to prevent the establishment of greater number of parking spaces than is actually required to serve the needs of non-residential uses, Borough Council after consulting with the Planning Commission and Borough Engineer, may at their sole discretion permit a conditional reduction of parking space through either (1) joint use or (2) reservation of land for future parking.

    A. Joint Use: Two (2) or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. The number of spaces

required in a common parking facility may be reduced below this total if it can be demonstrated that the hours or days of peak parking needed for the uses are different and that a lower total will provide adequately for uses served by the parking area. The total number of parking spaces shall not be less than 75 percent of what would be required under strict ordinance interpretation.

B. Reservation of Land for Future Parking: The design of the parking lot, as indicated on the land development plan, must designate sufficient space to meet the parking requirements of this Chapter. The plan shall also illustrate the layout for the total number of parking spaces which must be in compliance with the impervious surface and yard requirements of this ordinance.

The balance of the parking area reserved shall not include areas for required buffer yards, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Chapter. This parking area which is reserved shall be landscaped and shall be located so that it can be used for additional parking spaces if required.

The applicant shall establish a performance bond with adequate security following the issuing of the last occupancy permit to cover the cost of paving the additional spaces and shall enter into an agreement with the Borough to ensure that the paving will be provided by the current or any future owners when it is determined that the paving is needed. The developer shall enter into a written agreement with Borough Council that, after one (1) year and six (6) months following the issuing of the last occupancy permit, the additional parking spaces shall be provided at the developer's or owner's expense should it be determined, at the sole discretion of Borough Council, that the required number of parking spaces are necessary to satisfy the need of the land development.

§27-902. Design Standards.

The design standards specified in the Subdivision and Land Development Regulations [Chapter 22] shall be required for all off-street parking facilities with a capacity of three or more vehicles built after the effective date of this Chapter.

§27-903. Loading.

Loading shall not be permitted on public streets.

§27-904. Design and Layout of Off-street Loading Facilities.

1. Off-street loading facilities shall be designed to conform to applicable requirements of the Subdivision and Land Development Regulations [Chapter 22].

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

   A. Each off-street loading and unloading space shall be at least 12 feet in width by 35 feet in length and shall have at least 14 feet of vertical clearance.

   B. Each space shall have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within off-street loading and parking areas.

   C. Each space shall be located entirely on the lot being served and be so located that each space and all maneuvering room is outside of required buffer areas, yard areas, and right-of-ways.

   D. Off-street loading facilities shall have adequate and unobstructed access to a street, service drive or alley. Such facilities shall be arranged so that they may be used without blocking or otherwise interfering with the use of all automobile accessways, parking facilities, fire lanes or pedestrian ways or backing out into a street.

   E. The maximum width of driveway openings (measured at the street line) shall be 35 feet and the minimum width shall be 20 feet.

   F. All off-street loading and unloading spaces, maneuvering areas, driveways, and entranceways shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the Borough Engineer to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across public ways and to protect adjoining property.

   G. No such facilities shall be designed or used in any manner so as to constitute a nuisance, a hazard or an unreasonable impediment to traffic.

   H. All such facilities shall comply with applicable lighting and landscaping requirements of this Chapter.

2. All required loading facilities shall be provided and maintained in accordance with the following requirements:

A. They shall be provided and maintained as long as the use exists which the facilities were designed to serve.

B. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the delivery and pick-up vehicles that they are designed to serve.

PART 10
NONCONFORMITIES

§27-1000. Definitions.

Nonconforming Lot. A lot the area or dimension of which was lawful prior to the adoption or amendment of this 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 that does not comply with the applicable area, setback, yard, building height, location, size, impervious surface, and/or other dimensional requirements of this zoning ordinance or amendment heretofore or hereafter enacted where such structure lawfully existed prior to the enactment of this ordinance or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

§27-1001. Continuation.

The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of this Chapter, or in the case of an amendment to this Chapter then at the time of such amendment, may be continued except as hereinafter provided, although such use does not conform to the provisions of this Chapter or subsequent amendments.

§27-1002. Ownership.

It is the intent of this §27-1002 to insure that the level of nonconformity is not increased when a nonconforming use is transferred or sold. Whenever a lot, which is nonconforming by virtue of use, except residential uses B1 and B2 which shall not be subject to review by the Borough Council, is transferred or sold to a new owner, a previously nonconforming use may be continued by the new owner after review by the Borough Council. The landowner shall prove that the nonconformity will not be increased. Should the landowner propose any changes or alterations to the nonconforming use, the Council may impose conditions regarding layout, circulation, and performance it deems necessary to insure that the change or alteration is in the best interest of the Borough, the convenience of the community, and the public welfare. The landowner may appeal such conditions to the Zoning Hearing Board, subject to the provisions of §27-1207 of this Chapter.

§27-1003. Abandonment.

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

§27-1004. Alteration or Extension.

1. A use of land or structure which does not conform to the regulations of Part 4, Use Regulations, shall not be altered, reconstructed, extended, nor enlarged, except in accordance with the following regulations:

    A. Such alteration**,** reconstruction, extension, or enlargement shall be permitted only by special exception under the provisions of Part 12 and only upon the same lot as in existence at the date the use became nonconforming.

    B. Any increase in volume, area, or extent of the nonconforming use shall not exceed an aggregate of more than 25% during the life of the nonconformity.

2. A structure which does not conform to the regulations of this Chapter other than subsection (1) may be altered, reconstructed, or enlarged, provided that no such nonconformity is increased beyond its extent on the date that it became nonconforming, provided that if the use or structure also falls under subsection (1) any change shall be subject to the provisions of that paragraph.

3. The proposed alteration or extension shall conform to the off street parking and buffer requirements of this Chapter.

4. No nonconforming use shall be extended to displace a conforming use.

§27-1005. Restoration.

No structure which has been legally condemned or has been damaged by fire or other causes to the extent of more than 75% of its fair market value shall be repaired, reconstructed, or used except in conformity with the regulations of this Chapter. Structures with damage to the extent of 75% or less of the fair market value may be reconstructed, repaired, or used for the same nonconforming use, subject to the following provisions.

A. The reconstructed structure shall not exceed the height, area, or volume of the damaged structure except as provided in §27-1004.

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

C. No building which has been razed shall be rebuilt except for in conformity with the regulations of this Chapter.

A nonconforming building or structure, or any building or structure containing a nonconforming use, wholly or partially destroyed by fire, explosion, flood or other natural phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that reconstruction of the building shall be commenced within one (1) year from the date the building was destroyed or condemned and shall be carried on without interruption. No further expansion of the original non-conforming use will be permitted. If a nonconforming building or structure is removed or demolished by the owner it shall be replaced only with a conforming structure.

§27-1006. Changes.

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

A. Such change shall be permitted only by special exception, under the provisions of Part 12.

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

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

(1) Traffic generation and congestion, including truck, passenger car, and pedestrian traffic.

(2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration.

(3) Storage and waste disposal.

(4) Appearance and consistency with the borough's goals of preserving historic character and architecture.

(5) Lighting.

D. The new use must comply with all applicable regulations for that use as set forth in this and all other borough ordinances.

E. All parking requirements for the use must be met.

§27-1007. Nonconforming Lots.

A conforming building may be erected or altered on any lot held at the effective date of this Chapter in single and separate ownership which is not of the required minimum area or width, provided plans for the proposed work shall be approved by the Zoning Hearing Board after review of such plans to assure reasonable compliance with the spirit of the zoning regulations for the district, and provided approval shall be obtained from the Bucks County Department of Health with respect to safe and adequate water supply and waste disposal. A conforming building in the R-3 District may include a building for any use permitted in Use B4 Traditional Neighborhood Development except for B6 Residential Conversion, Multi-Family Dwelling, and Townhouse.

