

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 II) 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 EI), Large Retail or Service Business (Use E15), Repair Shop (Use E4), Gasoline Service Station (Use FI), 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.