§27-1008. District Changes.

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

§27-1009. Registration of Nonconforming Uses.

The Zoning Officer shall provide for the registration of all uses which are nonconforming under the terms of this Chapter within a reasonable time after the effective date of this Chapter. The record of nonconforming uses shall certify, after inspection, the extent and kind of use and disposition of the buildings and land. Upon notification, each occupant or owner of a premises used for nonconforming use shall make available such information as may be necessary to determine the extent and nature of the nonconforming use within 60 days.

PART 11
ADMINISTRATION

§27-1100. Zoning Officer; Duties and Powers.

1. The provisions of this Chapter shall be administered and enforced by the Zoning Officer**,** who shall be appointed by the Borough Council.

2. It shall be the duty of the Zoning Officer**,** and he/she is hereby given the power and authority, to:

   A. Receive, examine and process all applications for zoning permits**;** and to require in the Zoning Officer's discretion, that any application be accompanied by a survey plan or other sealed plan related to the application.

   B. Issue permits only where there is compliance with the provisions of this Chapter, and with other Borough ordinances, and with the laws of the Commonwealth and the federal government. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits for conditional uses shall be issued only upon notification by the Borough Council.

   C. Receive applications for conditional uses, curative amendments, and zoning changes and forward them to Borough Council, the planning commission, or other appropriate bodies.

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

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

   F. Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Chapter.

   G. With the approval of Borough Council issue stop, cease, and desist orders; and order in writing correction of all conditions found to be in violation of the provisions of this Chapter. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Chapter.

   H. Institute civil enforcement proceedings as a means of enforcement when acting with the approval or direction of Borough Council.

I. Maintain a map or maps showing the current zoning classifications of all land in the Borough.

J. Revoke any order or zoning permit issued under a mistake of fact or contrary to the law or the provisions of this Chapter.

K. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be a public record and shall be kept in a place appropriate for public use.

L. In the case of applications for zoning permits, the Zoning Officer shall refer subject applications to the Building Inspector, Borough Engineer, and when applicable to the Zoning Hearing Board for signatures indicating approval or disapproval of the application.

M. Register nonconforming structures, uses or lots in accord with the provisions of §27-1009, after consultation with the Borough Council and the Borough Solicitor.

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

O. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If the site is located within the 100 year floodplain, the plan must be prepared in accordance with all applicable provisions of this Chapter and the Borough Building Code.

P. Maintain a record of submitted statements identifying the lowest habitable floor elevations for uses in floodplain areas.

Q. Enlist the assistance of other municipal agents and agencies in performing these responsibilities.

§27-1101. Zoning Permits Required.

1. Hereafter, no use may be established or changed; no structure shall be erected, constructed, reconstructed, altered, razed, removed, no building used or occupied, or changed in use, or changed in nonresidential use occupancy, and no dumping or placing of soil or other substance or material as landfill shall take place until a zoning permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, placement of fill, alteration or moving of structures, the applicant shall notify the Zoning Officer of such completion. No zoning permits shall be issued until the zoning officer has certified that the proposed use of land or existing or proposed building or structure complies with the provisions of the applicable district and other

provisions of this Chapter. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work or occupancy and use have been inspected and approved as being in conformity with the provisions of this Chapter and all other applicable regulations.

2. All structures for which permits have been obtained and the construction of which or a portion of which has begun, or for which a contract or contracts have been let pursuant to a permit issued prior to the passage of this Chapter, may be completed and used in accordance with the plans on which said permit was granted. Zoning permits shall not be required for general maintenance work, painting, cleaning woodlands, building ponds, tilling the soil, terraces, or similar features, nor landscaping.

§27-1102. Application Requirements for Zoning Permits.

1. All applications for zoning permits shall be made in writing by the owner, tenant, purchaser under contract of sale, or authorized agent, on a form supplied by the Borough, and shall be filed with the Zoning Officer. The application shall consist of two parts:

   A. A written statement including:

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

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

      (3) In the case of application for interpretation, variances and special exceptions, the additional information specified in Part 12;

      (4) Any other data deemed necessary by the Zoning Officer, Planning Commission or Borough Council to enable them to determine the compliance of the proposed development with the terms of this Chapter.

   B. A site plan drawn to scale (1"=50' or larger), showing:

      (1) The location, dimensions, and height of proposed and existing buildings, structures, or uses and existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive phases, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property;

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

(3) The location, size, arrangement and capacity of all areas to be used for motor vehicle access**,** off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas;

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

(5) The location and acreage of the following natural resources: alluvial soils, floodplains, forests, steep slopes, wetlands, marshes, and open waterway;

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

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

(8) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land;

(9) Include the 100 year floodplain and the floodway line as represented on the Flood Map, or a statement from an engineer registered to practice in the Commonwealth of Pennsylvania indicating that the property in question is not within the one-hundred year floodplain. This requirement may be waived by the Zoning Officer where there is no doubt that the property is not within the floodplain areas;

(10) If the floodplain areas will be affected by changes in land use the following additional materials shall be submitted:

(a) Plans drawn to scale showing:

(i) The location and dimensions of the lot, existing land uses, structures, vegetation, and soil types. The plans shall also show accurate topographic data consisting of contours at one-foot intervals which are tied into an established bench mark in the Borough. The plan shall be prepared by an engineer or surveyor registered by the Commonwealth of Pennsylvania.

(ii) The proposed changes in land use, structures, buildings, building additions, open storage areas, parking lots, and other features.

(iii) The floodway line and the 100 year floodplain, based upon the Flood Profiles and site topography.

(b) A series of cross sections running perpendicular to the centerline of the stream, creek or swale or perpendicular to the shoreline of the lake or pond taken at each building site but at no less than 25 foot intervals which show the slope of the land and the relation- ship of the floodway and the 100 year floodplain to the proposed changes in land use, structures, buildings, building additions, parking lots and other features. If cuts or fills are planned, the cross sections shall show existing and finished grades.

(c) A profile showing the slope of the bottom of the river, stream, creeks, swale, lake or pond as it traverses or occurs on the property.

(d) Specifications for building materials and construction, flood-proofing, filling, dredging, grading, storage, water supply, and sanitary facilities.

(e) Computation of the increase, if any, in the height of flood stages which would be attributable to any proposed uses.

(11) Provisions to be made for compliance with the Neshaminy Creek Watershed Act 167 Stormwater Management Ordinance.

2. During a period of 60 days before the introduction of an ordinance which proposes a change in regulations, district boundaries or classifications of property, unless Council shall have acted on the ordinance within the said 60 day period, the Zoning Officer shall accept no application for permits within the area involved in said change for any use which would be forbidden in the proposed ordinance.

3. No permit for any new use or construction which will involve the on site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, shall be issued until approval has been granted by the Bucks County Department of Health and the Pennsylvania Department of Environmental Protection.

4. The Zoning Officer shall issue no permits until the applicant has complied with all Federal, Commonwealth, County and Local laws or regulations including the

Hulmeville Borough Neshaminy Creek Watershed Act 167 Stormwater Management Ordinancewith the regard to the use of his property.

5. For any erection, alteration, or enlargement of any building, or other structure, or portion thereof within the Historical District of the Borough of Hulmeville, the permit application shall be reviewed by the Board of Historical Architectural Review prior to the issuance of a permit in accordance with Chapter 4, Part 1 Hulmeville Historical District. Permits shall be issued only after the Borough Council has approved a Certificate of Appropriateness.

§27-1103 Life of a Permit.

Any erection, construction, reconstruction, alteration, or moving of a building or other structure, including a sign authorized by a zoning permit shall be commenced, and any change in use of a building or land authorized by a zoning permit shall be undertaken within six (6) months after the date of issuance of the permit. If not, the permit shall be considered null and void. However, in the case of erection or construction of a building, the right to continue with construction may be extended annually without payment of additional fees for an aggregate period of not more than five (5) years, provided that the construction pursuant to said permit has commenced within six (6) months following issuance of the permit.

§27-1104. Requirement of Certificate of Occupancy.

1. It shall be unlawful for any person to occupy any building or other structure or land under any of the conditions listed below until a certificate of occupancy has been duly issued therefore**.** A certificate of occupancy shall be required for any of the following:

   A. Occupancy and use of any building or portion thereof hereafter erected or altered.

   B. Occupancy or change in ownership of any commercial building.

   C. Occupancy and use of vacant land, or change in the use of land to a use of a different classification.

   D. Any change in use or extension of a nonconforming use.

2. This certificate shall indicate that the proposed use of such building or land is in conformity with the provisions of this Chapter.

§27-1105. Issuance of Certificate of Occupancy.

1. A certificate of occupancy shall be granted or refused within five (5) days after the Building Code Official has been notified of the completion of the authorized

construction or alteration; or, where no construction or alteration is involved, within five (5) days after receipt of written application therefore. Upon written request from the owner, the Building Code Official shall issue a certificate of occupancy for any building or land existing at the time of enactment of this Chapter, certifying, after inspection, the extent and kind of use or disposition of the buildings or land, and whether such use or disposition conforms with the provisions of this Chapter.

2. A temporary certificate of occupancy may be issued by the Building Code Official for a period not to exceed ninety (90) days prior to the completion of construction, provided that all structural work is completed, all permits relating to sewage and water have been obtained and filed with the Borough and all permit fees have been paid, and provided further that the person seeking the temporary certificate of occupancy posts with the Borough pursuant to an Escrow Agreement in a form satisfactory to the municipal solicitor, sufficient funds to complete the construction, grading, and all other required improvements. The Building Code Official and Zoning Officer must approve all temporary certificates of occupancy. Upon failure of the owner to complete construction within the ninety (90) days the borough has the discretion to revoke the temporary certificate of occupancy whereby the owner must vacate the premises.

3. A record of all certificates of occupancy shall be kept on file in an office of the Borough, and a copy of any such permit shall be furnished upon request to any person having a proprietary or tenancy interest in the building or premises.

4. The issuance of a certificate of occupancy in no way absolves the owner or authorized agent from compliance with the intent of this Chapter.

§27-1106. Fees.

Fees for permits shall be paid in accordance with the provisions of a fee schedule adopted by Borough Council. Each applicant for an interpretation, special exception, or variance shall, at the time of making application, pay a fee in accordance with a fee schedule adopted by resolution of Borough Council. The amount of the fee shall be predicated upon the average cost to the Borough of the application or appeal, as nearly as it can reasonably be determined, including advertising, mailing, reproduction, stenographic, legal and similar expenses. Payment of all cost must be made in full before a Building Permit will be issued.

§27-1107. Conditional Uses.

The Borough Council shall have the power to approve or disapprove conditional uses when this Chapter specifically requires the obtaining of such approval and for no other purpose.

A. General Conditions for Conditional Uses

(1) In granting a conditional use, the Borough Council shall make findings of fact consistent with the provisions of this Chapter. The Borough Council shall not approve a conditional use except in conformance with the conditions and standards outlined in this Chapter.

(2) The Borough Council shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Borough Council shall require that any proposed use and location among other things be:

(a) In accordance with the Four Boroughs Regional Comprehensive Plan and consistent with the spirit, purposes and intent of the applicable zoning district. Where there is a conflict between the Four Boroughs Regional Comprehensive Plan and this Chapter, the provisions of this Chapter shall apply.

(b) In the best interests of the Borough, the community, and the public welfare, and which shall not be a detriment to the properties in the immediate vicinity.

(c) Suitable for the property in question and designed to be constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.

(d) In conformance with all applicable requirements of this Chapter and all Borough ordinances;

(e) Suitable in terms of effects on highway traffic and safety with arrangement for access adequate to protect streets from undue congestion and hazard.

(3) The Borough Council may impose whatever conditions it deems necessary to ensure that any proposed development will secure substantially the objectives of this Chapter.

(4) The burden of proof in a conditional use application shall be on the applicant to establish that all of the conditions are in the spirit of this Chapter.

B. Application Requirements - Conditional use applications shall be governed by the following:

(1) The landowner shall make a written request to the Borough Council. The request shall contain a statement reasonably informing the Borough Council of the matters that are at issue.

(2) Site and building plans and other materials describing the use or development proposed shall accompany the application. Such plans and other materials shall provide a sufficient basis for evaluating the applicant's request. Information required by this Chapter shall accompany the application.

(3) Fees. The applicant for any hearing on a conditional use request before the governing body shall at the time of making application pay to the Zoning Officer, for the use of the Borough, a fee in accordance with a fee schedule adopted by resolution of the Borough Council upon enactment of this Chapter or as such schedule may be amended from time to time.

C. Review Procedures

(1) The Borough Council shall request an advisory opinion from the Borough Planning Commission on any application for a conditional use; the Borough Planning Commission shall submit a report of such advisory opinion prior to the date of the public hearing held by the Borough Council on the application.

(2) The Borough Council shall hold a hearing upon the request, commencing not later than sixty (60) days after the request is filed, unless the applicant requests or consents in writing to an extension of time.

(3) Hearing. The Borough Council shall conduct hearings and make decisions in accordance with the following:

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

(b) The president or acting president shall have the power to administer oaths of witnesses.

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

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

(e) The Borough at its discretion may require a stenographic record of the proceedings, and such transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

(f) All procedures for Special Exception hearings shall be followed for Conditional Uses, including the required notification of property owners within 300 feet.

PART 12
ZONING HEARING BOARD

§27-1200. Establishment of Board.

A Zoning Hearing Board is established in order that the objectives of this Chapter may be more fully and equitably achieved and a means for competent interpretation of this Chapter is provided.

§27-1201. Membership, Terms of Office.

1. The Zoning Hearing Board shall consist of three (3) members, appointed by resolution by the Borough Council for overlapping three (3) year terms. Members of the Board shall be residents of the Borough and shall hold no other Borough office.

2. The Borough Council may appoint, by resolution, at least one (1), but no more than three (3) residents of the Borough to serve as alternate members of the Board. An alternate member shall, when seated on the Board as provided herein to complete the quorum, participate in all discussions and proceedings of the Board to the same and full extent provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the Pennsylvania Municipalities Planning Code (Act 247), as amended and as otherwise provided in this Chapter and as otherwise provided by law. At any time, an alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated unless seated as a voting alternate member as needed to complete the quorum. The term of office of an alternate member shall be three (3) years. Alternates shall hold no other office in the Borough, including membership on the Planning Commission and zoning officer.

3. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.

4. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

§27-1202. Removal of Members.

Any board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of Borough Council taken after the member has received fifteen days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§27-1203. Procedures.

1. **Officers.** The Board shall elect a chairman from its membership, shall appoint a secretary, and shall prescribe rules in accordance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247), as amended and this Chapter for the conduct of its affairs. The Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

2. **Meetings.** Meetings shall be open to the public and shall be at the call of the chairman and at such other times as the Board shall specify in its rules of procedure. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board.

3. **Records and Decisions.** The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. Decisions of the Board shall be made only after public notice and hearing in accordance with this Chapter and the Pennsylvania Municipalities Planning Code (Act 247).

4. **Compensation.** The Borough Council may fix per-meeting compensation for the members of the Board, according to a schedule adopted by resolution of the Borough Council upon the enactment of this Chapter or as such schedule may be amended from time to time.

§27-1204. Powers and Duties; Interpretation.

Any person aggrieved by any decision of the Zoning Officer shall have the right to appeal to the Zoning Hearing Board within thirty (30) days of such decision by filing with the Zoning Officer, specifying the grounds thereof. Such appeal may involve the interpretation of any provisions of this Chapter, and shall include the following information:

A. The name and address of the applicant or appellant.

B. The name and address of the owner of the lot to be affected by such proposed change or appeal.

C. A brief description and location of the lot to be affected by such proposed change or appeal.

D. A statement of the present zoning classification of the lot in question, the improvements thereon and the present use thereof.

E. A statement of the section of this Chapter under which the appeal is made and reasons why it should be granted or a statement of the section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal.

F. A reasonably accurate description of the present improvements and the addition or changes intended to be made under this application, indicating the size, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements existing thereon and proposed to be erected thereon.

§27-1205. Powers and Duties; Variances.

The Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Board shall prescribe the form of application and require preliminary application to the Zoning Officer. The Board shall have the power to vary or adapt the strict application of any requirements of this Chapter and grant a variance, provided that the following findings are made where relevant in a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the 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 such unnecessary hardship has not been created by the appellant.

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

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

§27-1206. Powers and Duties; Special Exceptions.

Where this Chapter has provided for stated special exceptions to be granted or denied by the Board pursuant to expressed standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this chapter. The Board shall pursue the following procedure:

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

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

(1) That the proposed use is in accordance with the spirit, purpose and intent of the Four Boroughs Regional Comprehensive Plan and in conformance with all applicable requirements of this Chapter. Where there is a conflict between the Four Boroughs Regional Comprehensive Plan and this Chapter, the provisions of this Chapter shall apply.

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

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

(4) That all public, commercial or industrial parking, loading, access or service areas shall be adequately illuminated at night while in use and that such lighting, including sign lighting, shall be arranged so as to protect the highway and the neighboring properties from direct glare or hazardous interference of any kind.

(5) That off-street parking is provided in accordance with the provisions of this Chapter.

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

The Zoning Hearing Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will secure substantially the objectives of this Chapter.

4. In considering applications for Special Exceptions for certain uses located in the floodplain as specified in §27-703.1.H.(2) the Zoning Hearing Board shall consider all relevant factors specified in other sections of the Chapter and:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger to life from materials that may be swept onto other lands or downstream.

C. The ability of proposed water supply and sanitation systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

E. The safety of access to the property in terms of flood, especially by emergency vehicles.

F. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

G. Such other factors which are relevant to the purposes of this Chapter.

H. Floodproofing measures. Floodproofing measures shall be designed consistent with the flood elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors. The Zoning Hearing Board shall require that the applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the flood elevation and associated flood factors for the particular area. The Zoning Hearing Board may require one or more of the following floodproofing measures in addition to those required in §27-703 which are found appropriate for the particular conditions and areas:

(1) Installation of pumps to lower water levels in structures.

(2) Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve e2ternal foundation wall and basement floor pressures.

(3) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and storm waters into the buildings or structures Gravity draining of basements may be eliminated by mechanical devices.

(4) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare, above the flood elevation or provision of adequate floodproofing to prevent flotation of or damage to storage containers which could result in the escape of toxic materials into flood waters.

I. The Zoning Hearing Board shall determine the extent which the proposed use would (1) diminish the capacity of the flood hazard area to store and absorb flood waters, to moderate flood velocities, and to accommodate sediment; (2) be subject to flood damage; and (3) cause erosion and impair the amenity of the flood hazard area.

§27-1207. Powers and Duties; Challenge to the Validity of Chapter or Map.

The Zoning Hearing Board shall hear challenges to the validity of this Chapter, except those brought before the Borough Council as specifically provided by Article IX of the Pennsylvania Municipalities Planning Code (Act 247), as amended, and challenges to the validity of this Chapter raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

In all such challenges, the Board shall take evidence and make a record thereon. At the conclusion of the hearing, the Board shall decide all contested questions and make findings on all relevant issues of fact, which shall become part of the record on any subsequent appeal to Court.

§27-1208. Actions of the Board in Exercising Powers.

In exercising the above-mentioned powers, the Zoning Hearing Board may in conformity with law and the provisions of this Chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made. Notice of such decision shall forthwith be given to all parties in interest.

§27-1209. Rules.

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Chapter. Such rules shall include, but shall not be limited to, the manner of filing appeals, the manner of filing applications for special exceptions and variances from the terms of this Chapter, and the manner of giving notice of public hearings where required under the terms of this Chapter.

§27-1210. Persons Entitled to Initiate Action before the Board and Jurisdiction.

Appeals under this section may be filed with the Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for a special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to this Chapter;

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter.

F. Applications for special exceptions under this Chapter.

G. Appeals from the Zoning Officer's determination under §916.2 of the Pennsylvania Municipalities Planning Code (Act 247), as amended.

H. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relates to developments not involving applications for subdivisions or land developments, as defined by the Pennsylvania Municipalities Planning Code (Act 247), as amended.

§27-1211. Hearings.

Upon the filing with the Zoning Hearing Board of an appeal or an application for which a public hearing is required, the following procedures shall be followed:

1. Public notice shall be given and written notice shall be given to the applicant, the zoning officer, persons whose properties adjoin the property in question, to all owners of properties within 300 feet of any property line, and to any other person who has made timely request for notice. Written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. The applicant shall provide the list of persons to be notified and certify that the list is accurate. The applicant shall send notice to the list of persons by certified and regular mail no more than thirty (30) but not less than twenty (20) days prior to the hearing and shall produce proof of such mailing and copies of the return receipt at the time of the hearing.

2. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

3. The Board shall render a written decision or written findings on the application within 45 days after the last hearing or, if such hearing is continued, within 45 days after said continued hearing. If the Board does not make a decision within 45 days after the hearing or continued hearing, it shall be deemed that such Board has decided in favor of the person or Borough official aggrieved or affected who is seeking relief, unless the applicant has agreed in writing to an extension of time.

4. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code (Act 247) as amended, this Chapter, or other rule or regulation shall contain a reference to the provisions relied on and the reasons

why the conclusions are deemed appropriate in the light of the facts found. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinafter provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the appellant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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

§27-1212. Records.

1. The Board shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

2. The Board shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board. Each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore.

§27-1213. Court Appeals.

Any persons aggrieved by any decision of the Zoning Hearing Board, or any taxpayer or the Borough Council may, within 30 days after such decision of the Board, appeal to the Court of Common Pleas of Bucks County, by petition duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and specify the grounds upon which he relies. Such appeal shall be made in accordance with Article X of the Pennsylvania Municipalities Planning Code (Act 247), as amended.

§27-1214. Fees and Escrow Deposits.

The applicant for any hearing before the Zoning Hearing Board shall at the time of making application, pay to the Zoning Officer, for the use of the Borough, a fee and an escrow deposit in accordance with the then-current fee schedule adopted by resolution of the Borough Council, as may be amended from time to time. The amount of the fee shall be predicated upon the average cost to the Borough of the application or appeal, as nearly as it can reasonably be determined, including advertising, mailing, reproduction, stenographic, legal and similar expenses.

§27-1215. Stay of Proceedings.

Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body, and all official action thereunder, shall be stayed in accordance with Section 915.1 of the Pennsylvania Municipalities Planning Code (Act 247), as amended.

PART 13
AMENDMENT AND APPEALS

§27-1300. Power of Amendment.

1. The Borough Council may from time to time amend this Chapter, including the Zoning Map. When doing so, the Borough Council shall proceed in the manner prescribed in this Part 13. Prior to amendment of the Flood Map or regulations which deal with alluvial soils, the floodway zone or flood fringe zone, the Borough Council shall submit such amendment to the Federal Insurance Administration for review and comment.

2. Proposals for amendment, supplement, change, or modification or repeal may be initiated by the Borough Council on its own motion, the Borough Planning Commission, or by petition by one or more owners of property to be affected by the proposed amendment. Any proposed amendment favorably acted upon shall be specifically found to be in accordance with the spirit and intent of the Borough community development objectives and the Four Boroughs Regional Comprehensive Plan. In cases where the policies and proposals of the Four Boroughs Regional Comprehensive Plan conflict with the community development objectives of this Chapter, the provisions of this Chapter shall apply.

§27-1301. Impact Statements.

A change of zoning generally means a deviation from the previously planned growth pattern of the Borough. Such changes invariably have an impact on the community, on the environment, or on taxes. A detailed statement of these impacts is therefore to be submitted pursuant to this Part 13. The impact statements shall be prepared by the applicant at his expense and submitted in a single report with the application for the change of zoning. The studies shall fully disclose all methods and procedures used; and where a need is identified, the cost to fulfill such need will be estimated. All items shall be addressed, and those which are considered not to be applicable shall be identified as such. Where a specific zoning change presents problems or potential problems not identified herein, the Borough Council may request the applicant to prepare additional studies to address said problems. Such statements shall contain the following:

A. Environmental Impact. Is there any change in existing environmental conditions? If so, what is the predicted impact on stormwater run-off, aquifer recharge, erosion, wildlife habitats, scenic areas, the general amenity of the community? The environmental or natural features listed in §27-701, Performance Standards, shall be identified and mapped. The ability of the proposed use to comply with the requirements of §27-701 shall be shown. The site capacity calculations of §27-702 shall be completed for the subject tract**.**

B. Transportation Impact.

The requirements for a Transportation Impact Study are found in Appendix B of this Chapter.

C. Services Impact. Define demand for public service, fire protection, sewer, water, and police. Where standards of use are set by other agencies such as the Department of Environmental Protection, these shall be used. All capacities of existing facilities shall be identified and compared with demands that would be generated if the proposal were implemented.

D. Fiscal Impact. The applicant shall prepare and submit a fiscal impact analysis for the current zoning classification and for the proposed zoning district to address the fiscal impact on the Borough and the Neshaminy School District.

E. Regional Impact. Regional housing needs shall be examined and Borough performance with respect to these identified.

F. Comprehensive Plan Impact. Analysis of the consistency of the proposed zoning change request with the Four Boroughs Regional Comprehensive Plan shall be presented. The analysis shall include, but not be limited to, the impact on the statement of community development goals and objectives, the land use plan, community services and facilities, population and housing projections. The applicant shall describe any inconsistencies between the Four Boroughs Regional Comprehensive Plan and this Chapter.

§27-1302. Submission to the Borough Planning Commission and Bucks County Planning Commission

1. In case of an amendment other than one prepared by the Borough Planning Commission, the Borough Council shall submit each such amendment to the Borough Planning Commission and the Bucks County Planning Commission at least thirty days prior to the hearing in order to provide the Planning Commission and the Bucks County Planning Commission an opportunity to submit recommendations.

2. Within thirty (30) days after enactment, a copy of the adopted amendment to the zoning ordinance shall be forwarded to the Bucks County Planning Commission.

§27-1303. Proposals by Curative Amendments

1. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and

proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (Act 247) as amended. The Borough Council shall commence a hearing thereon within 60 days of the request as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code, as amended. The curative amendment and challenge shall be referred to the Borough Planning Commission and notice of the hearing thereon shall be given as provided by the Pennsylvania Municipalities Planning Code, as amended.

2. Procedures for the public hearing as set forth on Section 609.1 of the Pennsylvania Municipalities Planning Code, as amended, shall be followed.

3. If the Borough determines that its zoning ordinance or any portion thereof is substantially invalid, it shall follow the procedures as set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, as amended.

§27-1304. Private Petition for Amendment

Every application for amendment to the Zoning Ordinance shall first be presented to the Borough with the fee as set forth by the Borough Council by resolution, and shall set forth the following:

A. The applicant's name and address and his representative and the interest of every person represented in the application.

B. A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, land use and zoning classification of abutting districts, and tax parcel numbers of the areas to be rezoned.

C. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.

D. Impact statements pursuant to §27-1301.

E. The proposed changes to the text of the zoning ordinance.

§27-1305. Public Hearings Prior to Amendment.

1. Before voting on the enactment of any amendment, the Borough Council shall hold a public hearing pursuant to public notice. Public Notice shall be notice published once for two (2) consecutive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of hearing, the particular nature of the matter to be considered at the hearing and the full text of the amendment or a brief summary setting forth the general provisions in reasonable detail. The first publication shall no more than thirty (30) days and the second publication not less than seven (7) days from the date of the hearing.

Procedures relating to the publication, advertisement, and availability of proposed amendments shall be in accordance with Section 610 of the Pennsylvania Municipalities Planning Code, as amended. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient to the Borough 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. All notification requirements of the Municipalities Planning Code shall be met.

2. If, after any public hearing held upon an amendment, the proposed amendment changed substantially or is revised to include land previously not affected by it, the Borough Council shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall at least ten (10) days prior to enactment readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

§27-1306. Time Limit After Zoning Change.

Whenever the Borough Council shall change the zoning classification on any parcel of ground within the Borough, upon petition of the property owner and upon representation that a certain use will be made of the property after the change, the property owner shall have a period of 1 year within which to obtain a zoning and building permit and to commence actual construction. Should the property owner fail to commence construction within the stipulated period, the Borough Council shall have the right to change the zoning classification of the parcel back to the classification which existed before the rezoning was executed. This provision shall apply to curative amendments as well as to other types of zoning changes.

§27-1307. Appeals to Court

The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall constitute the exclusive mode for securing review of any decision rendered pursuant to this Chapter or deemed to have been made under this Chapter.

PART 14
ENFORCEMENT

§27-1400. Causes of Action.

In case any building, structure, landscaping, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of any of the provisions of this Chapter, the Borough Council, or with the approval of the Council, an officer of the Council, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or use of land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

§27-1401. Enforcement Notice.

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

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:

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

    B. The location of the property in violation.

    C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

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

    E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.

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

§27-1402. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the 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 the Chapter shall be paid over to the Borough.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

4. District justices shall have initial jurisdiction over proceedings brought under this Section.

§27-1403. Complaints of Violations.

Whenever a violation of this Chapter occurs, any resident, tenant, or property owner within Hulmeville Borough may file a written complaint with the Zoning Officer in regard thereto. The Zoning Officer shall promptly investigate all complaints and report thereon to Borough Council.

Appendix A: Table of Permitted Uses.

USES		ZONING DISTRICTS					
		R-1	R-2	R-3	LIC	C	I
AGRICULTURAL							
A1	Agricultural Use	N	N	P	P	N	N
A2	Kennel	N	N	N	C	N	N
A3	Riding Stable	N	N	N	C	N	N
A4	Nursery	N	N	P	P	N	N
A5	Agricultural Retail	N	N	P	P	N	N
A6	Forestry/Timber Harvesting	P	P	P	P	P	P
A7	Accessory Farm Dwelling	N	N	P	P	N	N
RESIDENTIAL							
B1	Single-Family Detached Dwelling	P	P	N	N	P	N
B2	Two-Family Dwelling	N	P	N	N	P	N
B3	Single-Family Detached Cluster	N	N	P	N	N	N
B4	Traditional Neighborhood Development	N	N	C	N	N	N
B5	Rooming House	N	N	N	N	C	N
B6	Residential Conversion	N	P	P	N	P	N
B7	Dwelling in Combination	C	C	C	N	P	C
B8	Mobile Home Park	N	N	N	N	C	C
INSTITUTIONAL, ETC.							
C1	Place of Worship	P	N	P	N	N	N
C2	School	N	P	P	N	N	N
C3	Cultural Facility	N	N	P	N	N	N
C4	Day Care Center	C	C	C	N	C	N
C5	Public Recreation Facility	N	N	P	C	N	N
C6	Private Recreation Facility	N	N	C	C	N	N
C7	Private Club	N	C	N	N	C	C
C8	Nursing Home	N	N	C	N	N	N
C9	Medical Center/Hospital	N	N	N	N	P	P
C10	Wellness Center	N	N	N	N	P	P
C11	Municipal Building	P	P	P	N	P	P
C12	Emergency Services	C	C	C	N	P	P
BUSINESS AND OFFICES							
D1	Professional Service	N	N	N	N	P	P
D2	Medical Office	N	N	N	N	P	P
D3	Business Service	N	N	N	N	P	P
D4	Government Office	N	N	N	N	P	P
D5	Veterinary Office	N	N	N	N	N	P
D6	Commercial School	N	N	N	N	P	P
RETAIL - CONSUMER SERVICE							
E1	Downtown Retail or Service Business	N	N	N	N	P	P
E2	Large Retail or Service Business	N	N	N	N	N	C
E3	Limited Personal Service	N	N	N	N	N	C
E4	Repair Shop	N	N	N	N	P	P
E5	Restaurant	N	N	N	N	P	N
E6	Restaurant with Drive-Through or Take-out	N	N	N	N	N	P
E7	Tavern	N	N	N	N	C	N
E8	Mortuary or Funeral Home	N	N	N	N	P	N
E9	Commercial Entertainment, Recreational, or Sports Facility	N	N	N	N	C	P
E10	Hotel, Motel, or Inn	N	N	N	N	P	P
E11	Vehicle Sales	N	N	N	N	C	P
E12	Bed and Breakfast	N	P	P	N	P	N
E13	Convenience Store	N	N	N	N	P	P
E14	Sale of Fireworks	N	N	N	N	N	C
E15	Adult Commercial Use	N	N	N	N	N	C

Note: Appendix A: Table of Permitted Uses is for reference purposes only. Where a conflict between this table and uses listed in the district regulations exist, the district regulations shall rule.

Appendix A: Table of Permitted Uses.

USES		ZONING DISTRICTS					
		R-1	R-2	R-3	LIC	C	I
AUTOMOBILE SERVICES							
F1	Gasoline Service Station	N	N	N	N	P	P
F2	Motor Vehicle Service Center/Repair Shop	N	N	N	N	N	P
F3	Salvage	N	N	N	N	N	P
F4	Car Wash	N	N	N	N	P	P
TRANSPORTATION FACILITY							
G1	Public Transportation Facility	N	N	N	C	N	N
UTILITIES							
H1	Communication Facility	N	N	N	N	P	P
H2	Utilities	N	N	N	N	P	P
H3	Telecommunications Antenna	N	N	N	N	C	C
H4	Telecommunications Equipment Building	N	N	N	N	C	C
H5	Telecommunications Tower	N	N	N	N	C	C
INDUSTRIAL							
I1	Bulk Commercial	N	N	N	N	N	P
I2	Wholesale Trade	N	N	N	N	N	P
I3	Warehousing and Distribution	N	N	N	N	N	P
I4	Light Manufacturing	N	N	N	C	N	P
I5	Research	N	N	N	C	N	P
I6	Contractor's Services	N	N	N	C	N	P
ACCESSORY							
J1	Home Occupation	P	P	P	N	P	P
J2	Residential Accessory Building, Structure or Use	P	P	P	N	P	P
J3	Temporary Structure or Use	C	C	C	C	C	C
J4	Nonresidential Accessory Building, Structure or Use	C	C	C	C	P	P
J5	Outside Storage or Display	N	N	N	C	P	P
J6	Off-Street Parking	P	P	P	P	P	P
J7	Signs	P	P	P	P	P	P
J8	Parking or Storage of Recreational Vehicles and Other Recreational Equipment	P	P	P	N	P	P
J9	No-Impact Home Based Business	P	P	P	P	P	P
J10	Outdoor Eating Accessory to a Restaurant	N	N	N	N	P	N
J11	Accessory Drive-Through Facility	N	N	N	N	N	C
J12	Temporary Community Event	P	P	P	P	P	P
J13	Keeping of Animals	P	P	P	P	P	P
J14	Solar Energy System	P	P	P	P	P	P
J15	Microwave or Satellite Dish Antenna	P	P	P	P	P	P
J16	Vending Machines	N	N	N	N	P	P
J17	School Bus or Bus Shelter	P	P	P	P	P	P
J18	Helistop	N	N	N	N	C	C

P=Permitted by Right
N=Not Permitted
S=Special Exception
C=Conditional Use

DISTRICT NAMES:
R-1=R-1 Residential
R-2=R-2 Residential
R-3=R-3 Residential
LIC=Limited Industrial Conservation
C=Commercial
I=Industrial

Note: Appendix A: Table of Permitted Uses is for reference purposes only. Where a conflict between this table and uses listed in the district regulations exist, the district regulations shall rule.

Appendix B
Requirements for Transportation Impact Study

1. **Purpose and Applicability**.

A transportation impact study shall be submitted as part of all requests for change of zoning and under any other conditions where specified by this Chapter or by the Borough Subdivision and Land Development Ordinance. This study will enable Borough officials to assess the impact of a proposed change of zoning on the transportation system, both highways and public transportation, in the Borough. The purpose of the impact study is to insure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access from the site to the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development. The study shall assist in the protection of air quality, the conservation of energy and the encouragement of public transportation use.

The Borough, at its sole discretion, may require any subdivision or land development application to be accompanied by a Transportation Impact Study if, in the opinion of the Borough, such a survey is necessary to determine the impact the proposed development will have on Borough and state roads in the vicinity of the proposed development. The Transportation Impact Study required pursuant to this section shall be performed in accordance with the standards as set forth hereinafter in this section. In those situations where the Borough may require a Transportation Impact Study, such a requirement shall be communicated in writing to the applicant immediately following the Planning Commission's first meeting to consider the proposal. Such a notification shall specify the reason for the requirement, citing the proposal's particular location or existing problems at that location, or type of use (i.e., generation of heavy truck traffic).

2. Definitions

A. Public Transportation—Transportation service for the general public provided by a common carrier of passengers generally on a regular route basis, by the Southeastern Pennsylvania Transportation Authority, or a private operator offering service to the public.

B. Study Area—This area will extend along all adjacent roadways in all directions from the site access points. The study area will include all major intersections in the vicinity of the proposed development. Where doubt exists, the transportation engineer shall seek guidance from the Borough Planning Commission prior to the submission of the traffic impact study to ensure agreement on the study area boundaries.

C. Major Intersection—Any intersection, either signalized or unsignalized, where traffic generated by the proposal will have a significant impact on the operation of the intersection and/or any other intersection with an arterial or collector road.

Where doubt exists the transportation engineer shall seek guidance from the Borough Planning Commission prior to the submission of the traffic impact study to ensure agreement on the location of major intersections.

D. Volume/Capacity Analysis—Procedures used to determine Level of Service and to evaluate the operational characteristics of a roadway or intersection. The procedures are described in the 1985 Highway Capacity Manual, Transportation Research Board, and the results are expressed in Level of Service for roadways, signalized and unsignalized intersections.

E. Level of Service—Level of service (LOS), as described in the 1985 Highway Capacity Manual, Special Report 209, Transportation Research Board, indicates how well traffic moves on a particular highway facility or through a specific intersection. There are six levels of servicing ranging from A through F. Level of service A indicates generally free movement. Level of service E represents maximum capacity of the facility. Level F indicates congestion. Level of service C is considered the design level of service, representing a stable traffic flow and a relatively satisfactory travel speed.

F. Trip Generation Rates—The total count of trips to and from a study site per unit of land use as measured by parameters such as dwelling units, acres, etc. which said trip generation rates are established by the Institute of Transportation Engineers, Trip Generation Report. 6th Edition or other later edition.

G. Warrants for Traffic Signal Installation—This is a series of warrants which detail the minimum traffic or pedestrian volumes or other criteria necessary for the installation of a traffic signal. These warrants are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation, Federal Highway Administration, 1988, as amended.

3. General Requirements and Standards.

A transportation impact study shall be performed by a qualified traffic engineer and/or transportation planner with previous traffic study experience and shall contain the following information:

A. General Site Description—The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed subdivision or land development. If the development is residential, types of dwelling units shall also be included. A brief description of other major existing and proposed subdivisions and land developments within the study area shall be provided. The general site description shall also include probable socio-economic characteristics of potential site users to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens). The general site description shall also contain a demographic study which includes projections as to where new residents to be served by the development would work or shop, and

where employees of new commercial developments would live, and the traffic generation effects of such a study. The general site description shall also include analysis of both vehicular and pedestrian traffic projected to be generated by children in any new residential development going to and from school.

B. Transportation Facilities Description—The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelizations, and any traffic signals or other intersection control devices at all intersections within the site. The site design shall be shown to maximize potential public transportation usage to and from the development, such as providing adequate turning radii at all access points to allow a bus to enter the development. Bus shelter and sign locations shall be designated where appropriate.

The report shall describe the entire external roadway system within the study area. Major intersections in the study area shall be identified and illustrated. All existing and proposed public transportation services and facilities within a one-mile radius of the site shall also be documented. All regional rail stations within a three-mile radius of the site shall also be documented. All future highway improvements, including proposed construction and intersection signalization, shall be noted. This information shall be obtained from the 4-Year Regional Transportation Improvement Program maintained by the Delaware Regional Planning Commission, and from the 12-Year Transportation Program maintained by the Pennsylvania Department of Transportation. Any proposed roadway improvements due to proposed surrounding developments shall be recorded.

C. Existing Traffic Conditions - Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development-generated hour(s), and documentation shall be included in the report. Manual traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and development-generated hour(s), and documentation shall be included in the report. All documentation shall be included in a technical appendix and consist of highway peak hour turning movement counts expressed in fifteen-minute increments, development-generated peak hour turning movement counts expressed in fifteen minute increments, capacity analysis worksheets and all quantitative information used in the traffic analysis. A Level of Service analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development- generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location. This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or intersections experiencing levels of service D, E, or F shall be noted as congested locations.

D. Transportation Impact of the Development - Estimation of vehicular trips to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development-generated hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from Trip Generation, Institute of Transportation Engineers, 6th Edition, or other later edition. For all land uses proposed but not listed in the Institute report, the traffic engineer shall seek guidance from the Borough Planning Commission. All turning movements shall be calculated. These development-generated traffic volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided in the technical appendix. Traffic volume shall be assigned to individual access points. Pedestrian volumes shall be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause particular trip generation problems shall be noted.

E. Analysis of Transportation Impact - The total future traffic demand shall be calculated. This demand shall consist of the combination of the existing traffic expanded to the completion year (using an annual background traffic growth rate which best reflects the intensity of growth projected in Hulmeville Borough). The background growth rate shall reflect the consideration of other proposed developments within the study area. A list of the proposed developments may be obtained from the Borough Planning Commission and/or Borough Engineer. The rates shall be based on acceptable parameters such as population and employment and be monitored to insure that the rate accurately reflects local conditions, the development generated traffic, and the traffic generated by any other proposed developments in the study area.

A second Level of Service analysis shall be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed during the peak highway hour(s) and peak development-generated hour(s) for all roadways and major intersections in the study area. Level of Service calculations shall be completed for all major intersections. It is usually at these locations that capacity is most restricted.

All access points and pedestrian crossings shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.

F. Analysis of Existing Roadway Pavement Conditions - Where the Subdivision and Land Development ordinance requires the widening of existing pavement, the applicant shall:

(1) Take pavement cores and CBR values of the existing pavement at 400 foot intervals staggered left to right in the path of the outside wheels of vehicles traveling the existing roadway;

(2) Submit an analysis of the existing pavement based on the foregoing core sample and analysis and the traffic volume, to determine the extent of roadway reconstruction needed.

(3) Submit a plan, profile and detailed road cross-sections at 50 foot intervals with existing and proposed elevations.

G. Conclusions and Recommended Improvements

(1) Levels of service for all roadways and intersections shall be listed. All roadways and/or intersections or portions of intersections showing a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed, unless design limitations preclude Level of Service C. Where such conditions exist, the Traffic Engineer shall seek guidance from the Borough Planning Commission prior to submission of the Traffic Impact Study. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic signal installation and operation including signal timing, and transit design improvements, All physical roadway improvements shall be shown in sketches.

(2) Other circulation conditions shall be described and analyzed, including sight distance at all proposed access points to the site; circulation of commercial vehicles (trucks, etc.) in nonresidential developments and in multi-family developments.

(3) Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included.

(4) The listing of recommended improvements for both roadways and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement, and the completion date for the improvement.

4. Time of Submission.

A. The traffic impact study shall be submitted to the Borough and Borough Engineer as part of the preliminary plan application. The submission of the preliminary

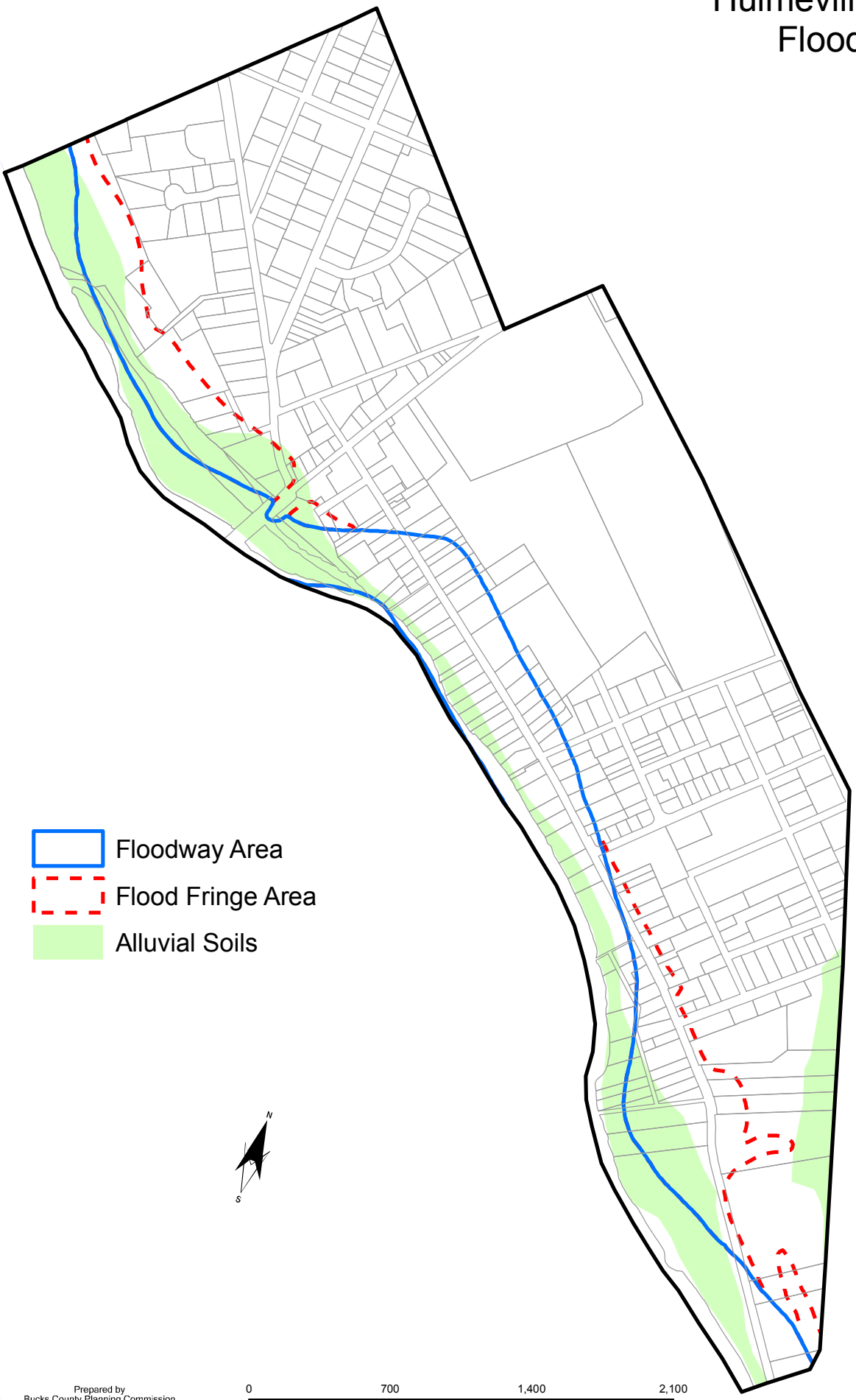
plan application shall be deemed incomplete if the required transportation impact study is not included in the submission.

B. The improvement plans shall not be submitted to Pennsylvania Department of Transportation until after review by the Hulmeville Borough Planning Commission, the Borough Engineer, and approved by the Borough Council. The submittal to PennDOT shall be accompanied by comments of Hulmeville Borough.

5. Implementation.

The Hulmeville Borough Planning Commission, Engineer, and Council shall review the Transportation Impact Study to analyze its adequacy in solving any traffic problems that will occur due to the subdivision or land development. The Borough Council may decide that certain improvements on- or off- site are mandatory for plan approval and may attach these conditions to the approval.

Hulmeville Borough
Floodplain Map



Prepared by
Bucks County Planning Commission
Geographic Information Systems Section
2010

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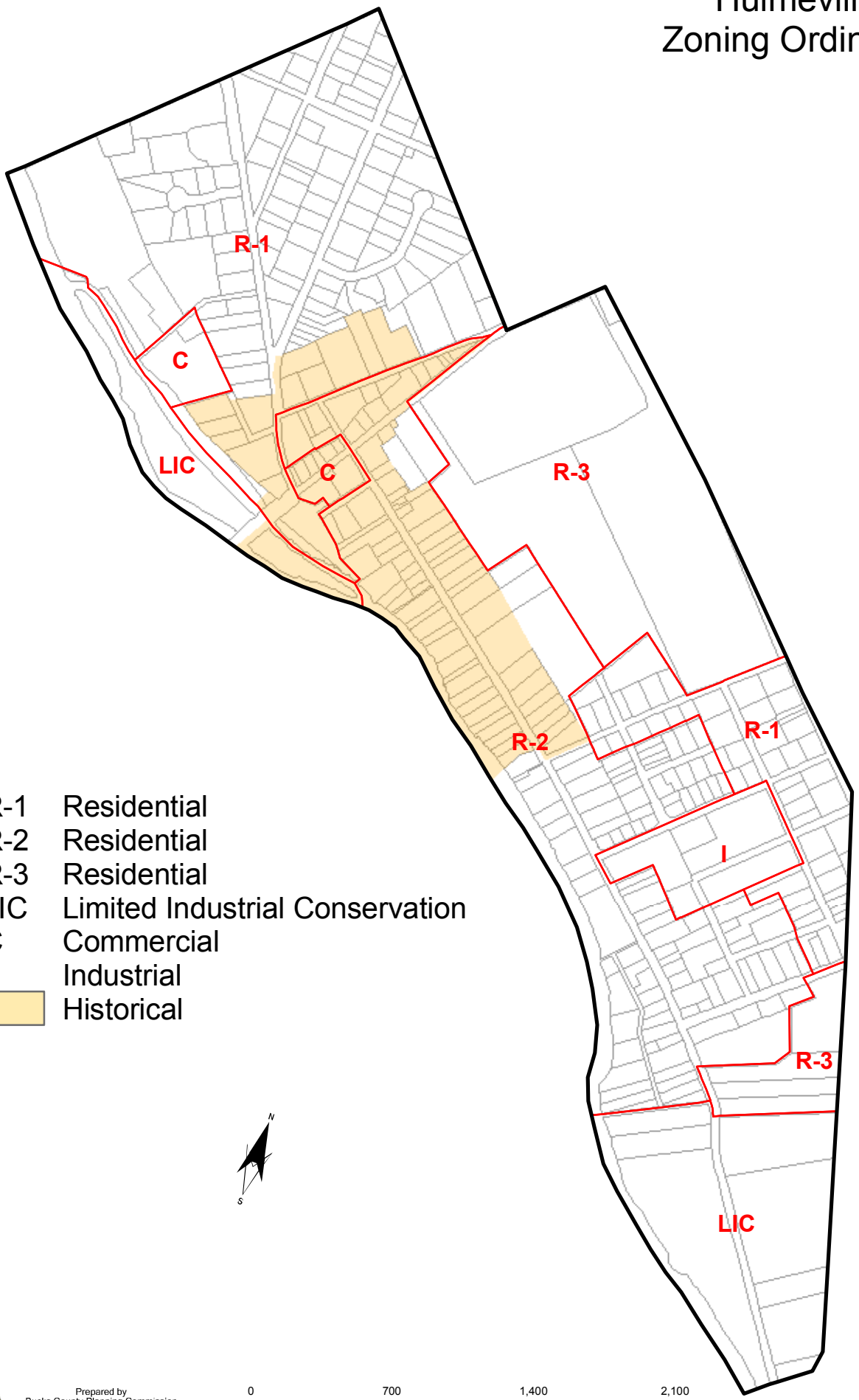
SCALE IN FEET

Hulmeville Borough
Zoning Ordinance Map



R-1	Residential
R-2	Residential
R-3	Residential
LIC	Limited Industrial Conservation
C	Commercial
I	Industrial
	Historical

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2010

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SCALE IN FEET